

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

**IN RE KATRINA CANAL BREACHES
CONSOLIDATED LITIGATION**

CIVIL ACTION

NO. 05-4182

PERTAINS TO:

SECTION "K"(2)

New Orleans Coffee Co. C.A. NO. 07-8181

ORDER AND REASONS

Before the Court is a Motion for Clarification, Reconsideration, Amendment or Alteration of June 13, 2008 Order (Post-*Sher* Insurance Umbrella Case Management Order) (Doc. 13521) filed by plaintiff New Orleans Coffee Company, Inc. in which plaintiff seeks to exclude itself from the effects of that order in which the Court recognized that the Louisiana Supreme Court had issued its decision in *Sher v. Lafayette Ins. Co.*, No. 07-C2441, 2008 WL 928486, at *6-7 (La. Apr. 8, 2008), which held essentially that the exclusions in Louisiana homeowners' insurance policies of coverage for damages caused by the flood that resulted from the various levee breaches in the aftermath of Hurricane Katrina are valid and unambiguous. Based on that ruling, this Court entered its Post-*Sher* Insurance Umbrella Case Management Order, in which it ruled:

that all claims asserted by plaintiffs in this consolidated litigation against any insurer defendant alleging failure of the defendant to provide plaintiffs with flood damage coverage under an insurance policy that excludes such coverage, including all allegations that a class action should be certified concerning such a flood claim, as DISMISSED WITH PREJUDICE.

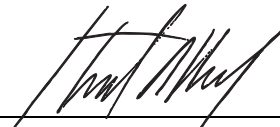
Doc. 13521 at 2.

The Court held oral argument on a Motion for Reconsideration of Post-*Sher* Insurance Umbrella Case Management Order of June 13, 2008 (Doc. 13631) in which the arguments raised

herein where argued. The Court denied that motion with oral reasons on August 8, 2008. (Doc. 14394). For those same reasons, the Court finds no merit in this motion. Accordingly,

IT IS ORDERED that the Motion for Clarification, Reconsideration, Amendment or Alteration of June 13, 2008 Order (Post-*Sher* Insurance Umbrella Case Management Order) (Doc. 13521) is **DENIED**.

New Orleans, Louisiana, this ^{22nd}22nd day of September, 2008.



STANWOOD R. DUVAL, JR.
UNITED STATES DISTRICT COURT JUDGE