

December 14, 2007

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VIA FEDERAL EXPRESS

Hon. John Tarlton Olivier
Clerk
Louisiana Supreme Court
400 Royal Street, Suite 4200
New Orleans, LA 70130-8102
(504) 310-2300

Re: *Waxler Transp. Co., Inc. et al. v. Trinity Marine Prods., Inc., et al.*
No. 07-CC-2125

Dear Sir:

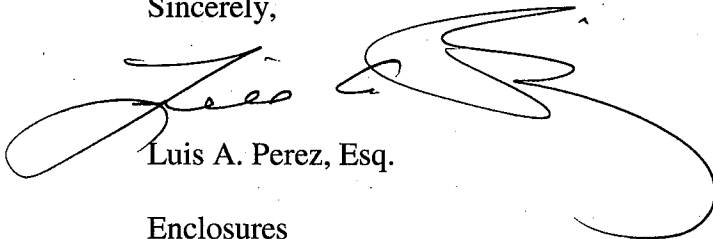
Enclosed for filing in the above-referenced case, please find:

- an original and nine copies of the Motion of *Amici Curiae* (certificate of service attached); and
- a check in the amount of \$100 payable to the "Clerk of the Court of the Louisiana Supreme Court" to cover the filing fee for the Motion pursuant to Rule VII.

Please file-stamp a copy of the Motion and return it in the attached self-addressed, stamped envelope.

Please call me if you have any questions. Thank you for your assistance in this matter.

Sincerely,



Luis A. Perez, Esq.

Enclosures

cc: All Counsel of Record (w/encls.)

Geneva
Houston
Kansas City
London
Miami
Orange County
San Francisco
Tampa
Washington, D.C.

IN THE SUPREME COURT OF LOUISIANA

NO. 07-CC-2125

WAXLER TRANSPORTATION CO., INC., ET AL.

Plaintiffs - Respondents

VERSUS

TRINITY MARINE PRODUCTS, INC., ET AL.

Defendants - Applicants

ON APPLICATION FOR SUPERVISORY WRITS FROM THE RULING OF THE
FOURTH CIRCUIT COURT OF APPEAL, STATE OF LOUISIANA,
NO. 2007-CA-0892, AFFIRMING THE RULING OF THE
25TH DISTRICT COURT FOR THE PARISH OF PLAQUEMINES,
STATE OF LOUISIANA, NO. 49-741, DIVISION "B",
HONORABLE WILLIAM A. ROE, JUDGE

CIVIL PROCEEDING

MOTION OF NATIONAL ASSOCIATION OF MANUFACTURERS, COALITION FOR
LITIGATION JUSTICE, INC., CHAMBER OF COMMERCE OF THE UNITED STATES OF
AMERICA, AMERICAN INSURANCE ASSOCIATION, AMERICAN CHEMISTRY
COUNCIL, PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA, AND
NATIONAL ASSOCIATION OF MUTUAL INSURANCE COMPANIES TO JOIN
AS *AMICI CURIAE* IN DEFENDANT THE VALSPAR CORPORATION'S
APPLICATION FOR SUPERVISORY WRIT

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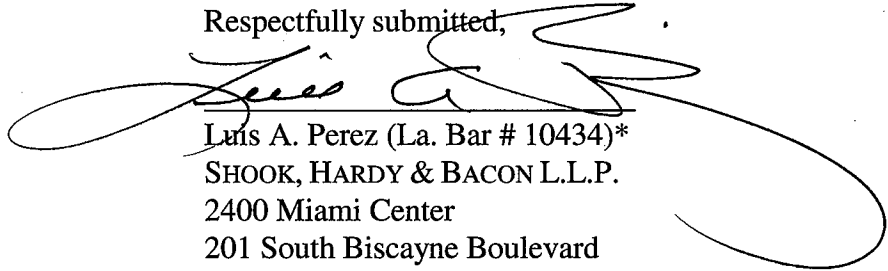
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As organizations that represent Louisiana civil defendants and their insurers, the National Association of Manufacturers,¹ Coalition for Litigation Justice, Inc.,² Chamber of Commerce of the United States of America,³ American Insurance Association,⁴ American Chemistry Council,⁵ Property Casualty Insurers Association of America,⁶ and National Association of Mutual Insurance Companies⁷ seek an order allowing them to join as *amici curiae* in Defendant The Valspar Corporation's application for supervisory writ to require proper venue.

Respectfully submitted,



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Attorneys for *Amici Curiae*

¹ The National Association of Manufacturers (NAM) is the nation's largest industrial trade association, representing small and large manufacturers in every industrial sector and in all fifty states. NAM's mission is to enhance the competitiveness of manufacturers and improve American living standards by shaping a legislative and regulatory environment conducive to U.S. economic growth and to increase understanding among policymakers, the media, and the general public about the importance of manufacturing to America's economic strength.

² The Coalition for Litigation Justice, Inc. is a nonprofit association formed by insurers to address and improve the asbestos litigation environment. The Coalition files *amicus curiae* briefs in important cases that may have a significant impact on the asbestos litigation environment. The Coalition includes Century Indemnity Company; Chubb & Son, a division of Federal Insurance Company, CNA service mark companies, Fireman's Fund Insurance Company, Liberty Mutual Insurance Group, and the Great American Insurance Company.

³ The Chamber of Commerce of the United States of America is the world's largest business federation. The U.S. Chamber represents an underlying membership of more than three million businesses and organizations of every size, in every business sector, and from every region of the country. An important function of the U.S. Chamber is to represent the interests of its members in court on issues of national concern to the business community. Accordingly, the U.S. Chamber has filed more than 1,000 *amicus curiae* briefs in state and federal courts.

⁴ The American Insurance Association, founded in 1866 as the National Board of Fire Underwriters, is a national trade association representing major property and casualty insurers writing business across the country and around the world. AIA promotes the economic, legislative, and public standing of its members; it provides a forum for discussion of policy problems of common concern to its members and the insurance industry; and it keeps members informed of regulatory and legislative developments. Among its other activities, AIA files *amicus* briefs in cases before state and federal courts on issues of importance to the insurance industry.

⁵ The American Chemistry Council represents the leading companies engaged in the business of chemistry. The business of chemistry is a key element of the nation's economy, accounting for ten cents out of every dollar in U.S. exports. Chemistry companies invest more in research and development than any other business sector.

⁶ The Property Casualty Insurers Association of America is a trade group representing more than 1,000 property and casualty insurance companies. PCI members are domiciled in and transact business in all fifty states, plus the District of

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AFFIDAVIT OF VERIFICATION AND CERTIFICATION

STATE OF FLORIDA

COUNTY OF DADE

BEFORE ME, the undersigned authority, personally came and appeared:

LUIS A. PEREZ

who, deposed and stated that he is an attorney for *amici curiae*; that all of the allegations in the foregoing Motion are true and correct to the best of his knowledge; that copies of the foregoing Motion have been mailed to the Hon. William A. Roe, 25th District Court for the Parish of Plaquemines, Division "B," Clerk of Court, 25th District Court, Clerk of Court of the Fourth Circuit Court of Appeal and to all counsel of record, by placing copies addressed to each of them in the United States mail, postage prepared and properly addressed as follows:

Miami, Florida, this 14th day of December, 2007.

TO: Honorable William A. Roe
25th Judicial District Court, "B"
Courthouse Annex
301 Main Street
Belle Chasse, LA 70037

Clerk of Court
25th Judicial District Court, Parish of Plaquemines
Courthouse Annex
301 Main Street
Belle Chasse, LA 70037

Clerk of Court
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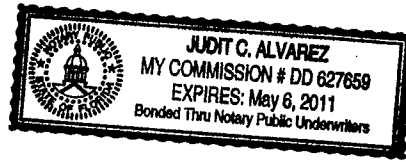
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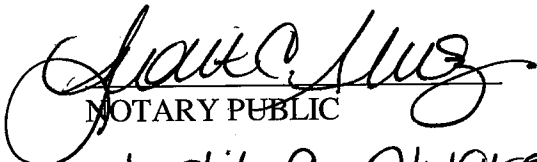
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James H. Daigle
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 14th DAY OF
DECEMBER, 2007.




NOTARY PUBLIC
Judit C. Alvarez
Printed Name

IN THE SUPREME COURT OF LOUISIANA

NO. 07-CC-2125

WAXLER TRANSPORTATION CO., INC., ET AL.

Plaintiffs - Respondents

VERSUS

TRINITY MARINE PRODUCTS, INC., ET AL.

Defendants - Applicants

ON APPLICATION FOR SUPERVISORY WRITS FROM THE RULING OF THE
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25TH DISTRICT COURT FOR THE PARISH OF PLAQUEMINES,
STATE OF LOUISIANA, NO. 49-741, DIVISION "B",
HONORABLE WILLIAM A. ROE, JUDGE

CIVIL PROCEEDING

ORDER

The Motion of National Association of Manufacturers, Coalition for Litigation Justice, Inc., Chamber of Commerce of the United States of America, American Insurance Association, American Chemistry Council, Property Casualty Insurers Association of America, and National Association of Mutual Insurance Companies to join as *amici curiae* in Defendant The Valspar Corporation's application for supervisory writ to require proper venue is GRANTED.

Date: _____