

**MINUTE ENTRY
DUVAL, J.
JULY 14, 2006**

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**IN RE KATRINA CANAL BREACHES
CONSOLIDATED LITIGATION**

**CIVIL ACTION
NO. 05-4182
SECTION "K" (2)**

PERTAINS TO ALL CASES

A status conference was held on July 14, 2006 at 8:30 a.m. pursuant to the Court's previous order of June 15, 2006.

IT IS ORDERED that a transcript of the entire proceedings shall be filed into the record.

Website

The Court reported that the website for this matter is in construction and should be functioning by August 1, 2006.

Protocol for Case Management

A proposed order concerning notification and the grouping of cases has been approved by liaison counsel as well as the Clerk's Office. Upon the receipt of the appropriate appendix for the proper designation for the existing filed cases in this matter, the order shall be executed and shall apply to all matters filed herein thereafter.

Oral Argument on the Rule 12(b) Motions

In response to the request of various counsel who will participate in the oral argument on these motions,

IT IS ORDERED that the scheduled August 11, 2006 hearing date for the following motions is **CONTINUED to August 25, 2006 beginning at 9:00 a.m. with the insurance cases and continuing for 360 minutes:**

- Doc. 463 Rule 12(b)(6) Joint Motion and Rule 56 Joint Motion for Summary Judgment of the Affirmative Defense of Peremption to Dismiss the Levee and MRGO Groups of Plaintiffs' Complaints on Behalf of Eustis Engineering Company, Inc., Burk Kleinpeter, Inc. and Modjeski and Masters, Inc.
- Doc. 552 Motion for Summary Judgment filed by Burk-Kleinpeter, L.L.C.
- Doc. 560 Boh Bros. Construction Co., L.L.C. Rule 56 Motion for Summary Judgment
- Doc. 563 Sewerage and Water Board of New Orleans' Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6)
- Doc. 568 Defendant Hanover Insurance Company's Motion for Judgment on the Pleadings
- Doc. 569 Defendant The Standard Fire Ins. Co.'s Motion for Judgment on the Pleadings
- Doc. 570 State Farm's Motion for Summary Judgment
- Doc. 572 Hartford's Rule 12 Motion to Dismiss
- Doc. 573 OLD and SWB Fed. R. Civ P. 12(b)(6) Joint Motion to Dismiss-
- Doc. 598 Defendant Unitrin Preferred Insurance Company's Rule 12 Motion for Judgment on the Pleadings
- Doc. 624 B & K Construction Company, Inc.'s Motion for Summary Judgment Based on Peremption

as well as the Motion for Partial Summary Judgment (Doc. 39) in *Humphreys v. Encompass Ins. Co., et al.*, C.A. No. 06-0169 to be heard in conjunction with the insurance cases.

IT IS FURTHER ORDERED that liaison counsel shall present to the Court no later than **August 18, 2006**, a protocol as to how these minutes will be allocated for argument among counsel seeking to be heard thereon.

Any person who requires a laptop for argument shall contact liaison counsel who shall present the Court with a consolidated Motion and Order to allow said laptops into the Court on August 25, 2006. This motion must be filed **no later than August 21, 2006**.

Form 95 Motion Practice

Any motion concerning Form 95 and the Corps communication with plaintiffs directly shall be filed and noticed before the Magistrate Judge Jay Wilkinson.

Scope of Discovery

The appropriate liaison counsel were directed to contact Magistrate Judge Jay Wilkinson in order to attempt to reach an agreement on the scope of discovery.

Hanover Insurance Company's Motion for Summary Judgment

Having learned that there was some confusion as to the proper name for the plaintiff seeking coverage and having learned her proper name, counsel for Hanover Insurance Company stated that he would withdraw the motion. Accordingly,

IT IS ORDERED that Hanover Insurance Company's Motion for Summary Judgment Against Plaintiff Sophia Granier is **WITHDRAWN**.

Next Status Conference

IT IS ORDERED that the next status conference shall be held on **August 25, 2006** prior to the commencement of oral argument.

A handwritten signature in black ink, appearing to read "Stuart Wood". The signature is written in a cursive, slanted style.

JS-10: 45 MINS.