

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

**HORNBECK OFFSHORE SERVICES, LLC,  
et al.**

**Plaintiffs,**

**v.**

**KENNETH LEE "KEN" SALAZAR, in his  
official capacity as Secretary, United States  
Department of the Interior; UNITED  
STATES DEPARTMENT OF THE  
INTERIOR; MICHAEL BROMWICH, in his  
official capacity as Director, Bureau of Ocean  
Energy Management, Regulation, and  
Enforcement; and BUREAU OF OCEAN  
ENERGY MANAGEMENT, REGULATION,  
AND ENFORCEMENT,**

**Defendants.**

**CIVIL ACTION No. 10-1663(F)(2)**

**SECTION F**

**JUDGE FELDMAN**

**MAGISTRATE 2  
MAGISTRATE WILKINSON**

**DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' COMPLAINT  
OR, IN THE ALTERNATIVE, FOR A STAY OF PROCEEDINGS  
PENDING CIRCUIT COURT'S DECISION ON DEFENDANTS'  
MOTION TO VACATE THE PRELIMINARY INJUNCTION**

Defendants, Kenneth Lee Salazar, United States Department of the Interior, Michael R. Bromwich and the Bureau of Ocean Energy Management, Regulation, and Enforcement, ("Defendants"), hereby file this Motion to Dismiss Plaintiffs' Complaint under Federal Rule of Civil Procedure 12(b)(1) because the decision challenged in the Complaint has been superseded by a new decision and no longer has any force or effect. As set forth in the attached Memorandum in Support of this motion, Plaintiffs' claims are therefore moot, and this Court

lacks subject matter jurisdiction over the Complaint. In the alternative, Defendants move for a stay of proceedings pending the Fifth Circuit's decision on Defendants' Motion to Vacate the Preliminary Injunction.

WHEREFORE, Defendants respectfully request that this Court grant Defendants' Motion to Dismiss Plaintiffs' Complaint or, in the Alternative, for a Stay of Proceedings Pending Circuit Court's Decision on Defendants' Motion to Vacate the Preliminary Injunction. A proposed order is attached.

Dated: July 12, 2010

IGNACIA S. MORENO  
Assistant Attorney General  
Environment and Natural Resources Division/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 12, 2010, I caused a copy of the foregoing to be served through the Court's CM/ECF System to all parties.

/s/Guillermo A. Montero  
Guillermo A. Montero  
Attorney for Defendants