

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

HORNBECK OFFSHORE SERVICES, L.L.C.,	*	CIVIL ACTION NO. 10-1663(F)(2)
Plaintiff	*	
VERSUS	*	SECTION F
	*	
KENNETH LEE “KEN” SALAZAR, IN HIS OFFICIAL CAPACITY AS SECRETARY, UNITED STATES DEPARTMENT OF INTERIOR; UNITED STATES DEPARTMENT OF INTERIOR;	*	JUDGE FELDMAN
	*	
ROBERT “BOB” ABBEY, IN HIS OFFICIAL CAPACITY AS ACTING DIRECTOR, MINERALS MANAGEMENT SERVICE; AND MINERALS MANAGEMENT SERVICE,	*	MAGISTRATE 2 MAGISTRATE WILKINSON
	*	
Defendants	*	
* * * * * *	*	

**PLAINTIFFS’ MEMORANDUM IN SUPPORT OF EX PARTE MOTION
FOR LEAVE TO FILE A SUR-REPLY BRIEF IN OPPOSITION TO
DEFENDANTS’ MOTION TO DISMISS**

NOW INTO COURT, through undersigned counsel, come Plaintiffs, Hornbeck Offshore Services, L.L.C., the Chouest Entities and the Bollinger Entities (“Plaintiffs”), which respectfully submit this memorandum in support of their ex parte motion for leave to file a sur-reply brief in opposition to Defendants’ Motion to Dismiss (Rec. Doc. 125). The attached sur-reply brief is submitted to address certain inaccurate factual and legal arguments in Defendants’ Reply in Support of Defendants’ Motion to Dismiss (Rec. Doc. 147). Plaintiffs respectfully submit that the sur-reply brief is necessary to clarify and fully address the issues presented in Defendants’ Reply Brief.

Defendants filed their Motion to Dismiss on July 12, 2010, and noticed it for hearing on July 28, 2010 (Rec. Doc. 125-3). On July 20, 2010, Plaintiffs filed their Response in Opposition to Defendants' Motion to Dismiss. (Rec. Doc. 134). On the same day, July 20, 2010, Defendants filed a Request for Oral Argument on the grounds that their motion to dismiss and Plaintiffs' response "raise a number of complex issues." (Rec. Doc. 135). By Order, dated July 22, 2010, this Court continued the hearing on Defendants' Motion to Dismiss from July 28, 2010, to August 11, 2010, granting Plaintiffs and Defendants 20 minutes each for argument. (Rec. Doc. 138). On July 28, 2010, Defendants moved this Court for leave to file their Reply Brief, (Rec. Doc. 144), which this Court granted on July 29, 2010. (Rec. Doc. 146).

Plaintiffs respectfully submit that the sur-reply brief, which responds only to matters set forth in Defendants' reply, will assist the Court in ruling on the "complex issues" raised by Defendants' motion to dismiss, Plaintiffs' response and Defendants' reply, particularly with respect to Defendants' conduct following entry of the preliminary injunction in this matter and its relationship to Defendants' "mootness" contention. Plaintiffs further submit that granting them leave to file their sur-reply brief will not delay the proceedings or prejudice the parties. For these reasons, Plaintiffs respectfully pray that this Court grant them leave to file their sur-reply brief.

Respectfully submitted,

s/ Carl D. Rosenblum

CARL D. ROSENBLUM, T.A. (2083)
GRADY S. HURLEY (13913)
ALIDA C. HAINKEL (24114)
MARJORIE A. MCKEITHEN (21767)
JONES, WALKER, WAECHTER, POITEVENT,
CARRÈRE & DENÈGRE
201 St. Charles Avenue, 49th Floor
New Orleans, Louisiana 70170
Telephone: (504) 582-8000
Fax: (504) 589-8170
crosenblum@joneswalker.com

And

JOHN F. COONEY
(admitted Pro Hac Vice)
Venable LLP
575 7th Street, N.W.
Washington, D.C. 20004
Telephone: (202) 344-4812

**Attorneys for Plaintiffs,
Hornbeck Offshore Services, L.L.C.,
The Chouest Entities and The Bollinger Entities**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served upon all parties by email or by using the CM/ECF system which will send a Notice of Electronic filing to all counsel of record, this _____ day of August, 2010.

s/ Carl D. Rosenblum
