

**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’
CONSENT 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 R. Bromwich, and the Bureau of Ocean Energy Management, Regulation, and Enforcement, (“Defendants”), hereby file this Motion for a Second Extension of Time to Respond to State of Louisiana’s Motion to Intervene. The current deadline is October 19, 2010. Defendants respectfully request an extension until October 26, 2010, to file their response to the State’s Motion. The additional time will enable Defendants to respond to the State’s motion taking into account the Secretary of the Interior’s Directive of October 12, 2010, which terminated the suspension of deepwater drilling operations. The State has indicated that it does not oppose this motion.

BACKGROUND

The State of Louisiana filed its Motion to Intervene in this matter on September 27, 2010, see Dkt. #181, and noticed a hearing on its Motion for October 20, 2010 at 10:00 a.m. See Dkt. # 181-3. The State did not confer with Defendants prior to filing its Motion, nor did the State file the certification required by Local Rule 7.6E. On October 6, 2010, the undersigned counsel contacted the State requesting a conference of counsel. After the parties' initial discussion, Defendants sought a seven-day extension of the original response deadline – from October 12 to October 19.

Counsel for Defendants and Intervenors conferred again on October 12, 2010. However, on that same day the Secretary issued a Directive terminating his July 12 suspension of deepwater drilling operations. On the following day, Defendants filed a motion to dismiss the relevant claims in Ensco Offshore Services¹ as moot.

Counsel for Defendants and the State conferred once again on October 14, this time to determine whether the State intended to proceed with its Motion to Intervene despite the Secretary's October 12 Directive. The State confirmed that it would proceed with its intervention motion. The State filed a Local Rule 7.6E certification later that same day.

ARGUMENT

The current deadline to respond to the Motion to Intervene is October 19, 2010. The requested extension of the response deadline by seven days, up to and including October 26, 2010,

¹ Ensco Offshore Services v. Salazar, Case No. 10-cv-1941. Ensco alleges, *inter alia*, that both the May Directive and the July Directive were issued (1) without consultation with Louisiana and other affected states; and (2) without adequate consideration of economic impacts. See Ensco Offshore Services v. Salazar, Case No. 10-cv-1941, 1st Am. Complaint ¶¶ 63(e), (g); ¶ 68(d) (f). Similarly, the State's proposed Complaint in Intervention challenges both the May Directive and the July Directive on grounds that Defendants allegedly failed to consult with the State and allegedly failed adequately to consider economic impacts. See Dkt. #181-4, ¶¶ 71-87. By contrast, the Complaint filed by Hornbeck Offshore Services, et al. in this case challenges only the May Directive.

would allow Defendants time to respond to the State's Motion taking into account the October 12 Directive by the Secretary of the Interior to terminate the deepwater drilling suspensions.

The requested one-week extension will not delay the proceedings in this case nor prejudice the State. The State has indicated that it does not oppose this motion.

Respectfully submitted this 15th day of October, 2010.

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CERTIFICATE OF SERVICE

I hereby certify that on October 15, 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