

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

**IN RE KATRINA CANAL BREACHES
CONSOLIDATED LITIGATION**

CIVIL ACTION

NO. 05-4182

**PERTAINS TO:
ALL LEVEE**

SECTION "K"(2)

ORDER AND REASONS

Before the Court is National Union's Objections to Magistrate's Order on Motions to Compel and for Protective Order, To Quash and to Stay Discovery. (Doc. 11644) In this motion, National Union Fire Insurance Company of Pittsburgh, Pa. ("National Union") objected to the order of Magistrate Judge Wilkinson (Docket No. 11455) which granted plaintiffs' motion to compel and denied National Union's motion to quash the requests for production to, and notice of deposition of National Union and to stay discovery against it until the motion to dismiss was decided. That argument—that is that no discovery should be allowed until National Union's Motion to Dismiss (Doc. 14631) was decided—is now moot. The Court on August 26, 2008, determined that the Motion to Dismiss would be granted only with respect to a policy numbered 625-29-23. As there was confusion as to the appropriate policy and the possibility that there is another policy which might provide coverage, the Court finds that the discovery should be commenced. The basis for National Union's objections are moot. Accordingly,

IT IS ORDERED that National Union's Objections to Magistrate's Order on Motions to Compel and for Protective Order, To Quash and to Stay Discovery (Doc. 11644) is **DENIED**.

New Orleans, Louisiana, this 8th day of September, 2008.



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