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ARMY CORPS HELD LIABLE for Katrina Damage

The federal government may be subject to billions of dollars in claims after U.S.

District judge, Stanwood Duval ruled on November 18th that the Army Corps of Engineers' failure to properly maintain a navigation channel led to massive flooding from Hurricane Katrina. The judge awarded seven plaintiffs \$720,000, but eventually the government may be forced to pay much more. The ruling will likely allow more than one hundred thousand other individuals, businesses, and government entities a better opportunity for claiming damages.

Duval sided with six residents and one business who argued the Army Corps' shoddy oversight of the Mississippi River/gulf outlet led to the flooding of New Orleans' Lower 9th Ward and neighboring St. Bernard Parish. He said, however, the Corps could not be held liable for the flooding of eastern New Orleans, where two of the plaintiffs lived.

(continued on page 2)



Water being pumped from New Orleans' flooded Lower 9th Ward after Hurricane Katrina.

PHOTO BY: CHARLIE RIEDEL, AP

IN THIS ISSUE

- Army Corps Held Liable for Katrina Damage p1
- Be Prepared! p2
- Lessons from Swine Flu p3
- Raging Rob p4
- Be Informed! What is lost sales value of production? p5
- Be Funny! p6
- Get the Facts! p6



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**“Forewarned, forearmed;
to be prepared is half the victory.”**

~ Miguel de Cervantes Saavedra

“Though no one can go back and make a brand new start, anyone can start from now and make a brand new ending.” ~ Anonymous

According to *Forefront*, a RIMS magazine section, the Girl Scouts are all about disaster preparedness. Wait a minute! I thought the Boy Scouts’ motto was “be prepared”.

Interestingly, the Department of Homeland Security has enlisted the girls in green and brown to help in times of natural or manmade disaster. The “preparedness patch” may be earned if they complete the required training. They must create an emergency preparedness plan for their families, learn about local alerts and warning systems, and get involved in community service. Another requirement is to learn to plan for natural disasters such as hurricanes and tornadoes. This represents a partnership between the Girl Scouts and Citizen Corps, a grassroots initiative developed by FEMA for disaster preparedness in communities nationwide.

The Girl Scouts, founded in 1912 and chartered by Congress in 1950, have played a part in past national crises. According to its website, during World War II the scouts operated bicycle courier services, invested more than 48,000 hours in Farm Aide projects, collected scrap metal, and grew Victory Gardens. Maybe the Boy Scouts should look into this since they claim to “be prepared”.

If our kids think preparedness is important, why don’t the adults running corporations think so too?

(continued from page 1)

The lawsuit was the first major case to go to trial against the federal government over Katrina flooding. The decision rested with Duval because a jury cannot decide a case against the federal government. Many in New Orleans have argued that the flooding in the aftermath of Katrina, which struck the region August 29, 2005, was a manmade disaster caused by the Army Corps’ failure to maintain the levee system protecting the city. Duval referred to their maintenance of the channel as “monumental negligence.”

During trial testimony, government lawyers and experts argued the levee system was overwhelmed by the massive storm, and levee breaches could not be blamed solely on the

shipping channel dug in the 1960’s as a short-cut between the Gulf of Mexico and New Orleans. The Corps had also argued unsuccessfully that it is immune from liability because the channel is part of New Orleans’ flood control system.

This ruling will likely affect the way the Army Corps does business across the country. It was the “first time ever the Army Corps has been held liable for damages for a major catastrophe that it caused,” according to Pierce O’Donnell. The plaintiffs’ lawyers would like Congress to establish a compensation fund to expedite payments to the thousands of claims. The government is expected to appeal.