

UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 09-30485

United States Court of Appeals
Fifth CircuitFILED
July 28, 2010Lyle W. Cayce
Clerk

D.C. Docket No. 2:05-CV-4182

IN RE: KATRINA CANAL BREACHES LITIGATION

LOUISIANA STATE, Individually and on behalf of State of Louisiana, Division of Administration, Office of Community Development ex rel; JAMES D CALDWELL, also known as Buddy Caldwell, proper plaintiff party, in place of Charles C. Foti, Jr.,

Plaintiffs - Appellees

v.

ANPAC LOUISIANA INSURANCE COMPANY; AMERICAN NATIONAL GENERAL INSURANCE COMPANY; AMERICAN NATIONAL PROPERTY & CASUALTY COMPANY; REPUBLIC FIRE AND CASUALTY INSURANCE COMPANY; AUTO CLUB FAMILY INSURANCE COMPANY; AEGIS SECURITY INSURANCE COMPANY; AIG CENTENNIAL INSURANCE COMPANY; AIU INSURANCE COMPANY; ALLSTATE INDEMNITY COMPANY; ALLSTATE INSURANCE COMPANY; AMERICA FIRST INSURANCE COMPANY; AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA; AMERICAN FAMILY INSURANCE; AMERICAN GENERAL PROPERTY INSURANCE COMPANY; AMERICAN INSURANCE COMPANY; AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY; AMERICAN MODERN INSURANCE GROUP; AMERICAN MODERN SURPLUS LINES INSURANCE COMPANY; AMERICAN RELIABLE INSURANCE COMPANY; AMERICAN SECURITY INSURANCE COMPANY; AMERICAN SUMMIT INSURANCE COMPANY; AMERICAN SOUTHERN HOME INSURANCE COMPANY; AMERICAN WESTERN HOME INSURANCE COMPANY; AMICA MUTUAL INSURANCE COMPANY; ARMED FORCES INSURANCE EXCHANGE; ASSURANCE COMPANY OF AMERICA; AUDUBON INSURANCE

COMPANY; BALBOA INSURANCE COMPANY; CERTAIN UNDERWRITERS AT LLOYDS OF LONDON, London Market Insurers; CHUBB INDEMNITY INSURANCE COMPANY; CHUBB CUSTOM INSURANCE COMPANY; CHUBB NATIONAL INSURANCE COMPANY; CLARENDON NATIONAL INSURANCE COMPANY; ECONOMY PREMIER ASSURANCE COMPANY; EMPIRE FIRE & MARINE INSURANCE COMPANY; EMPIRE INDEMNITY INSURANCE COMPANY; ENCOMPASS INSURANCE COMPANY OF AMERICA; ENCOMPASS PROPERTY AND CASUALTY COMPANY; FARMERS INSURANCE EXCHANGE; FEDERAL INSURANCE COMPANY; FIDELITY AND DEPOSIT INSURANCE COMPANY OF MARYLAND; FIDELITY NATIONAL INSURANCE COMPANY; FIDELITY NATIONAL PROPERTY AND CASUALTY INSURANCE COMPANY; FIREMAN'S FUND INSURANCE COMPANY; GREAT NORTHERN INSURANCE COMPANY; HANOVER AMERICAN INSURANCE COMPANY; HANOVER INSURANCE COMPANY; HARTFORD ACCIDENT & INDEMNITY COMPANY; HARTFORD CASUALTY INSURANCE COMPANY; HARTFORD FIRE INSURANCE COMPANY; HARTFORD INSURANCE COMPANY OF THE MIDWEST; HARTFORD INSURANCE COMPANY OF THE SOUTHEAST; ET AL; HOMESITE INSURANCE COMPANY; HORACE MANN INSURANCE COMPANY; HORACE MANN PROPERTY AND CASUALTY INSURANCE COMPANY; LAFAYETTE INSURANCE COMPANY; LEXINGTON INSURANCE COMPANY; LIBERTY MUTUAL FIRE INSURANCE COMPANY; LIBERTY MUTUAL INSURANCE COMPANY; LOUISIANA FARM BUREAU MUTUAL INSURANCE COMPANY; LOUISIANA FARM BUREAU CASUALTY INSURANCE COMPANY; MASSACHUSETTS BAY INSURANCE COMPANY; MERASTAR INSURANCE COMPANY; MERITPLAN INSURANCE COMPANY; METROPOLITAN CASUALTY INSURANCE COMPANY; METROPOLITAN PROPERTY AND CASUALTY INSURANCE COMPANY; NATIONAL LLOYDS INSURANCE COMPANY; NATIONAL SECURITY FIRE & CASUALTY COMPANY; NATIONAL UNION FIRE INSURANCE COMPANY OF LOUISIANA; NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PENNSYLVANIA; OMEGA ONE INSURANCE COMPANY; SCOTTSDALE INSURANCE COMPANY; SECURITY PLAN FIRE INSURANCE COMPANY; SHELTER GENERAL INSURANCE COMPANY; SHELTER MUTUAL INSURANCE COMPANY; SOUTHWEST BUSINESS CORPORATION; STANDARD FIRE INSURANCE COMPANY; STATE FARM FIRE & CASUALTY COMPANY; STATE FARM GENERAL INSURANCE COMPANY; TRINITY UNIVERSAL INSURANCE COMPANY; UNION NATIONAL FIRE INSURANCE COMPANY; UNITED FIRE AND

CASUALTY COMPANY; UNITED FIRE AND INDEMNITY COMPANY; UNITED SERVICES AUTOMOBILE ASSOCIATION; UNITRIN AUTO AND HOME INSURANCE COMPANY; UNITRIN PREFERRED INSURANCE COMPANY; USAA CASUALTY INSURANCE COMPANY; USAA GENERAL INDEMNITY COMPANY; USAA; VIGILANT INSURANCE COMPANY; VOYAGER INDEMNITY INSURANCE COMPANY; VOYAGER PROPERTY AND CASUALTY INSURANCE COMPANY; ZC STERLING CORPORATION; ZC STERLING INSURANCE AGENCY INC; ZURICH AMERICAN INSURANCE COMPANY; ZURICH NORTH AMERICA; METLIFE INC,

Defendants - Appellants

Appeal from the United States District Court
for the Eastern District of Louisiana, New Orleans

I, Lyle W. Cayce, Clerk of the U.S. Court of Appeals for the Fifth Circuit, do hereby certify that the foregoing pages contain a full, true and complete copy of the following papers:

- (1) Designation of issues to present on appeal;
- (2) Brief of Defendants-Appellants;
- (3) Brief of Plaintiffs-Appellees;
- (4) Reply Brief of Defendants-Appellants;
- (5) The ten (10) volume record on appeal;
- (6) Court order instructing the parties to file a joint designation of the record in District Court;
- (7) Letter filed by Appellee Louisiana State notifying the Court of a procedural development in the underlying federal litigation that may affect the pending appeal;
- (8) Response filed by AIG Centennial Insurance Co, et al to the letter filed by Appellee Louisiana State;
- (9) Supplemental Authorities (FRAP 28j) filed by Appellees James David

Caldwell and Louisiana State;

- (10) Response filed by AIG Centennial Insurance Co, et al to letter filed by Appellees Louisiana State and James David Caldwell;
- (11) Supplemental Authorities (FRAP 28j) filed by Appellants Hanover American Insurance Co, et al;
- (12) Supplemental Authorities (FRAP 28j) filed by Appellants AIG Centennial Insurance Co, et al;
- (13) Supplemental Authorities (FRAP 28j) filed by Appellants Allstate Indemnity Co, et al

in the above cause in this Court as full, true and complete as the originals of the same now remain in my office.

AS TESTIMONY, I subscribe my name and affix the seal of the United States Court of Appeals, for the Fifth Circuit, at the City of New Orleans, Louisiana, this 28th day of July, A.D., 2010.

LYLE W. CAYCE, CLERK
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT.

By: _____
Jamei Cheramie, Deputy Clerk

DATE: 07/28/10