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**RE: Industrial Canal Breach - Class Action Lawsuit**

In Re Katrina Canal Breaches Consolidated Litigation, Civil Action No. 05-4182  
In Re Ingram Barge Company, etc., Civil Action No. 05-4419

Dear Sir/Madame:

I sincerely hope that you and your family are well in the aftermath of Hurricanes Katrina and Rita. I am thankful, by the grace of God, that my family, friends and acquaintances are O.K. My law office is open, and we are back to full capacity. Like everyone, however, I am horrified that the greatest damage came not directly from the storm itself, but due to human negligence.

Scientific investigations reveal that the Industrial Canal breach was caused by a barge adrift in the canal during Katrina, which slammed into the concrete floodwall, allowing the wall and levee to topple. This barge should not have been allowed to remain in the canal during the storm, and was not manned, equipped, or secured properly to avoid the catastrophe which followed. I have personally stood on the ground where the Industrial Canal breached, and have driven through the Lower Ninth Ward and other areas flooded by the canal. Clearly, the homes at the breach were smashed to rubble by a wall of water. The resulting flood devastated mile after mile of property, not to mention the lives turned upside down, and those lost. One can barely imagine the awesome and terrible destruction, and the immeasurable effect it will have on the future of the New Orleans area and its residents.

In response to this catastrophe, several other attorneys and I have filed a class action lawsuit on behalf of every resident of the affected areas. This includes the Lower Ninth Ward, and the areas of St. Bernard Parish from the Aribi line to Paris Road. I offer each of you who live, work, own property or who were in these areas during the breach the opportunity to participate in this action. The objective of this litigation is monetary compensation for property damage or loss, displacement, bodily injuries and death, mental anguish, wage or income loss, and all other types of recoverable damages.

*Please be aware that this action is only for persons affected by the Industrial Canal breach (not 17<sup>th</sup> Street, London Ave, or Orleans Avenue). Our suit is limited to breaches and flooding caused by the barge, its owners and caretakers. Evidence shows that it was these entities and breaches, not the government or MRGO, that caused the flooding of the Lower Ninth Ward and parts of St. Bernard described above.*

*Also, the court will ultimately decide whether this is a class action claim, and if so, which persons are class members based upon such considerations as geography, types of damages, etc. Certain areas or types of claims may be excluded from the class, or may not give rise to a valid claim at all.*

If you choose to participate, please sign the enclosed retainer and return it to me in the enclosed self addressed envelope. Also, please complete the enclosed questionnaire to the best of your ability. Please call me to address any questions you might have about the lawsuit.

I would also like to offer this opportunity not only to you, but to anyone and everyone you know who might have been affected by the Industrial Canal levee breach. I urge you to inform every friend, family member, acquaintance and coworker from these areas of this action. The greater our number, the louder and stronger we become. Please feel free to distribute copies of this letter, questionnaire and retainer.

Finally, I urge each of you to please contact me at the above phone number for a personal discussion of your particular claims and losses.

Thank you. I hope to hear from you soon.

Sincerely,

Brian A. Gilbert

BAG/jrc