

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

HORNBECK OFFSHORE SERVICES, LLC,	)	
et al.,	)	CIVIL ACTION
	)	NO. 10-1663(F)(2)
Plaintiffs,	)	
	)	SECTION F
v.	)	
	)	JUDGE FELDMAN
KENNETH LEE “KEN” SALAZAR, et al.,	)	
	)	MAGISTRATE WILKINSON
Defendants,	)	
	)	
DEFENDERS OF WILDLIFE, et al.,	)	
	)	
Defendant-Intervenors.	)	
	)	

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**DEFENDANT-INTERVENORS’ MOTION FOR DISQUALIFICATION**

Pursuant to 28 U.S.C. § 455, Defendant-Intervenors Defenders of Wildlife, Sierra Club, Florida Wildlife Federation, Center for Biological Diversity, and Natural Resources Defense Council (collectively “Defenders”) respectfully move this Court to disqualify itself from proceedings in this case.

As detailed more fully in Defenders’ memorandum in support of this motion, the Court must recuse itself for two distinct and independent reasons. First, the Court’s financial holdings in various companies involved in oil and gas drilling raise in an objective mind a reasonable

question concerning the Court's impartiality in these proceedings, triggering the obligation under 28 U.S.C. § 455(a) for the court to disqualify itself. This obligation is not mitigated by the Court's sale of some of this stock prior to the issuance of the preliminary injunction on June 22, 2010 since, prior to that time the Court must have formed substantive opinions about the case from both the briefs filed by the parties and the hearing on June 21. The Court owns and/or recently has owned an interest in several companies that comprise part of the network that supports the Gulf's oil and gas industry. To rule that the moratorium would injure irreparably a network in which the Court was financially invested creates an impermissible appearance of partiality in the mind of a reasonable observer, which is enough to trigger the duty to recuse under § 455(a).

Second, the Court has a financial interest in the subject matter in controversy as well as interests that could be substantially affected by the outcome of this case, making recusal mandatory under § 455(b)(4). The aforementioned stock and bond holdings in oil- and gas-related companies would fall under both of those categories. Those entities' businesses in the Gulf are directly implicated by the scope of the moratorium, either via their ownership of a rig covered by the moratorium or via their servicing those rigs, in the same manner as Plaintiffs. Additionally, the legality of the moratorium could have a substantial impact on companies, like these, that do business in the Gulf. That impact could, in turn, reduce the value or security of the Court's investments. Furthermore, the Court's interests are not remote, contingent, or speculative; they are direct, explicit, and certain. Disqualification is required under § 455(b)(4) if there is an financial interest in the subject matter of the controversy or if there could be a substantial effect on the interest. Both of those standards are met here.

WHEREFORE, Defenders respectfully request that the Court grant its Motion for Disqualification and recuse itself from proceedings in this matter.

Respectfully submitted this 2nd day of July, 2010,

/s Catherine M. Wannamaker

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 2, 2010, I caused as copy of the foregoing to be served through the Court's CM/ECF system to all parties.

/s Catherine Wannamaker  
Attorney