

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: KATRINA CANAL BREACHES
CONSOLIDATED LITIGATION

CIVIL ACTION

NO. 05-4182 "K" (2)

PERTAINS TO: MRGO

JUDGE DUVAL
MAG. WILKINSON

**MRGO DEFENDANTS' THIRTEENTH PRELIMINARY LIST OF
EXHIBITS FOR POTENTIAL MERITS TRIAL(S)**

Pursuant to the Court's Case Management and Scheduling Order No. 7, entered May 1, 2008 (Docket No. 12935) ("CMO 7"), the undersigned MRGO Defendants submit this thirteenth preliminary list of exhibits that may or will be introduced at any trial(s) on the merits.

This exhibit list is submitted jointly, by all MRGO Defendants, in order to comply with the Court's CMO 7, but the joint nature of this list does not mean that each defendant necessarily adopts, approves, or endorses each exhibit contained in this list.

Although the MRGO Defendants have endeavored in good faith to prepare this preliminary exhibit list, it is necessarily limited, because discovery in this case is not complete, and will not close until March 2009. Consequently, MRGO Defendants have prepared this preliminary list on the basis of their best efforts and the information currently available, and submit this list in accordance with the Court's CMO and subject to later supplementation on the 20th day of every month as directed in CMO 7. CMO 7, § IV(A)(1).

1. U.S. Army Corps of Engineers, Performance Evaluation of the New Orleans and Southeast Louisiana Hurricane Protection System, Final Report of the Interagency Performance Evaluation Task Force (Mar. 26, 2007), including underlying data
2. U.S. Army Corps of Engineers, Performance Evaluation of the New Orleans and Southeast Louisiana Hurricane Protection System, Draft Final Report of the Interagency Performance Evaluation Task Force (June 1, 2006), including underlying data
3. American Society of Civil Engineers External Review Panel, The New Orleans Hurricane Protection System: What Went Wrong and Why (2007), including underlying data
4. “Team Louisiana” Final Report: The Failure of the New Orleans Levee System during Hurricane Katrina
5. Independent Levee Investigation Team, Investigation of the Performance of the New Orleans Flood Protection Systems in Hurricane Katrina on August 29, 2005, Final Report
6. Maps of New Orleans East, the Lower Ninth Ward, and St. Bernard Parish
7. “MR-GO” Master Consolidated Class Action Complaint
8. H. R. Doc. No. 82-245, at 33 (1951) (Army Submission re MRGO)
9. An Act to Authorize Construction of the Mississippi River-Gulf Outlet, Pub. L. No. 84-455, 70 Stat. 65, 65 (1956)
10. H.R. Doc. No. 71-46, at 3 (1930)
11. MRGO Design Mem. 1-A (July 1957)
12. MRGO Recon. Rep. (1988)
13. H.R. Doc. No. 89-231 (1965)
14. LPVHPP Reevaluation Study Main Rep. (Vol. 1, July 1984)
15. MRGO Design Mem. 1-B (Rev. May 1959)
16. MR-GO Recon. Rep. (1994)

17. Final Composite Environmental Statement for Operation and Maintenance Work on Three Navigation Projects in the Lake Borgne Vicinity Louisiana (Mar. 1976)
18. LPVHPP Map, 30 Sep. 1995
19. MRGO Design Mem. 1-C (Nov. 1959)
20. H.R. Doc. No. 82-6 (1951)
21. An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, Pub. L. No. 79-14, 59 Stat. 10, 30 (1943)
22. MRGO, Design Mem. No. 2 (June 1959)
23. MRGO Deep Draft Interim Report to Congress (December 2006)
24. H.R. Doc. No. 82-245 (1951)
25. Woolley, Douglas and Leonard Shabman, "Decision-Making Chronology For the Lake Pontchartrain & Vicinity Hurricane Protection Project," Draft Final Report for the Headquarters, U.S. Army Corps of Engineers, June 2007
26. Letter from U.S. Secretary of the Interior Fred A. Seaton to former Army Secretary Wilber M. Bruckner dated August 22, 1957
27. Memorandum from F.C. Gillett, Acting Regional Director of the U.S. Fish and Wildlife Service, to the Director of the U.S. Fish and Wildlife Service dated September 24, 1959
28. J. Westerink, B. Ebersole, and H. Winer, Note on the Influence of the Mississippi River Gulf Outlet on Hurricane Induced Storm Surge in New Orleans and Vicinity (February 21, 2006)
29. URS Corp., The Direct Impact of the Mississippi River Gulf Outlet on Hurricane Storm Surge (prepared for Louisiana Department of Natural Resources) (2006)
30. U.S. Army Corps of Engineers, New Orleans District, Numerical Modeling of Storm Surge Effect of MRGO Closure (2003)

31. C.L. Bretschneider and J.I. Collins, Storm Surge Effects of the Mississippi River Gulf Outlet, Study A, National Engineering Science Company Report No. SN 326-A (1966)
32. LPVHPP Design Memorandum No. 1, Parts I and IV
33. LPVHPP Design Memorandum No. 3 & Supp. No. 1
34. LPVHPP Design Memorandum No. 5
35. LPVHPP Map, 1998
36. June 2, 2006 photographs by Dr. Francisco Silva-Tulla (WGI082924-998)
37. March 1997 Final Evaluation Report for Mississippi River-Gulf Outlet, New Lock and Connecting Channels
(http://www.mvn.usace.army.mil/prj/ihnc/EvaluationReport/ihnc_eval.htm)
38. Total Environmental Restoration Contract, DACA56-94-D-0021 (WGI000120-605)
39. Task Order 26 of Total Environmental Restoration Contract, DACA56-94-D-0021, and all accompanying modifications and Statements of Work (WGI000001-119; WGI000606-791)
40. Recommendation Report for Demolition and Site Preparation Activities of the East Bank Industrial Area, Dec. 2, 1999 (WGI030703-88)
41. Project Work Plan for Project Site Development and Remedial Action of East Bank Industrial Area (WGI041879-944)
42. Field Sampling Plan for Project Site Development and Remedial Action of East Bank Industrial Area (WGI047293-422)
43. Risk Evaluation and Corrective Action Program (“RECAP”) Corrective Action Plans, RECAP Submittal Reports, and RECAP No Further Action At This Time Submittals for Boland Marine and Saucer Marine in the East Bank Industrial Area between 2001-2005, and all amendments thereto
44. Technical Completion Report and Record Drawings, IHNC – East Bank Industrial Area, August 2005

45. St. Paul Fire and Marine Ins. Co. policies issued to Bd. of Comm'rs of the Orleans Levee Dist., Bd. of Comm'rs of the East Jefferson Levee Dist., and Bd. of Comm'rs of the Lake Borgne Levee Dist.
46. All exhibits not otherwise included herein that Defendant Washington Group International, Inc. filed with its Mot. for Summary Judgment, Oct. 9, 2008 (Docket No. 15861). The complete list of said exhibits may be found at Ex. A to Notice of Manual Attach., Oct. 9, 2008 (Docket No. 15861-5).

Dated: October 20, 2008

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing MRGO Defendants' Thirteenth Preliminary List of "Common Liability" Exhibits has been served upon all counsel of record through the Court's CM/ECF electronic filing system or by placing same in the United States mail, postage prepaid and properly addressed, this 20th day of October, 2008.

/s/Heather S. Lonian