

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

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

**Plaintiffs,**

**and**

**DIAMOND OFFSHORE COMPANY,**

**Plaintiff-Intervenors,**

**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 OF LAW IN SUPPORT OF DEFENDANTS' LIMITED OPPOSITION  
TO PLAINTIFFS' MOTION FOR ENTRY OF FINAL JUDGMENT**

Defendants, Kenneth Lee Salazar, the United States Department of the Interior, Michael R. Bromwich, and the Bureau of Ocean Energy Management, Regulation, and Enforcement (“Defendants”) hereby file this limited opposition to Plaintiffs’ Motion for Entry of Final Judgment and accompanying Proposed Final Judgment. Dkt. #276. Specifically, Defendants request that this Court enter final judgment in accordance with its previous orders. Dkts. #226 & #265. Defense counsel has conferred with Plaintiffs’ counsel, who indicated that at this juncture Plaintiffs do not consent to the relief sought herein, but should Plaintiffs’ views change, they would notify the Court.

Defendants request that Plaintiffs' proposed language in its Proposed Final Judgment concerning this Court's finding of civil contempt be in the past tense, not the present tense as Plaintiffs propose. *See* Dkt. #276-3 at ¶1. As this Court's award of attorney's fees reflects, this Court's finding of civil contempt was limited in time to conduct occurring from June 22, 2010 to September 29, 2010. *See* Dkts. #226 at 7, #265 at 27 ("I find that September 29, 2010, is the latest date when defendants could have been in contempt of the preliminary injunction.").

Defendants therefore attach hereto a proposed final judgment that tracks Plaintiffs' proposed judgment but revises one word in Plaintiffs' proposed paragraph 1 so this Court's finding of civil contempt is in past tense consistent with this Court's previous orders. *See* Ex. A (Defendants' (Proposed) Final Judgment). Defendants also attach a redline of Plaintiffs' Proposed Final Judgment highlighting Defendants' suggested revision. *See* Ex. B (Plaintiffs' (Proposed) Final Judgment).

Defendants thus respectfully request that this Court enter Final Judgment in the form as set forth in Defendants' proposed Final Judgment. *See* Ex. A.

Respectfully submitted, August 1, 2011

IGNACIA S. MORENO

Assistant Attorney General  
U.S. Dept. of Justice, Env't & Nat. Resources Div.

/s/Marissa A. Piropato  
GUILLERMO A. MONTERO (T.A.)  
BRIAN COLLINS  
KRISTOFOR R. SWANSON  
MARISSA A. PIROPATO  
Natural Resources Section  
PO Box 663  
Washington, DC 20016

DEFENDANTS' LIMITED OPP'N TO MOTION FOR ENTRY OF FINAL JUDGMENT

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 August 1, 2011, I caused a copy of the foregoing to be served through the Court's CM/ECF System to all parties.

/s/ Marissa A. Piropato  
Marissa A. Piropato