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24<sup>th</sup> JUDICIAL DISTRICT COURT OF THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 624894

**DIV. I**  
JUDGE  
JO ELLEN GRANT

P1  
835

MAURICE de la HOUSSAYE, Individually and  
on behalf of all others similarly situated

VS.

THE PARISH OF JEFFERSON and ABC INSURANCE COMPANY

FILED FOR RECORD  
05 OCT 21 PM 3:52  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA

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PETITION FOR DAMAGES

The petition of Maurice de la Houssaye, a person of the full age of majority and domiciled in the Parish of Jefferson, State of Louisiana, appearing individually and as representative of the class described herein, with respect represents:

I.

This action is brought pursuant to Louisiana Code of Civil Procedure articles 491 *et. seq.* on behalf of the named plaintiff as well as all persons who were:

- a. Flood victims following Hurricane Katrina; and
- b. Whose property is located within the area which drains through the Geisenheimer Gate into the 17<sup>th</sup> Street Canal; or
- c. Who suffered damage as a result of flood water entering Jefferson Parish through the Geisenheimer Gate, Airline Highway, the Northline bridge or the Orpheum Street bridge.

II.

The members of the class are so numerous as to make it impractical to join them as plaintiffs in this proceeding. They have a common and undivided interest in that they have all been wronged and damaged by the acts and omissions of the defendant, and there are questions of fact and law common to all. The claims of the representative parties are typical of the class, and the representative parties will fairly and adequately protect the interests of the class. The class is defined objectively in terms of ascertainable criteria, as illustrated in Paragraph I. Further, the prosecution of this action and the administration of all matters relating to this claim will be significantly simplified by proceeding as a class action.



III.

Defendant, the Parish of Jefferson, is a political subdivision of the State of Louisiana.

IV.

Defendant, ABC Insurance Company, is an insurance company authorized to do and doing business in this Parish and State.

V.

Defendants are justly and truly indebted unto your petitioners individually, jointly, severally and *in solido* for the full sum of damages that are found to be reasonable in the premises, with interest from date of judicial demand until paid and for all expert's fees and costs of these proceedings.

VI.

On or about August 29, 2005, Hurricane Katrina struck the New Orleans metropolitan area, including the Parish of Jefferson.

VII.

Subsequent to the hurricane, water levels in the 17<sup>th</sup> Street Canal rose to high levels which eventually backed into large sections of Metairie, including Metairie Club Gardens, the area surrounding Northline Street and adjacent areas.

VIII.

The flooded area is drained by a drainage system which flows into the 17<sup>th</sup> Street Canal.

IX.

A floodgate, known as the Gegenheimer Gate, is located at the point where the drainage system of the flooded area flows into the 17<sup>th</sup> Street Canal.

X.

Plaintiffs injuries and damages were caused by the gross negligence and reckless disregard for the safety of residents of the Parish of Jefferson in failing to secure and/or close the Gegenheimer Gate, causing flood waters from the 17<sup>th</sup> Street Canal to back through the Gegenheimer Gate and thence through the drainage system of the flooded area, rising up through the catch basins, causing wide spread flooding, all as set forth in the affidavit of Lucas H. Ehrensing, Professional Engineer, attached hereto.

XI.

Defendant, the Parish of Jefferson, was further negligent in failing to close other culverts which drain into the 17<sup>th</sup> Street Canal, thereby permitting additional flood waters to enter the flooded area.

XII.

Upon information and belief, defendants had policies and procedures in place for the closure of the Gegenheimer Gate which was designed and intended to be closed, thus avoiding the precise flooding and damages which occurred.

XIII.

In the alternative, the Parish of Jefferson was negligent in failing to timely place barriers across Airline Highway and the Northline bridge over the 17<sup>th</sup> Street Canal, when it knew, or should have known, that the water rising in the 17<sup>th</sup> Street Canal would soon overtop these means of ingress into the parish, thereby flooding the affected areas.

XIV.

The damages sustained by the plaintiffs include but are not limited to:

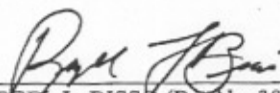
1. Repairs to or replacement of the cost of their homes.
2. The replacement cost of their belongings.
3. The cost of substitute housing.
4. Moving expenses.
5. Diminution in house value.
6. Inconvenience.
7. Mental distress and emotional distress.
8. Expert and professional fees.
9. Court costs.
10. Legal interest.
11. All other expenses as shall be proven at trial.

XV.

At all material times, the defendant, ABC Insurance Company, had in full force and effect a policy of insurance insuring defendant, the Parish of Jefferson, for the injuries and damages at issue in this lawsuit, and is liable, *in solido*, with the Parish of Jefferson.

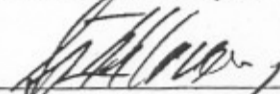
WHEREFORE, plaintiffs prays that defendants be served with a copy of this Petition and after due proceedings had, there be judgment herein in favor of plaintiffs for an amount that is reasonable in the premises against the defendants, individually, severally, jointly and in solido, together with legal interest from the date of judicial demand until paid, for all costs and expert fees and for all general and equitable relief.

REGEL L. BISSO, L.L.C.  
A Professional Limited Liability Company

  
REGEL L. BISSO (Bar No. 3088)  
405 Rosa Avenue  
Metairie, Louisiana 70005  
(504) 833-1780

and

CONROY LAW FIRM, PLC

  
STEPHEN K. CONROY (Bar No. 4343)  
Three Lakeway Center  
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Metairie, Louisiana 70002  
Telephone: (504) 830-3450

Attorneys for Maurice de la Houssaye,  
individually and as a representative of the  
class

**SHERIFF:**

PLEASE SERVE:

1. The Parish of Jefferson  
Hold service for now
  
2. ABC Insurance Company  
Hold service for now

AFFIDAVIT OF LUCAS H. EHRENSING

STATE OF LOUISIANA  
PARISH OF JEFFERSON

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BEFORE ME, the undersigned authority, personally came and appeared

LUCAS H. EHRENSING

Who, after being by me first duly sworn, did depose and say:

That affiant is a professional engineer, licensed in the State of Louisiana;

That following the flooding of the area which drains through the Geisenheimer Gate and other culverts into the 17<sup>th</sup> Street Canal, he spoke to residents of the flooded area;

That affiant was advised by one or more residents that the flood waters entered the area by rising up through the catch basins which are part of the drainage system of the area and then onto the streets;

The entry of flood waters through the catch basins indicates that the flood waters must not have initially entered the area via Airline Highway, but rather, the flood waters must have first entered through either culverts draining into the 17<sup>th</sup> Street Canal or the Geisenheimer Gate, which is a floodgate located at the point of entry of the flooded area's drainage system into the 17<sup>th</sup> Street Canal.

*Lucas H. Ehrensing*  
LUCAS H. EHRENSING

SWORN TO AND SUBSCRIBED  
BEFORE ME, THIS 26<sup>th</sup> DAY  
OF OCTOBER, 2005

*Regel L. Bisso*  
NOTARY PUBLIC

REGEL L. BISSO  
NOTARY PUBLIC  
(LA BAR ROLL 03088)  
PARISH OF JEFFERSON - STATE OF LOUISIANA  
My Commission Is Issued For Life