

U.S. DISTRICT COURT  
 EASTERN DISTRICT OF LOUISIANA  
 FILED JUL - 9 2010  
 LORETTA G. WHYTE  
 CLERK

IN THE UNITED STATES COURT OF APPEALS  
 FOR THE FIFTH CIRCUIT

\_\_\_\_\_  
 No. 10-30585

*CV 10-1663-F*

HORNBECK OFFSHORE SERVICES, L.L.C.; BEE MAR - WORKER BEE,  
 L.L.C.; NORTH AMERICAN FABRICATORS, L.L.C.; BEE MAR, L.L.C.;  
 OFFSHORE SUPPORT SERVICES, L.L.C.; ET AL,

Plaintiffs - Appellees

v.

KENNETH LEE SALAZAR, also known as Ken Salazar, In His Official  
 Capacity as Secretary, United States Department of the Interior; UNITED  
 STATES DEPARTMENT OF THE INTERIOR; ROBERT ABBEY, also known  
 as Bob Abbey, In His Official Capacity as Director, Bureau of Ocean Energy  
 Management, Regulation and Enforcement; BUREAU OF OCEAN ENERGY  
 MANAGEMENT, REGULATION AND ENFORCEMENT, formerly known as  
 Minerals Management Service,

Defendants - Appellants

FLORIDA WILDLIFE FEDERATION; CENTER FOR BIOLOGICAL  
 DIVERSITY; NATURAL RESOURCES DEFENSE COUNCIL; SIERRA  
 CLUB; DEFENDERS OF WILDLIFE,

Intervenor Defendants - Appellants

\_\_\_\_\_  
 Appeal from the United States District Court for the  
 Eastern District of Louisiana, New Orleans  
 \_\_\_\_\_

\_\_\_ Fee \_\_\_\_\_  
 \_\_\_ Process \_\_\_\_\_  
 Dktd \_\_\_\_\_  
 \_\_\_ CtRmDep \_\_\_\_\_  
 \_\_\_ Doc. No. \_\_\_\_\_

Before DAVIS, SMITH and DENNIS, Circuit Judges.

PER CURIAM:

1. The motion for stay pending appeal is denied because the Secretary has failed to demonstrate a likelihood of irreparable injury if the stay is not granted; he has made no showing that there is any likelihood that drilling activities will be resumed pending appeal.

2. The Secretary has the right to apply for emergency relief if he can show that drilling activity by deepwater rigs has commenced or is about to commence. Any renewed motion for stay will be evaluated on existing circumstances.

3. It is further ordered that this appeal be expedited to a merits panel. The clerk will establish an expedited briefing schedule so the appeal of the preliminary injunction can be argued on its merits during the week of August 30.

DENNIS, Circuit Judge, concurring in part and dissenting in part: I would grant the Secretary's motion to stay the district court's preliminary injunction pending appeal, and to this extent, I respectfully dissent from the majority's order. I concur, however, in reserving the Secretary's right to apply for emergency relief and ordering an expedited appeal and briefing. I will assign reasons for my dissenting view at a later date.

A true copy

Attest:

Clerk, U. S. Court of Appeals, Fifth Circuit

By

Deputy  
New Orleans, Louisiana JUL 8 2010

**United States Court of Appeals**

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE  
NEW ORLEANS, LA 70130

July 08, 2010

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 10-30585 Hornbeck Offshore Services, et al v. Salazar, et al  
USDC No. 2:10-CV-1663

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: Nancy F. Dolly  
Nancy F. Dolly, Deputy Clerk  
504-310-7683

Mr. Clay Allen  
Mr. Adam Babich  
Mr. H. Christopher Bartolomucci  
Mr. Mitchell Bernard  
Ms. Alisa Ann Coe  
Mr. Robin S Conrad  
Mr. John Fontana Cooney  
Mr. R. Ted Cruz  
Mr. Henry Tutt Dart  
Mr. Brady Edwards  
Mr. Michael Thomas Gray  
Mr. David G Guest  
Mrs. Virginia Weichert Gundlach  
Ms. Alida C Hainkel  
Ms. Allyson Newton Ho  
Mr. Grady Schell Hurley  
Mr. Allan L Kanner  
Mr. L Poe Leggette  
Mr. Peter M. Mansfield  
Mr. Bradley Marten  
Ms. Marjorie Ann McKeithen  
Mr. Guillermo A. Montero  
Ms. Monica K Reimer  
Ms. Anne M. Rodgers  
Mr. Carl David Rosenblum  
Ms. Cari Miyoko Sakashita  
Mr. Sambhav Nott Sankar  
Mr. Amar D. Sarwal  
Mr. E Wade Shows  
Mr. John Timothy Suttles Jr.  
Mr. Thomas Allen Usry  
Ms. Catherine Moore Wannamaker  
Mr. Anthony David Weiner  
Ms. Loretta Whyte