

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

HORNBECK OFFSHORE SERVICES, LLC, <i>et al.</i> ,)	
)	
Plaintiffs,)	2:10-cv-01663-MLCF-JCW
)	
v.)	SECTION F
)	
SALAZAR, <i>et al.</i> ,)	JUDGE FELDMAN
)	
Defendants.)	MAGISTRATE WILKINSON
)	
and)	
)	
DEFENDERS OF WILDLIFE, <i>et al.</i> ,)	
)	
Defendants-Intervenors.)	
)	

**MEMORANDUM IN SUPPORT OF EX PARTE MOTION FOR EXPEDITED
HEARING ON MOTION FOR DISQUALIFICATION**

Proposed Defendant-Intervenors Defenders of Wildlife, Sierra Club, Florida Wildlife Federation, Center for Biological Diversity, and Natural Resources Defense Council (collectively, “Defendant-Intervenors”), file this memorandum in support of their Ex Parte Motion for Expedited Hearing on their Motion for Disqualification. On June 7, 2010, Hornbeck Offshore Services, LLC filed an action under the Outer Continental Shelf Lands Act and Administrative Procedure Act against the Minerals Managements Service (“MMS”) and Kenneth

Lee Salazar, and Robert Abbey, in their official capacities as Secretary of the Department of the Interior and Acting Director of MMS, respectively. A first supplemental and amended complaint was filed two days later by Hornbeck and a number of other parties (collectively, “Plaintiffs”). Plaintiffs subsequently moved for a preliminary injunction enjoining the six-month moratorium on certain deepwater oil drilling in the outer continental shelf that Secretary Salazar issued on May 28, 2010. This court granted that motion and enjoined the moratorium on June 22, a decision which the government has appealed.

Defendant-Intervenors have filed a motion seeking disqualification based on 28 U.S.C. § 455. “Disqualification motions, by their very nature, should be resolved expeditiously.” *Aguinda v. Texaco, Inc.*, 139 F. Supp. 2d 438, 438 (S.D.N.Y. 2000) (issuing order on disqualification motion within four days of motion’s filing). As detailed in depth in Defendant-Intervenors’ Motion for Disqualification, this Court’s previous and current financial interests are of a type and nature that would require judicial disqualification under both 28 U.S.C. § 455(a) and (b). The resolution of the disqualification motion thus is likely to lead to the reassignment of this case to a different judge, thereby inherently leading to a delay in the proceedings. By rapidly addressing the disqualification motion in an expedited hearing, this court would reduce the potential interruption in this matter. Such an action would therefore facilitate the timely determination of what this Court has repeatedly deemed to be a case presenting questions of national importance and would serve judicial economy by reducing the potential for duplicative proceedings before a reassigned judge. In light of these circumstances, Defendant-Intervenors submit that good cause exists for an expedited hearing.

WHEREFORE, Defendant-Intervenors respectfully request that this Court grant their Ex Parte Motion for Expedited Hearing on their Motion for Disqualification and that the hearing be set at the earliest available time. A proposed order is attached.

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