

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

SHANNON BREAUX ET AL.

CIVIL ACTION

VERSUS

NO: 04-1636

**HALLIBURTON ENERGY
SERVICES, INC. ET AL.**

SECTION: "S" (4)

ORDER

IT IS HEREBY ORDERED that Halliburton Energy Services' motion to alter or amend this court's Order and Reasons of December 2, 2009, pursuant to Federal Rule of Civil Procedure 59(e), is **DENIED**. (Document #578.)

IT IS FURTHER ORDERED that the "Motion to Alter or Amend Order and Reasons" of Era Aviation, Inc. and Rowan Companies, Inc. is **GRANTED**. (Document #580.)


The excess policy procured by Halliburton pays for losses of Era and Rowan exceeding \$100,000,000. Because the losses are less than \$100,000,000, Halliburton has effectively failed to provide Era and Rowan with excess insurance coverage.

Accordingly, **IT IS HEREBY ORDERED** that the Order and Reasons of December 2, 2009, is **AMENDED** as follows:

IT IS HEREBY ORDERED that Halliburton Energy Services, Inc.'s "Motion for

Summary Judgment” on the issue of coverage under the Excess Policy is **DENIED**. (Document #567.) Halliburton did not name Era and Rowan as additional insureds on an Excess Policy that provides coverage for losses over \$1,000,000 but less than \$100,000,000, as required by the Rowan/Halliburton Agreement.¹

New Orleans, Louisiana, this 26th day of February, 2010.


MARY ANN VIAL LEMMON
UNITED STATES DISTRICT JUDGE

¹ Era and Rowan recognize that the issue whether Era and Rowan Halliburton breached its contractual obligation is not properly before this court. They state that they may file a motion for summary judgment addressing the issue.