

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

**IN RE KATRINA CANAL BREACHES
CONSOLIDATED LITIGATION**

CIVIL ACTION

NO. 05-4182

PERTAINS TO:

SECTION "K"(2)

Shavers-Whittle Construction, Inc. C.A. No. 06-6968

ORDER AND REASONS

Before the Court is Defendant's Motion for Entry of Final Judgment (Doc. 13796) filed by Fireman's Fund Insurance Company. The Court has been informed by William Crain, counsel for plaintiff, that there is no opposition 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-C2441, 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 (5th 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 Defendant's Motion for Entry of Final Judgment (Doc. 13796) is **GRANTED** and judgment shall be entered in favor of Fireman's Fund Insurance Company and against Shavers-Whittle Construction, Inc., dismissing this action with prejudice with each party to bear its respective costs.

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



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