

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

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

Plaintiffs,

and

DIAMOND OFFSHORE COMPANY,

Plaintiff-Intervenor,

v.

**THE CENTER FOR BIOLOGICAL
DIVERSITY, et al.,**

Defendant-Intervenors,

and

KENNETH LEE "KEN" SALAZAR, et al,

Defendants.

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

SECTION F

JUDGE FELDMAN

MAGISTRATE 2

MAGISTRATE WILKINSON

**MEMORANDUM IN SUPPORT OF DEFENDANTS' EX PARTE
MOTION FOR EXTENSION OF TIME TO RESPOND TO
STATE OF LOUISIANA'S MOTION TO INTERVENE**

Defendants, Kenneth Lee Salazar, United States Department of the Interior, Michael Bromwich, and the Bureau of Ocean Energy Management, Regulation, and Enforcement, ("Defendants"), hereby file this Motion for Extension of Time to Respond to State of Louisiana's Motion to Intervene. The State of Louisiana has failed to comply with Local Rule 7.6E, and Defendants' believe that a conference may resolve Louisiana's Motion to Intervene without the need for additional briefing. As a result Defendants respectfully request an extension of their response deadline in order to give the parties time to confer.

BACKGROUND

The State of Louisiana filed its Motion to Intervene in this matter on September 27, 2010. (Dkt. #181). Louisiana noticed a hearing on its Motion to Intervene for October 20, 2010 at 10:00 a.m. (Dkt. # 181-3). The State of Louisiana did not attempt to obtain consent from Defendants prior to filing its Motion, and did not include the certificate required by Local Rule 7.6E. By operation of Local Rule 7.5E, Defendants' Response to Plaintiffs' Motion to Intervene would be due October 12, 2010. On October 6, 2010, Counsel for Defendants contacted Counsel for the State of Louisiana to discuss the missing 7.6E certificate.

ARGUMENT

Defendants' counsel have had preliminary discussions with Louisiana's counsel, Mr. Dart, regarding Louisiana's Motion to Intervene. Defendants' counsel have attempted to contact counsel for Louisiana to conduct necessary follow-up conversations, but have not yet been able to get in touch with Mr. Dart via email or via telephone. Based on the parties' initial discussions, Defendants believe it may be possible to resolve Louisiana's pending Motion to Intervene without additional briefing by the parties. It now appears, however, that, given the Federal Holiday on October 11, counsel for Defendants may not be able to conduct those follow-up discussions before the existing response deadline on October 12.

Accordingly, Defendants respectfully request that the Court extend the existing response deadline to October 19, in order to give the parties additional time to conduct the conference required by Rule 7.6E, and to explore whether further briefing by Defendants will be necessary. The requested extension will not prejudice the parties nor delay the other proceedings in this case.

Respectfully submitted this 8th day of October, 2010.

IGNACIA S. MORENO
Assistant Attorney General
U.S. Dept. of Justice
Environment and Natural Resources Division

/s/ Brian Collins
GUILLERMO A. MONTERO (T.A.)
BRIAN COLLINS
KRISTOFOR SWANSON
Natural Resources Section
PO Box 663
Washington, DC 20016
Tel: (202)305-0443

PETER MANSFIELD
Assistant United States Attorney
Eastern District of Louisiana
Hale Boggs Federal Building
500 Poydras Street, Suite B-210
New Orleans, Louisiana 70130
Tel: (504)680-3000

CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2010, I caused a copy of the foregoing to be served through the Court's CM/ECF System to all parties.

/s/Brian Collins
Brian Collins