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N.O. asks whopping \$77 billion in claim to corps Entergy, S&WB also seek millions on form

Friday, March 02, 2007

By **Michelle Krupa**,

Submitting a claim for a staggering \$77 billion, the city of New Orleans joined tens of thousands of would-be plaintiffs who rushed to beat a Thursday deadline to alert the Army Corps of Engineers that they may sue for losses resulting from the levee breaches after Hurricane Katrina.

Also joining the queue were Entergy New Orleans, the city's bankrupt electrical utility, which is seeking \$655 million, and the New Orleans Sewerage & Water Board, which put in a claim of about \$460 million, spokesmen for the agencies said.

While they are likely to be among the largest filed, the three claims became part of an avalanche of paperwork that poured into the corps' Leake Avenue headquarters as Thursday's 11:59 p.m. deadline approached, corps personnel said.

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By the time of the morning commute, cars already had clogged the two-lane River Road and miles of connecting arteries. The miles-long traffic jam got so thick that the federal agency established satellite pick-up points on Carrollton Avenue and Magazine Street.

"We took people out of offices to help out: engineers, lawyers, secretaries, you name

it," spokesman Chris Accardo said. "At one time, we might have had 50 people out there."

Hours before the cut-off time, enough bags and boxes of claim forms had arrived to fill an 8-by-10-foot room, corps spokeswoman Kathy Gibbs said.

The filing bonanza would have been unthinkable just a few weeks ago.

Until recently, the idea of suing the Army Corps of Engineers was dismissed by most lawyers as a non-starter. They pointed to a 1928 federal law immunizing the corps from lawsuits stemming from its flood-control projects.

But early last month, U.S. District Judge Stanwood Duval ruled that the corps has no such protection when it comes to lawsuits over problems caused by its navigation projects.

That decision kept alive a 2006 lawsuit filed against the corps by WDSU-TV anchor Norman Robinson, a Lower 9th Ward couple and two St. Bernard Parish residents, and raised prospects of success of similar cases.

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