

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

IN RE: KATRINA CANAL BREACHES * **CIVIL ACTION**
CONSOLIDATED LITIGATION *
* **NO. 05-4182 “K”(2)**
PERTAINS TO: ROAD HOME *
Louisiana State, C.A. No. 07-5528 * **JUDGE DUVAL**
*
* **MAGISTRATE WILKINSON**
*

**THE STATE OF LOUISIANA’S
MOTION TO SEVER AND REMAND
SUBROGATED CLAIMS TO STATE COURT**

NOW COMES the State of Louisiana, through the Honorable James D. “Buddy” Caldwell, Attorney General for the State of Louisiana, individually and on behalf of the State of Louisiana, Division of Administration, and Office of Community Development (the “State”), who moves this Honorable Court pursuant to Federal Rule of Civil Procedure 21 to sever all claims in this action in which any grant Recipient of The Road Home Program has executed the Limited Subrogation/Assignment Agreement (Exhibit A to the original Petition) in favor of the State from any individual claims of any Recipient which may exist in or arise from this action, and on further suggesting to the Court, that it is appropriate to sever those claims and to remand the claims in which the State has closed a Road Home grant and obtained an executed Subrogation Agreement to state court for further proceedings, consistent with Federal Rule of Civil Procedure 12(b)(1), 28 U.S.C. § 1447(c), and the Fifth Circuit, Court of Appeals decision

in *In re: Katrina Canal Litigation Breaches, State of Louisiana v. AAA Insurance, et al*, 08-30145, 524 F3d 700 (5th Cir. 4/11/08).

WHEREFORE the State prays this Honorable Court grant its motion to sever and remand all subrogated Road Home grant claims to state court.

Respectfully submitted,

JAMES D. CALDWELL
ATTORNEY GENERAL

s/Sallie J. Sanders

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LOUISIANA DEPARTMENT OF JUSTICE

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CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2008, I electronically filed the foregoing Motion to Sever and Remand Subrogated Claims to State Court with the Clerk of Court using the CM/ECF system which will send a notice of filing to all counsel accepting electronic notice.