

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: KATRINA CANAL BREACHES
CONSOLIDATED LITIGATION

CIVIL ACTION

NO. 05-4182

PERTAINS TO: *Armstrong*, No. 10-866

SECTION "K"(2)

ORDER AND REASONS

Defendant's Opposition to Certain Testimony of Deposition Designations Submitted by the Parties

The pages referenced are not the pages in the actual deposition, but the page in the deposition cuts that were submitted by the parties.

1. WALTER O. BAUMY

Defendants' Objections at Page 23:

Defendants' objection is **OVERRULED**.

Defendants' Objections at Page 24:

Defendants' objection is **OVERRULED**.

2. JOHN GREISHABER

United States' Standing Objection at Page 8:

The Court notes the standing objection and will rule on it when there is a specific objection to the effect that the question is beyond the scope of the designation.

Defendants' Objection at Page 24:

The objection is **OVERRULED**.

Defendants' Objection at Page 25:

The objection is **OVERRULED**.

Defendants' Objection at Page 33:

The objection is **OVERRULED**.

Defendants' Objection at Page 36:

The objection is **OVERRULED**.

Defendants' Objection at Pages 38-39:

The objection is **OVERRULED**.

3. **ST. BERNARD PUBLIC WORKS** (Hilary J. Nunez, Jr. and Louis D. Pomes)

Defendants' 1st Objection at Page 8:

Although Plaintiff did not respond, the objection is **OVERRULED**.

Defendants' 2nd Objection at Page 8:

Although Plaintiff did not object, the objection is **OVERRULED**.

Defendants' Objection at Page 9:

Although Plaintiff did not respond, the objection is **OVERRULED**.

Defendants' Objection at Page 11:

Although Plaintiff did not specifically respond, the objection is **OVERRULED**

Defendants' Objection at Page 17:

The objection with respect to lines 25:02 to 25:16 and line 25:21 with respect to the words "No doubt." is **SUSTAINED**. The remainder of the objection is **OVERRULED**.

Defendants' Objection at Page 25:

The Court **OVERRULES** the objection, although Plaintiff did not make a specific response.

Defendants' Objection at Page 36:

Defendants' objection is **SUSTAINED**, however the Court notes the information about the cattle would have had no bearing on its decision one way or the other.

4. **LAKE BORGNE LEVEE DISTRICT** (and Robert Turner by written questions)

Defendants' Objection at Page 2:

The defendants' objections to all of the questions in writing posed to Mr. Robert Turner of the Lake Borgne Levee District are **OVERRULED**. The relevance of the answers given by the District are not manifestly evident, however to the extent that any information provided or referred to relates to the correct height of the 40 Arpent Canal Levee and any mistakes that may have been made and ostensibly corrected by Dr. Dalrymple do have some relevance.

5. **STEPHEN ROE**

Defendants' Objection at Page 64:

The Defendants' objection at page 64 is **OVERRULED**.

Defendants' Objection at Page 65:

The Defendants' objection at page 65 is **OVERRULED**.

Defendants' Objection at Page 66:

The Defendants' objection at page 66 is **OVERRULED**.

Defendants' Objection at Page 67:

The Defendants' objection at page 67 is **OVERRULED**.

Defendants' Objection at Page 76:

The Defendants' objection is **SUSTAINED**.

6. **RICHARD VARUSO**

Defendants' Objection at Page 17:

The objection at page 17 is **OVERRULED**.

Defendants' Objection at Page 21:

The objection at page 21 is **OVERRULED**.

Defendants' Objection at Page 24:

The objection at page 24 is **OVERRULED**.

Defendants' Objection at Page 26:

The objection at page 26 is **OVERRULED**.

Defendants' Objection at Page 32:

The objection at page 32 is **OVERRULED**.

Defendants' Objection at Page 34:

The objection at page 34 is **OVERRULED**.

Defendants' Objection at Page 35:

The objection at page 35 is **OVERRULED**.

Defendants' 1st Objection at Page 38:

The defendants' 1st objection at page 38 is **OVERRULED**.

Defendants' 2nd Objection at Page 38:

The defendants' 2nd objection at page 38 is **OVERRULED**.

New Orleans, Louisiana, this 4th day of September, 2012.



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