

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

<b>IN RE KATRINA CANAL BREACHES</b>	)	<b>CIVIL ACTION</b>
<b>CONSOLIDATED LITIGATION</b>	)	
	)	<b>NO. 05-4182</b>
	)	
<b>PERTAINS TO: LEVEE AND MRGO</b>	)	<b>SECTION "K"(2)</b>
_____	)	

**MOTION TO STRIKE ADMIRALTY CLAIMS  
AGAINST THE UNITED STATES**

Defendants, United States of America and United States Army Corps of Engineers, pursuant to the Court's Order of June 1, 2007 (Doc. 5435), herewith move to strike, for lack of subject matter jurisdiction, all admiralty claims set forth in the MR-GO Master Consolidated Class Action Complaint (Doc. 3415) [hereafter "MR-GO"], and the Superseding Master Consolidated Class Action Complaint (Doc. 3420) [hereafter "Levee"], to the extent those claims are directed against the United States of America and/or the United States Army Corps of Engineers.

In support thereof, Defendants attach their Memorandum of Law.

Dated: June 22, 2007

Respectfully submitted,

PETER D. KEISLER  
Assistant Attorney General

PHYLLIS J. PYLES  
Director

JAMES TOUHEY  
Assistant Director

/s/ Robin D. Smith

ROBIN D. SMITH

Trial Attorney

DAMON C. MILLER

Senior Admiralty Counsel

Torts Branch, Civil Division

U.S. Department of Justice

P.O. Box 14271

Washington, DC 20044

Tel: (202) 616-4047

Fax: (202) 616-4159

E-mail: [damon.miller@usdoj.gov](mailto:damon.miller@usdoj.gov)

Attorneys for the United States

**CERTIFICATE OF SERVICE**

\_\_\_\_\_, I, Robin D. Smith, hereby certify that on June 22, 2007, I served a true copy of the foregoing upon all parties by ECF.

\_\_\_\_\_  
/s/ Robin D. Smith  
ROBIN D. SMITH