

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

**IN RE: KATRINA CANAL BREACHES
CONSOLIDATED LITIGATION**

PERTAINS TO: BARGE and MRGO

Parfait Family v. USA **07-3500**

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* **CIVIL ACTION**
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* **NO. 05-4182**
* **and consolidated cases**
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* **SECTION "K" (2)**
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* **JUDGE**
* **STANWOOD R. DUVAL, JR.**
*
* **MAG.**
* **JOSEPH C. WILKINSON, JR.**
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**EX PARTE MOTION FOR LEAVE TO SEVER AND RECONSOLIDATE, and TO
AMEND CLASS ACTION COMPLAINTS ACCORDINGLY**

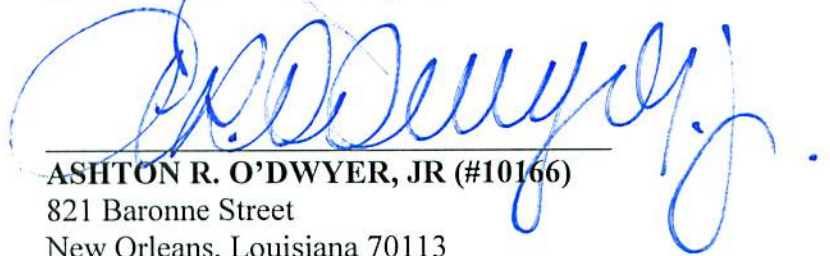
NOW COME The Parfait Family, et al, through undersigned counsel, and the BARGE Plaintiff Subgroup Litigation Committee, who respectfully move the Court for an Order granting leave to sever causes of action asserted in The Parfait Family v. USA, et al, No. 07-3500, such that (1) class action claims therein alleging negligence and other fault concerning the mooring, movement and care of ING 4727 as the alleged cause of breaches of the eastern Industrial Canal floodwall shall remain pending under the BARGE group umbrella as Civil Action 07-3500, and shall be subject to CMO Nos. 4 and 5, and all other applicable orders and proceedings in the consolidated litigation, while (2) class action claims in 07-3500 alleging faulty design, construction and maintenance of the eastern Industrial Canal floodwall and related projects, and alleging faulty design, construction and maintenance of the MRGO and related projects, shall be severed and reconsolidated under the

MRGO umbrella, without prejudice as to any remaining prescriptive, statute of limitations or laches periods as of the original date on which 07-3500 was filed, and shall be subject to CMO No. 4 and all other applicable orders and proceedings in the consolidated litigation. Mover attaches proposed class action complaints intended to effect the said amendment, severance and reconsolidation, and additionally moves for leave to file same as per this motion.

It is so moved.

Respectfully submitted,

**LAW OFFICES OF
ASHTON R. O'DWYER, JR.**

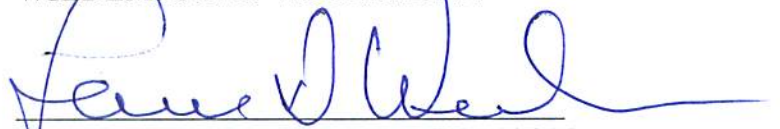


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CERTIFICATE

I hereby certify that a copy of the above and foregoing has been served upon all known counsel of record via United States Mail, first class postage prepaid and properly addressed, and/or via electronic mail, and/or via facsimile, and/or via ECF upload, this 26 day of October, 2007.

