

**UNITED STATES COURT OF APPEALS****FOR THE FIFTH CIRCUIT**United States Court of Appeals  
Fifth Circuit**FILED**

July 28, 2010

No. 09-30485

Lyle W. Cayce  
Clerk

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

IN RE: KATRINA CANAL BREACHES LITIGATION  
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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

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Appeal from the United States District Court  
for the Eastern District of Louisiana, New Orleans  
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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 28<sup>th</sup> 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