

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

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

Plaintiffs,

v.

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 PLAINTIFFS'
MOTION TO SET AMOUNT OF ATTORNEY'S FEES AND COSTS**

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 consent motion for an extension of time to respond to Plaintiffs' motion to set amount of attorney's fees and costs. The current deadline is Friday, March 4, 2011. *See* Dkt. #228. Defendants respectfully request an extension of four days, until Wednesday, March 9, 2011, in which to file their response to Plaintiffs' motion.

Counsel for the Plaintiffs and Defendants have conferred regarding this request and Plaintiffs have indicated that they do not oppose the requested relief.

Plaintiffs filed their motion to set attorney's fees and costs on February 18, 2011. Dkt. #233. Plaintiffs filed under seal with the Court over 200 pages of billing records in support of Plaintiffs'

motion. Dkt #233-6 (Notice of Manual Attachment). Plaintiffs sent to Defendants via Federal Express, Saturday delivery, the billing records filed under seal. *Id.* (“Also within 24 hours of this electronic filing, in accordance with Rule 9 of the Eastern District of Louisiana Administrative Procedures for Electronic Case Filing and Fed. R. Civ. P. 5(b)(2), Plaintiffs will mail copies of the appendix to counsel of record for Defendants and Defendants-Intervenors via overnight mail.”) Defense counsel planned to review the billing records during the weekend given the short turnaround time to file Defendants’ opposition papers. Defendants had also secured paralegal help to assist on this project during the weekend. Federal Express did not deliver the package on Saturday, February 19. Defendants received the package the afternoon of Monday, February 21.

In light of the delayed delivery of Plaintiffs’ billing records, Defendants have determined that an additional extension of four days to and including March 9, 2011, will be necessary in order for Defendants to prepare their opposition to Plaintiffs’ motion to set attorney’s fees and costs. In light of these circumstances, good cause exists for granting the requested four-day extension. Defendants submit, moreover, that the breadth and scope of Plaintiffs’ fees at issue serve as additional grounds for ensuring that Defendants are afforded a full opportunity to submit a meaningful response.

Finally, in light of the above, Plaintiffs do not oppose the proposed extension.

CONCLUSION

For the foregoing reasons, Defendants’ motion for a four-day extension of time in which to file a response to Plaintiffs’ motion to set attorney’s fees and costs should be granted.

Respectfully submitted this 24th day of February, 2011.

IGNACIA S. MORENO
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U.S. Dept. of Justice

Environment and Natural Resources Division

/s/ Brian Collins

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CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2011, 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