

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

**MARGARET M. SHIMON, ET AL.**

**CIVIL ACTION**

**VERSUS**

**NO. 05-1392 (Ref.  
06-2460)**

**SEWERAGE AND WATER BOARD OF NEW ORLEANS,  
ET AL.**

**SECTION "B" (3)**

On January 13, 2010, the Court heard oral argument on Plaintiffs' Motion for Leave to File Amended Complaint [Doc. #1400]. Present were Joseph M. Bruno on behalf of plaintiffs, Richard Vale on behalf of defendants Wallace C. Drennan, Inc. and the Gray Insurance Co. and Craig Mitchell on behalf of defendant Sewerage and Water Board of New Orleans. After oral argument, the Court took the motion under advisement [Doc. #1472]. After reviewing the pleadings and the case law,

**IT IS ORDERED** that Plaintiffs' Motion for Leave to File Amended Complaint [Doc. #1400] is DENIED. The Court finds that the amendment is untimely and broadens the class far beyond the scope of the original class. *In re Katrina Canal Breaches Consolidated Litigation*, Civ. A. No. 05-4182, 2009 WL 4791558 (E.D. La. Oct. 28, 2008), supports the Court's denial of this motion. There, as here, the plaintiffs attempted to amend the complaint to add a new class of plaintiffs through a new geographic description. *Id.* at \*2. The Court denied the motion on numerous grounds, including, *inter alia*, (1) that it was filed seven months after the deadline in the scheduling order; and (2) the litigation had been ongoing for three years, and the Court was reticent

to allow a new discovery cycle to commence and delay further proceedings. *Id.* at \*3.

Here, plaintiffs waited three years and four months after the deadline in the scheduling order to file the instant amendment. This litigation has, moreover, been ongoing for almost four years, and this Court is reticent to allow the scope of the class to expand, only to incite another round of discovery at this late stage in the litigation.

New Orleans, Louisiana, this 22nd day of January, 2010.

A handwritten signature in black ink that reads "Daniel E. Knowles, III". The signature is written in a cursive style with a horizontal line underneath it.

DANIEL E. KNOWLES, III  
UNITED STATES MAGISTRATE JUDGE