

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

In Re: KATRINA CANAL
BREACHES CONSOLIDATED
LITIGATION

* CIVIL ACTION
* NO.: 05-4182 "K"(2)

* JUDGE DUVAL

PERTAINS TO: INSURANCE
Vanderbrook, No. 05-6323

* MAGISTRATE JUDGE WILKINSON
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**DEFENDANT HANOVER INSURANCE COMPANY'S MOTION
FOR ENTRY OF FINAL JUDGMENT REGARDING JAMES CAPELLA**

Pursuant to Federal Rule of Civil Procedure 58(d), Defendant Hanover Insurance Company ("Hanover") respectfully moves for entry of final judgment in its favor in the *Vanderbrook* case, in accordance with the August 2, 2007 opinion of the United States Court of Appeals for the Fifth Circuit. The grounds for this motion, which are more fully stated in the accompanying memorandum of law, are that the Fifth Circuit's decision, which overturned this Court's denial of Hanover's motion for judgment on the pleadings, is fully dispositive of this case.

WHEREFORE, for all of the foregoing reasons, Hanover Insurance Company requests that this Honorable court enter a final judgment in favor of Hanover.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November 2007 a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to:

All known counsel of record

by operation of the court's electronic filing system.

s/Seth A. Schmeeckle
Seth A. Schmeeckle, La. Bar No. 27076