

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF LOUISIANA

In Re: KATRINA CANAL BREACHES	§	CIVIL ACTION
CONSOLIDATED LITIGATION	§	NO. 05-4182 "K" (2)
	§	JUDGE DUVAL
	§	MAG. WILKINSON
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	§	
PERTAINS TO:	§	
MRGO, Robinson (No. 06-2268)	§	
	§	
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NOTICE OF PRODUCTION

The Court, per the Amended *Robinson* Case Management Order (Doc. Rec. No. 15841), ordered the Defendant United States to produce its expert reports and computer generated evidence on December 22, 2008. On February 20, 2009, the Court ordered the United States to produce by February 27, 2009, all materials upon which defendants' experts relied in preparing their reports or crafting their opinions. *See* Doc. Rec. No. 17816. Accordingly, the United States produced to the *Robinson* Plaintiffs' counsel, Pierce O'Donnell, its expert reports from the following experts: John Barras, Louis Britsch III, Stephen Deloach, Bruce Ebersole, Steven Fitzgerald, Brian Jarvinen, Reed Mosher, Donald Resio, Joannes Westerink, and Thomas Wolff. *See* Doc. Rec. No. 16833. Subsequently, the United States provided notice to the Plaintiffs of expert report amendments regarding Steven Fitzgerald on December 23, 2008, and for John Barras on February 10, 2009. *See* Doc. Rec. Nos. 16842 and 17663, respectively. Moreover, the United States filed a Notice of Production on January 5, 2009, and produced Bates-stamped versions of the expert reports to Mr. O'Donnell and Joseph Bruno, plaintiffs' counsel for the *In*

Re: Katrina Canal Breaches Consolidated Litigation. See Doc. Rec. No. 16908.

On February 5, 2009, the Plaintiffs deposed Bruce Ebersole. During that deposition, Mr. Ebersole indicated that he would “go back and check” some of the calculations used in generating his expert report. On April 26, 2009, the Plaintiffs requested those calculations. The United States provided those calculations to the Plaintiffs by electronic mail on April 27, 2009. Those materials are now being produced with Bates-stamped numbers.

The documents and/or electronically stored information (ESI) that the United States identified for production to the Plaintiffs cited above will be produced within the following Bates ranges in the manner specified in its: (1) ESI Production Protocol, for all ESI produced in this matter (Doc. Rec. No. 10121); and (2) its Document Production Protocol, for all other documents produced in this matter (Doc Rec. No. 5368). In addition, all ESI produced in this matter is produced in accordance with the Court’s Order Authorizing and Requiring the United States to Produce Personal Identifying Information Contained Within Electronically Stored Information and Prohibiting all Parties From Disseminating Such Personal Identifying Information (Doc. Rec.

No. 10293):

XBE-005-000000001 thru XBE-005-000000007

Respectfully submitted,

MICHAEL F. HERTZ
Deputy Assistant Attorney General

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s/ James F. McConnon, Jr.
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Dated: April 28, 2009

CERTIFICATE OF SERVICE

I, James F. McConnon, Jr., hereby certify that on April 28, 2009, I served a true copy of the United States' Notice of Production upon the Plaintiffs by ECF.

s/ James F. McConnon, Jr.
JAMES F. McCONNON, JR.