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## Judge sets '08 date for MRGO trial

Corps of Engineers says it's immune in case involving flooding after Katrina

**BY CAIN BURDEAU**  
Associated Press writer

**NEW ORLEANS** — A federal judge has set a trial date for late 2008 to hear a lawsuit over a navigation channel built and operated by the U.S. Army Corps of Engineers that contributed to the flooding of St. Bernard Parish and New Orleans during Hurricane Katrina.

The date — Sept. 8, 2008 — could become irrelevant if the suit over the Mississippi River-Gulf Outlet is thrown out in pre-trial motions. The Corps of Engineers has sought protection from the suit by arguing that it is immune from litigation because the navigation channel

was a flood control project.

U.S. District Judge Standwood Duval issued the order Thursday that sets times and dates for filing motions, selecting a special master and presenting lists of experts both sides would call upon.

Duval set Jan. 16, 2008, as the day for a hearing to determine whether the corps can be held liable. The corps tried to get the suit thrown out by claiming immunity, but Duval allowed the case to proceed on Feb. 2. The two sides will now tangle over whether the MRGO, as the channel is known, is covered by the Flood Control Act of 1928. Projects that fall under that

statute give the government immunity. The lawsuit was filed by five residents whose homes were flooded by Katrina, which hit Aug. 29, 2005. The plaintiffs include Norman Robinson, a longtime news anchor on WDSU-TV, a New Orleans television station.

The suit charges the agency with ignoring repeated warnings that the MRGO turned into a "hurricane highway" by funneling Katrina's storm surge into St. Bernard and New Orleans and overwhelming levees and floodwalls.

The 76-mile shipping channel was built about 40 years ago as a short-cut to New Orleans. For

years, environmentalists and emergency planners have blasted the channel as a destructive force because it has eroded enormous tracts of wetlands and increased the threat of flooding.

The Corps of Engineers has acknowledged that the channel contributed to the region's flooding and the agency is coming up with a plan to plug it.

The plaintiffs are seeking compensation for themselves but also want Congress to set up a "Katrina Victims' Compensation Fund" similar to what the nation did for the families of the victims of the Sept. 11, 2001, terrorist attacks.