

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

**IN RE KATRINA CANAL BREACHES  
CONSOLIDATED LITIGATION**

**CIVIL ACTION**

**NO. 05-4182**

**PERTAINS TO: ALL LEVEE  
ALL MRGO**

**SECTION "K"(2)**

**AMENDED ORDER**

On January 17, 2008, this Court granted the United States of America's Motion for a Stay of All Cases Apart From Barge, Robinson and the Levee and MRGO Master Class Action Cases. (Doc. 10620). However, it has come to the Court's attention that there is some confusion with respect to this stay—that is whether there is to be no motion practice with respect to the FTCA or the AEA claims themselves or whether all motion practice in the suits in which the FTCA and AEA claims are plead is stayed. The latter was the original intent of the Court.

The purpose of the stay was to reduce for the United States, other litigants and the Court the motion practice that might be mooted by the ultimate decisions that will be rendered in those cases not stayed. For this reason, it was the intent to suspend all motion practice, and discovery practice in those stayed matters. However, the Court recognizes that in some instances, it is in the interest of fairness and judicial economy to address certain issues, whether that wait for the ultimate determination of the main issues in these suits—for instance coverage issues with respect to a levee district. Accordingly,

**IT IS ORDERED** that the Order of January 17, 2008 (Doc. 10620) is **AMENDED** to read as follows:

**IT IS ORDERED** that Defendant United States of America's Motion for a Stay of All Cases Apart from Barge, *Robinson*, and the Levee and MRGO Master Class Action Cases. (Doc. 9057) is **GRANTED**. No further motion

practice shall occur in any other matter concerning FTCA or AEA claims against the United States until the stay is lifted upon the resolution of the immunity issues inherent therein as proceeding under the CMO No. 4 in the Master Complaints, Barge and *Robinson*.

**The only exception to this stay will be in the instance where a party seeks to leave a motion by moving the Court for a status conference** prior to filing any substantive motion to discuss with the Court why such motion should proceed.

The United States shall provide the Court with a specific list of the cases and case numbers of these matters **no later than February 1, 2008**.

Furthermore, this Order does not affect any motion already filed.

New Orleans, Louisiana, this 22nd day of January, 2008.

  
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**STANWOOD R. DUVAL, JR.**  
**UNITED STATES DISTRICT COURT JUDGE**