

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

**IN RE KATRINA CANAL BREACHES  
CONSOLIDATED LITIGATION**

**CIVIL ACTION**

**NO. 05-4182**

**PERTAINS TO:**

**Mooney C.A. No. 06-4703**

**SECTION "K"(2)**

**ORDER AND REASONS**

Before the Court is a Motion for Entry of Judgment Pursuant to the Court's Post-Sher Case Management Order (Doc. 13818) filed by State Farm Fire and Casualty Company ("State Farm"). No opposition has been filed to this motion, and the Court finds the motion to have merit as the Louisiana Supreme Court in *Sher v. Lafayette Ins. Co.*, No. 07-C\_2441, 2008 WL 928486, at \*6-7 (La. Apr. 8, 2008), and the United States Fifth Circuit Court of Appeals in *In re Katrina Canal Breaches Consolidated Litig.*, 495 F.3d 191, 214 (5<sup>th</sup> Cir. 2007), have both essentially ruled that the exclusions in Louisiana homeowners' insurance policies of coverage for damages caused by the flood that resulted from the various levee breaches in the aftermath of Hurricane Katrina are valid and unambiguous. Accordingly,

**IT IS ORDERED** that the Motion for Entry of Judgment Pursuant to the Court's Post-Sher Case Management Order (Doc. 13818) is **GRANTED** and judgment shall be entered in favor of State Farm Fire and Casualty Company and against Patrick S. Mooney and Rebecca Mooney dismissing this action with prejudice with each party to bear its, his or her respective costs.

New Orleans, Louisiana, this 18th day of September, 2008.

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