

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

**IN RE KATRINA CANAL BREACHES
CONSOLIDATED LITIGATION**

CIVIL ACTION

NO. 05-4182

**PERTAINS TO:
MRGO and LEVEE**

SECTION "K"(2)

ORDER AND REASONS

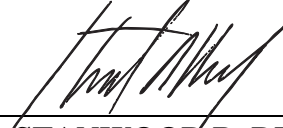
Before the Court is Levee and MRGO PSLCS' Joint Motion to Modify Case Management and Scheduling Order No. 7 to Defer Class Action Certification Proceedings. (Doc. 15241). In essence, plaintiffs in the above-referenced Consolidated Class Action cases seek to have the class certification hearings again continued until after the prosecution of the *Robinson* matter. The certification hearings were continued last year because of the pendency of the §702c immunity Motion to Dismiss filed by the United States in Levee which was granted and WGI's Motion to Dismiss which was denied. In addition, the Court intended to have tried the *Robinson* matter prior to the present December certification hearing dates.

However, the *Robinson* trial has been continued twice since that decision to continue the class certification hearings, and as a result, the Court cannot any longer entertain the luxury of continuing the certification matter until after the April trial of *Robinson*. This Court has committed to bringing to resolution as many issues as possible by August of 2009 and any further continuance of the class certification issues would defeat that goal. Accordingly,

IT IS ORDERED that Levee and MRGO PSLCS' Joint Motion to Modify Case Management and Scheduling Order No. 7 to Defer Class Action Certification Proceedings. (Doc. 15241) is **DENIED**.

IT IS FURTHER ORDERED that there is no need for oral argument and the request for same is **DENIED**.

New Orleans, Louisiana, this 9th day of October, 2008.



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