

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: KATRINA CANAL BREACHES
CONSOLIDATED LITIGATION

CIVIL ACTION

NO. 05-4182 "K" (2)

PERTAINS TO: All Insurance Cases

JUDGE DUVAL
MAG. WILKINSON

JOINT LIAISON COUNSEL SUBMISSION NO. 2
RE: SUPPLEMENTAL AND AMENDED PURPORTED COMMON INSURANCE
DISCOVERY PROTOCOL

On April 9, 2007, in compliance with Case Management Order No. 4, Section VII, Plaintiffs' and Defendants' Liaison Counsel jointly submitted a protocol ("Original Protocol", Record Doc. No. 3687) concerning discovery relating to individual issues that is common to all insureds of a particular insurance company ("Purported Common Insurance Discovery") in connection with those individual cases within the captioned umbrella. The Court approved and adopted the Original Protocol on April 18, 2007 (Record Doc. No. 3782).

As a result of intervening events, and by agreement, Plaintiffs' and Defendants' Liaison Counsel jointly submit the following amendments and supplement to the Original Protocol concerning the Purported Common Insurance Discovery.

I. WRITTEN DISCOVERY

The following provisions replace Section I, paragraphs (d), (f), (g), (h) and (i) of the

Original Protocol:

- d. The insurers' deadline for written response to the Master Set of Interrogatories is **June 4, 2007**.
- f. Any motion to compel related to the Purported Common Insurance Discovery shall be filed on or before June 15, 2007.
- g. The deadline to oppose any motion to compel related to the Purported Common Insurance Discovery shall be **June 29, 2007**.
- h. Any reply brief related to any opposition to a motion to compel concerning the Purported Common Insurance Discovery shall be filed by **July 6, 2007**.
- i. The hearing date for any motions to compel concerning Purported Common Insurance Discovery shall be **July 11, 2007**.

II. DEPOSITIONS

The following provisions replace Section II, paragraphs (b) - (g) of the Original

Protocol:

- b. Objections to Rule 30(b)(6) depositions shall be filed no later than **June 7, 2007**.
- c. Any motion to compel related to the Purported Common Insurance Discovery Master 30(b)(6) Deposition Notice shall be filed on or before **June 15, 2007**.
- d. The deadline to oppose to any motion to compel related to the Purported Common Insurance Discovery Master 30(b)(6) Deposition Notice shall be filed by **June 29, 2007**.

- e. Any reply brief related to any opposition to a motion to compel concerning the Purported Common Insurance Discovery Master 30(b)(6) deposition notice shall be filed by **July 6, 2007**.
- f. The hearing date for any motions to compel concerning Purported Common Insurance Discovery Master 30(b)(6) depositions shall be **July 11, 2007**.
- g. Plaintiffs and Defendants Liaison Counsel are to meet and confer after the hearing on any motions to compel to organize and schedule Purported Common Insurance Discovery Master 30(b)(6) Depositions of each insurer. On or before **August 10, 2007**, Plaintiffs and Defendants Liaison Counsel are to submit a protocol addressing the Purported Common Insurance Discovery Master 30(b)(6) Depositions of those insurers sought to be deposed by plaintiffs.

III. GENERAL PROVISIONS

The following provision is a supplement to Section III of the Original Protocol:

- e. The deadlines set forth in the Original Protocol and this supplemental and amended protocol only apply to insurers named as defendants in open and active cases in the Insurance Umbrella at the date the original discovery was served. Any insurer who enters the Insurance Umbrella after such date has 45 days from the date of consolidation to provide written responses to the discovery and 60 days from the date of consolidation to produce documents.

Respectfully submitted,

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And

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CERTIFICATE OF SERVICE

I hereby certify that, on this 23rd day of May, 2007, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to All Known Counsel of Record by operation of the Court's electronic filing system.

/s/ Joseph M. Bruno

/s/ Ralph S. Hubbard