

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

HORNBECK OFFSHORE SERVICES, LLC CIVIL ACTION

VERSUS NO. 10-1663

KENNETH LEE SALAZAR, ET AL SECTION "F"

ENSCO OFFSHORE CO. CIVIL ACTION

VERSUS NO. 10-1941

KENNETH LEE SALAZAR, ET AL SECTION "F"

MINUTE ENTRY

A Status Conference was held on November 9, 2010.¹ In attendance were:

- Lawrence R. DeMarcay, Counsel for Ensco
- Henry Dart, Counsel for State of Louisiana Attorney General's Office
- George Fowler, Counsel for Ensco
- Adam Feinberg, Counsel for Ensco
- Adam Babich, Counsel for Sierra Club
- Carl Rosenblum, Counsel for Hornbeck, et al
- Guillermo Montero, Counsel for the United States Department of Justice
- Milo Mason, Counsel for United States Department of Interior
- Laura Haley, Counsel for Diamond Offshore

¹ The status conference originally included the parties in State of Texas, et al v. Salazar, et al, No. 10-2949. On the eve of the status conference, however, the State of Texas notified the Court that it was voluntarily dismissing its claims against the federal government. Accordingly, the conference included only counsel for parties and intervenors in the above-listed cases as well as the State of Louisiana.

None of the parties objected to the Court excluding the press from the Status Conference.

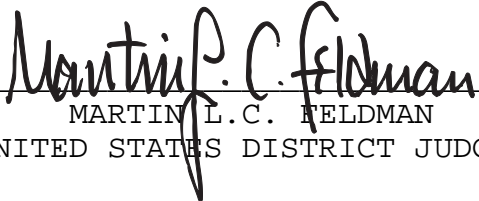
The Court observed its duty under Rule 16 and encouraged the parties to engage in settlement discussions.

The Court also addressed the issues remaining in the Hornbeck, et al matter. There was discussion about the allegations set forth in the First Supplemental and Amended Complaint for Declaratory and Injunctive Relief. (Doc. 5) Paragraphs 54 - 56 reference a de-facto moratorium in shallow water, Paragraph 90 references the intentional interference with contracts allegation and Paragraph 91 references the Fifth Amendment Taking allegation. The Government disputes whether these allegations constitute claims that are properly before the Court. The Court requested that Hornbeck, et al clarify to what extent it wanted to pursue those matters and, if not, they should be dismissed. Additionally, there was discussion about Hornbeck's intent to file a Motion seeking the recovery of attorneys' fees. Hornbeck plans to assert the issue of entitlement of same initially. If appropriate, it will address the issue of quantum which the Court indicated will be referred to the Magistrate Judge.

Turning to the Ensco case, the Court discussed the remaining counts 4, 5 & 6 of Ensco's First Amended Complaint. The parties discussed whether discovery was appropriate and whether such discovery should be on an expedited basis. The Court stated it would not expedite discovery and that it would address any

discovery disputes upon the filing of an appropriate motion. Counsel for the defendants stated that the government may be filing a Motion to Dismiss with respect to claims 4, 5, & 6. The Court directed the parties in both cases to meet with the Case Manager to select trial and cutoff dates. Scheduling Orders will be issued in due course.

New Orleans, Louisiana, November 9, 2010.


MARTIN L.C. FELDMAN
UNITED STATES DISTRICT JUDGE