

**EXTENSION OF LIBERATIVE PRESCRIPTION
FOR AUGUST 5, 2017, RAIN EVENT ACTIONS**

WHEREAS, significant numbers of New Orleans residents are expected to pursue actions against the Sewerage and Water Board ("SWB") for damages claimed in relation to the rain event of August 5, 2017 ("Rain Event");

WHEREAS, Louisiana Civil Code Article 3492 provides, "Delictual actions [tort claims] are subject to a liberative prescription of one year. This prescription commences to run from the day injury or damage is sustained." Pursuant to Article 3492, Rain Event actions filed after August 5, 2018 would be barred by law;

WHEREAS, the SWB wishes to extend (or "toll") the prescription period for actions arising from the Rain Event, in order to mitigate legal, administrative, and court system burdens that may result from large numbers of late-filed claims arising from the Rain Event;

WHEREAS, Civil Code Article 3505 provides for extension of liberative prescription: "After liberative prescription has commenced to run but before it accrues, an obligor may by juridical act extend the prescriptive period. An obligor may grant successive extensions. The duration of each extension may not exceed one year."

WHEREAS, pursuant to Civil Code Articles 3505.1 and 3505.2, "An extension of liberative prescription must be express and in writing," and "The period of extension commences to run on the date of the juridical act granting it;"

WHEREAS, pursuant to Civil Code Article 3503.3, an extension of liberative prescription is "effective against only the obligor granting it."

NOW THEREFORE, BE IT RESOLVED that the SWB hereby extends liberative prescription, for a period of one (1) year after the date of this Resolution, in favor of all claimants whose claims are received by the SWB on or before August 5, 2018.

BE IT FURTHER RESOLVED that this Resolution constitutes an express written juridical act, in fulfillment of form requirements under La. C.C. Art. 3505.1.

BE IT FURTHER RESOLVED that the SWB may resolve to grant a subsequent extension, at its discretion. By granting this Extension, the Board does not admit to, accept liability for, or guarantee payment of any claims. The Extension granted herein

is made by the Sewerage & Water Board of New Orleans, ONLY, and does not affect or otherwise extend the liberative prescription periods for claims against any other entity.

I, Jade Brown-Russell, Acting Executive Director,
Sewerage and Water Board of New Orleans,
do hereby certify that the above and foregoing
is a true and correct copy of a Resolution adopted
at the Meeting of the Board of Trustees
of the Sewerage and Water Board of New Orleans,
duly called and held, according to law,
on _____, 2018.

**JADE BROWN-RUSSELL, ACTING EXECUTIVE DIRECTOR
SEWERAGE AND WATER BOARD OF NEW ORLEANS**