

If you were affected by flooding from Hurricanes Katrina and/or Rita, you may be included in a proposed class action settlement.

A partial settlement has been reached in a class action lawsuit about the alleged failures and/or overtopping (water goes over the lowest point) of levees and other flood and water control structures during Hurricanes Katrina and Rita. The Settling Defendants include: the Orleans Levee District; the Board of Commissioners of the Orleans Levee District; the Lake Borgne Basin Levee District; the Board of Commissioners of the Lake Borgne Basin Levee District; the East Jefferson Levee District; the Board of Commissioners of the East Jefferson Levee District; their insurer; and all related people.

If you're included, you may object to the settlement, but **you cannot exclude yourself** from the settlement. The U.S. District Court for the Eastern District of Louisiana authorized this notice, and will have a hearing to review objections and to decide whether to approve the settlement. Get a detailed notice at www.LeveeBreachClass.com or by calling 1-888-287-5893.

Who's INCLUDED?

The proposed Settlement Class includes anyone who (a) at the time of Hurricane Katrina and/or Rita: (1) lived or was located in the Parishes of **Jefferson, Orleans, Plaquemines, or St. Bernard**, Louisiana ("Hurricane Affected Geographic Area"); or (2) owned, leased, possessed, used or had an interest in any homes, businesses or other property in the Hurricane Affected Geographic Area; **and** (b) have any losses, damages, and/or injuries from Hurricane Katrina and/or Hurricane Rita that were a result of any alleged levee failure and/or waters that originated from or that came over, under or through the levees that were under the authority or control of the Settling Defendants.

The proposed Settlement Class has been divided into separate Subclasses. You may be included in more than one Subclass. The Subclasses include anyone who has or may have claims against:

- **Subclass 1** - the Lake Borgne Basin Levee District, the Lake Borgne Basin Levee District Board of Commissioners, and/or their insurer;
- **Subclass 2** - the East Jefferson Levee District, the East Jefferson Levee District Board of Commissioners, and/or their insurer; and
- **Subclass 3** - the Orleans Levee District, the Orleans Levee District Board of Commissioners, and/or their insurer.

WHAT'S THIS ABOUT?

The lawsuit alleges levees and other flood and water control structures failed and/or were overtopped as a result of Hurricanes Katrina and Rita because they were not properly designed, inspected, or maintained, and that these failures

caused property loss, property damage, and personal injury. The Settling Defendants say that the levees failed for reasons beyond their control and that they did not do anything wrong.

WHAT DOES THE SETTLEMENT PROVIDE?

A settlement fund that includes all insurance money available to the Settling Defendants will be established in the amount of \$20,839,115 (plus any additional interest) for the benefit of the Settlement Class, as well as to cover costs and expenses. The settlement fund (plus any additional interest) will be divided among the Subclasses as follows: Subclass 1 - \$2,371,467; Subclass 2 - \$5,924,284; and Subclass 3 - \$12,543,363. Please note that, under law, the Settlement Class can get no additional money or property in this settlement because the Settling Defendants are governmental bodies.

If the settlement receives final Court approval, an independent "Special Master" appointed by the Court will recommend how to administer the settlement fund for the benefit of the Settlement Class. The Court may request that a second notice be issued to Settlement Class members explaining how the settlement fund will be used or administered.

WHAT ARE YOUR OTHER RIGHTS?

The Court will hold hearings in this case, known as *In Re: Katrina Canal Breaches Consolidated Litigation*, No. 05-4182, on **April 2, 2009**, to consider whether the proposed Settlement Class should be approved (or certified), and if so, whether the settlement is fair, reasonable, and adequate. The lawyers representing the Settlement Class will not request fees from the settlement fund, but they may ask the Court for reimbursement of their costs and expenses. You or your own lawyer may ask to appear and speak at the hearings at your own cost, but you don't have to.

If the Court grants final approval to the settlement you will be bound by it and you will not be able to sue, or continue to sue, the Settling Defendants, as well as the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, the Southeast Louisiana Flood Protection Authority-East, their insurers, and all related people about the legal claims in this case ever again. However, you may continue with any claims you have against the U.S. Army Corps of Engineers, the State of Louisiana, Washington Group International, Inc., and anyone not related to the Settling Defendants. If you disagree with the approval (or certification) of the Settlement Class or the approval of the settlement you may object to it no later than **March 13, 2009**. The detailed notice explains how to object. For more information, call or go to the website shown below.

1-888-287-5893

www.LeveeBreachClass.com