

**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 THE BILL OF COSTS**

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 pursuant to Fed. Rule. Civ. P. 54(d)(1) to the Bill of Costs entered by the Clerk on August 29, 2011. Dkt. #287. Specifically, Defendants object to those costs reflected in the Bill of Costs that have already been awarded to Plaintiffs. Dkts. #265, #275 & #280. Defense counsel has conferred with Plaintiffs’ counsel, who indicated that Plaintiffs agree that they are not entitled to recover the same costs twice.

Defendants request that this Court reduce the Bill of Costs by \$276.38 to reflect costs already awarded to Plaintiffs. Under this Court's Order, Plaintiffs were awarded costs between June 22 and September 29, 2010 for Jones Walkers' copying charges and the cost of stenographic transcripts of two hearings. *See* Dkt. #265 at 57, #275 at 6. Plaintiffs' costs were then reduced by 75% "to account for lack of evidence of the necessity and reasonableness of the costs and the lack of evidence of billing judgment." Dkt. #265 at 57.

In their bill of costs, Plaintiffs seek \$667 in copying costs from June 22 to September 29, 2010 and \$438.50 in stenographic transcript fees incurred on June 24 and August 19, 2010 for two hearings. *See* Dkt. #282.; Ex. A (highlighting copying costs on Plaintiffs' bill). Applying this Court's 75% reduction to \$1105.5 (i.e., \$667 + \$438.50), \$276.38 of the costs taxed by the Clerk are part of the costs awarded to Plaintiffs in the August 3, 1011 Final Judgment entered by this Court. Dkt. #280.

Defendants thus respectfully request that this Court reduce the Bill of Costs taxed by the Clerk by \$276.38 to \$3,710.51 to prevent any double recovery.

Respectfully submitted, September 6, 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 BILL OF COSTS

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 September 6, 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