



JONES
SWANSON
HUDDELL &
GARRISON LLC

Gladstone N. Jones, III
gjones@joneswanson.com
ADMITTED IN LOUISIANA

COPY

August 8, 2013

VIA FEDEX

Hon. Robert Adley, Chairman
Senate Committee on Transportation,
Highways, and Public Works
900 North Third Street
B-247B
Baton Rouge, LA 70804

Hon. Karen Gaudet St. Germain, Chairwoman
House of Representatives Committee on
Transportation, Highways, and Public Works
900 North Third Street
Baton Rouge, LA 70804

RE: Requested appearance at August 14, 2013 Joint Committee Meeting of the House and Senate Committees on Transportation, Highways and Public Works, regarding review and discussion relative to Civil Action No. 13-6911, Div. J-5, filed July 24, 2013, Civil District Court of the Parish of Orleans, *Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, Individually and as the Board Governing the Orleans Levee District, The Lake Borgne Basin Levee District, and the East Jefferson Levee District v. Tennessee Gas Pipeline Company, LLC, et al.*

Dear Chairman Adley and Chairwoman St. Germain:

I am writing in response to your Committees' August 5, 2013 request for the presence of executive officers, available board members, and attorneys of the Southeast Louisiana Flood Protection Authority-East ("SLFPA-E") at the August 14, 2013 Joint Committee Meeting of the House and Senate Committees on Transportation, Highways and Public Works, and to confirm SLFPA-E's attendance at the Joint Committee Meeting and production of the requested materials. I do so, however, respectfully subject to the two following issues.

SLFPA-E was created by the Legislature following Hurricane Katrina, established under the Louisiana Constitution as an independent political subdivision. *See* La. Const. Art. VI, § 38.1(A)(1). SLFPA-E's board is specifically designed to be an apolitical body, with a system created to ensure nomination of technically specialized professionals and insulated from established political influences. *See* La. R.S. § 38:330.1C(1)(a). This mandated independence is not only inherent in the carefully structured process for nominations, but is also built into the description of each board member's duties, wherein they are required to "serve the board's mission without any undue influence." La. R.S. § 38:330.1. While remaining ever-mindful of

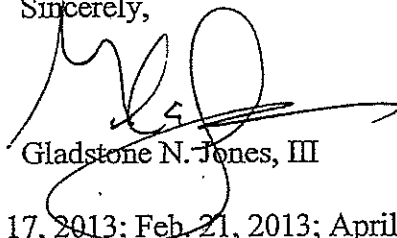
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this important structural independence, SLFPA-E welcomes the opportunity to appear before your Committees and to provide information regarding the lawsuit filed on July 24, 2013.

The second issue I respectfully bring to your Committees' attention is the practical matter that certain information regarding the lawsuit filed by SLFPA-E and that will be the subject of the Joint Committee Meeting will encompass attorney-client privileged and attorney-work-product protected information on a matter in litigation. We request that the Committees' members be respectful to our concerns regarding privileged information and to necessary objections should questions threaten to invade attorney-client communications.

Subject to these concerns regarding SLFPA-E's structural and political independence, and specifically without waiving any privilege or work product protections, SLFPA-E and its attorneys confirm their attendance at the Joint Committee Meeting on August 14, 2013; and under cover of this letter provide the materials you have requested and listed below. Attending on behalf of SLFPA-E will be John Barry, Bob Lacour, and Steve Estopinal, as well as me as SLFPA-E's attorney. I will update you if we learn of other board members who will be available to attend the Joint Committee Meeting. We look forward to discussing these matters further with you and your Committees on August 14th.

Sincerely,



Gladstone N. Jones, III

- Enclosures:
- i. SLFPA-E meeting agendas—Jan. 17, 2013; Feb. 21, 2013; April 18, 2013; May 16, 2013; June 14, 2013
 - ii. SLFPA-E meeting minutes—Jan. 17, 2013; Feb. 21, 2013; April 18, 2013; May 16, 2013; June 14, 2013
 - iii. SLFPA-E Resolution No. 06-06-13-04
 - iv. July 16, 2013 Attorney General approval of Resolution No. 06-06-13-04
 - v. Contingency Fee Agreement and Authority to Represent

cc: Sharon Lyles, Committee Counsel
Louisiana Senate
Committee on Transportation, Highways, and Public Works
900 North Third Street
Baton Rouge, LA 70804

Kim Callaway, Attorney
Louisiana House of Representatives
Committee on Transportation, Highways, and Public Works
900 North Third Street
Baton Rouge, LA 70804