

MINUTE ENTRY
DUVAL, J.
May 4, 2009

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: MRGO MASTER CLASS ACTION and *Robinson* C.A. No. 06-2268

Attending a status conference held this day were:

Pierce O'Donnell, Joseph Bruno, Calvin Fayard and James Roy for plaintiffs and
Robin Smith, Rupert Mitsch, and Richard Stone for the United States.

The Court called the conference in order to discuss the post-trial briefing schedule that had been previously set with respect to the *Robinson* matter and the discretionary function briefing schedule concerning the EBIA claim with respect to the MRGO Master Consolidated Class Action Complaint (Doc. 3415).

It was and has always been the intention of this Court once the *Robinson* matter was adjudicated to stay all other proceedings concerning the liability of the United States for the MRGO until the Court's decision would be made final through the appeals process. To do otherwise would undoubtedly result in an extreme waste of judicial resources, as well as those of the litigants. With that in mind, a full discussion concerning the Court's intention to stay the MRGO Master Consolidated Class Action case was had.

To begin, it is clear that the "exemplar" plaintiff has yet to be identified in the event that the Court would defer ruling on the class action. In addition, the Government indicated that it

was its full intention to re-litigate all of the issues with respect to the MRGO and causation of flooding. The Court informed the parties that it believed that in the interest of judicial economy, the better approach would be to render its decision in *Robinson* and its opinion with respect to the application of the discretionary function exception to Plaintiffs' claims with respect to the EBIA in the MRGO Master Consolidated Class Action. At that point, virtually all legal and factual issues will be presented to the Fifth Circuit for resolution.

The Court also recognized that the briefing schedule that it had established for the post-trial briefing in the *Robinson* matter was far too truncated. Based on its analysis,

IT IS ORDERED that the trial of the MRGO Master Consolidated Class Action Complaint currently scheduled for September 20, 2009 is **STAYED** except with respect to the resolution of the application of discretionary function exception to the activities performed at the EBIA which shall proceed as follows:

September 15, 2009	The Government shall file its motion.
September 29, 2009	Plaintiffs shall file their opposition.
October 13, 2009	The Government shall file its reply.
October 28, 2009	Oral argument shall be had at 11:00 a.m.

IT IS FURTHER ORDERED that the briefing schedule for post-trial briefing in *Robinson* shall be as follows:

June 12, 2009	Plaintiffs shall file their Findings of Fact and Conclusions of Law and Post-Trial Memorandum
July 13, 2009	The United States shall file its Findings of Fact and Conclusions of Law and Post-Trial Memoranda
July 27, 2009	Reply brief of the Plaintiffs shall be filed.

The Court will issue a subsequent order detailing exactly what shall be included in this post-trial briefing.

A handwritten signature in black ink, appearing to read "H. A. Wood", written in a cursive style.

JS:10- 40 mins.