

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
	§	
PERTAINS TO: MRGO, Robinson, No. 06 2268	§	
	§	

RESPONSE TO PLAINTIFFS' OBJECTIONS TO  
EXHIBITS IDENTIFIED BY THE UNITED STATES

The Court has Ordered that responses to trial exhibit objections made by the parties be filed no later than April 13, 2009. See Doc. Rec. No. 18433. Accordingly, Defendant, the United States, respectfully requests the Court to overrule the Plaintiffs' objections to the United States' trial exhibits or, alternatively, defer ruling on those objections until the United States introduces those exhibits at trial.

On April 8, 2009, Plaintiffs objected to multiple trial exhibits identified by the United States primarily on the basis of relevance, foundation or hearsay.<sup>1</sup> See Doc. Rec. No. 18499. The Plaintiffs' method of objecting to those exhibits was to merely check off a box, among others, marked either relevance, foundation or hearsay without providing any basis in fact or

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<sup>1</sup> The Plaintiffs also made objections to several trial exhibits on the basis of Federal Rules of Evidence, 403, 602, 201 and lack of completeness. For example, DX050, 051, 0127, 1039, 1132, 1133, 1134, 1286 and 1467.

law, other than reciting the applicable rule under the Federal Rules of Evidence, for their objections. Without the Plaintiffs articulating the reasoning for making their objections, the United States is unable to provide cogent responses to their objections. Therefore, the United States respectfully requests that the Court overrule the Plaintiffs' objections to the United States' trial exhibits. In the alternative, if the Court is not willing to overrule the Plaintiffs' objections at this time, the United States respectfully requests the Court to defer its rulings on those objections until the United States introduces its exhibits at trial.

Respectfully submitted,

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s/ James F. McConnon, Jr.  
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April 13, 2009

CERTIFICATE OF SERVICE

I, James F. McConnon, Jr., hereby certify that on April 13, 2009, I served a true copy of the Response to Plaintiffs Objections to Exhibits Identified by the United States upon all parties by ECF.

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