

SUPREME COURT OF LOUISIANA

NO. 10-C-0945

NO. 10-C-1117

TONI SWAIN ORRILL, INDIVIDUALLY  
AND ON BEHALF OF THE CLASS

V.

AIG, INC., ET AL.

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ORDER

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In these consolidated applications, plaintiffs in a class action pending in Civil District Court for the Parish of Orleans known as *Toni Swain Orrill, Individually and on Behalf of the Class v. AIG, Inc., et al.* (“*Orrill*”) and Louisiana Citizens Insurance Corporation (“*Citizens*”) seek review of a judgment of the court of appeal vacating the parties’ proposed settlement. Central to the resolution of this issue is whether the redefinition of the *Orrill* class and the ensuing settlement adversely impacted the vested, substantive rights of persons who were actual or potential members of a class action pending in the 24<sup>th</sup> Judicial District Court for the Parish of Jefferson known as *Geraldine Oubre, et al. v. Louisiana Citizens Fair Plan*, docket no. 625-567 (hereinafter referred to as “*Oubre*”).

To assist the court in determining whether certiorari should be granted in this matter, the *Orrill* plaintiffs and *Citizens* are directed to provide supplemental briefing addressing the following issue:

In the event the court grants certiorari in the *Orrill* case, whether it should also exercise its plenary supervisory authority to assume jurisdiction over the *Oubre* matter for purposes of determining the impact of proceedings in

*Orrill* on the *Oubre* class, including resolution of the question of which action may be considered to be the first-filed action for purposes of lis pendens and/or res judicata.

The objectors and other parties in *Orrill* shall be permitted to file responsive briefs on this issue should they wish to do so. The clerk of court is also directed to send a copy of this order to the lead counsel for the parties in *Oubre*. Should they wish to do so, these parties may file amici briefs addressing whether this court should assume jurisdiction over the *Oubre* matter as detailed above.

The supplemental briefs of the *Orrill* plaintiffs and Citizens shall be filed in this court no later than fifteen days from the date of this order. Any responsive briefs by the other *Orrill* parties or amici briefs by the *Oubre* parties shall be filed in this court no later than fifteen days after the deadline for filing of briefs by the *Orrill* plaintiffs and Citizens.

Pursuant to our plenary supervisory jurisdiction, we hereby stay all court proceedings in both the *Orrill* and *Oubre* suits pending our review of the supplemental briefing.

NEW ORLEANS, LOUISIANA, this \_\_\_\_\_ day of July, 2010.

FOR THE COURT:

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JUSTICE, SUPREME COURT OF LOUISIANA

Knoll, J., recused.