

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

HORNBECK OFFSHORE SERVICES, LLC,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	No. 10-1663(F)(2)
KENNETH LEE “KEN” SALAZAR, in his)	
official capacity as Secretary, United)	SECTION F
States Department of the Interior;)	
ROBERT “BOB” ABBEY, in his official)	JUDGE FELDMAN
capacity as Acting Director, Mineral)	
Management Service; and MINERALS)	MAGISTRATE 2
MANAGEMENT SERVICE,)	MAGISTRATE WILKINSON
)	
Defendants.)	
_____)	

MOTION TO INTERVENE

Pursuant to Federal Rule of Civil Procedure 24(a), Defendants-Intervenors Defenders of Wildlife, Sierra Club, Florida Wildlife Federation, Center for Biological Diversity, and Natural Resources Defense Council (collectively, “Applicants”) respectfully move this court for leave to intervene as of right in the above-titled-action pursuant to Federal Rule of Civil Procedure 24(a). In the alternative, Applicants move for permissive intervention pursuant to Federal Rule of Civil Procedure 24(b). Counsel for Applicants has conferred with counsel for Plaintiffs Hornbeck Offshore Services, LLC et al. (“Plaintiffs”) and counsel for the federal defendants. Counsel for

Plaintiffs opposes this motion and counsel for the federal defendants takes no position on this motion. Pursuant to LR 7.4 & 7.6E, Applicants lodge with this motion a copy of their memorandum in support of the motion and their complaint-in-intervention.

As detailed further in Applicants' memorandum in support of this motion, they meet the requirements under Rule 24(a)(2) for intervention as of right. Applicants' motion is timely, as it has been filed less than two weeks after the initial filing of complaint in the case, and within a week of Applicants' being made aware of the litigation and that their interests might be implicated. As a result, there will be no prejudice to the parties to the litigation from this intervention.

Additionally, Applicants have direct, substantial, and legally protectable interests and the outcome of this litigation may, as a practical matter, impair their ability to protect those interests. Applicants interest in the litigation include: protecting endangered species and their habitat, ensuring the continuing existence and preservation of the outer continental shelf and the lands along the shores of the Gulf of Mexico for the aesthetic and recreational enjoyment of their members, and ensuring the economic livelihood of those members, such as commercial and recreational fisherman, whose economic livelihood and/or enjoyment depends on the protection of that environment and who would suffer severe harm if future spills occurred as a result of the moratorium being enjoined. Furthermore, the drilling moratorium at issue in this case helps to reduce the risk to these interests by ensuring that the government has an opportunity to evaluate and impose measures to ensure safety and reduce the potential environmental effects of drilling. The moratorium also affords better opportunities for the government and Applicants to secure compliance with environmental laws, and thus to protect Applicants' interests. As a result, the outcome sought by Plaintiffs – the enjoinder of this moratorium – would result in harm to and

have an adverse effect on Applicants' interests. If such harm occurred, it would likely be irreparable, and thus Applicants would be unable to take effective action to protect their interests in the event of an accident.

Finally, Applicants' interests may not be adequately represented by the parties to this litigation. The scope of the interests represented by the United States may cause it to approach this case differently than if it represented Applicants' more targeted focus on the environmental and sustainability implications of the moratorium. The government must consider both the economic potential of development on the outer continental shelf and the environmental impact of those developmental actions, and thus may take positions that promote development at the expense of the environment if such a course of action is deemed to be in the larger public interest. Since Applicants' interests exclusively concern the environmental benefits and long-term sustainability of the waters and lands of the Gulf, such actions inevitably would mean that the government's interests would be different from Applicants. Furthermore, as indicated by Applicants' various lawsuits against the government, they disagree with many of the policies and practices adopted by the government with respect to offshore drilling. Based on these differing views about the effectiveness of existing regulatory mechanisms, the government may be more open to settling the suit on terms that Applicants would not accept, thereby showing the potential inadequacy of the representation of an intervenor's interest by the governmental agency.

Plaintiffs also meet the requirements for permissive intervention under Rule 24(b)(2). As discussed above, Applicants' motion to intervene is timely since it was filed within ten days of the filing of the complaint. Furthermore, Applicants' claims and defenses have common issues of fact and law with the underlying claims and defenses in Plaintiffs' action. This case challenges the Federal government's moratorium on deepwater drilling, which aims to provide

better oversight and regulation of safety and environmental measures that would protect Applicants' interests. Since Applicants directly oppose this challenge, their claims and defenses inherently derive from the same common questions of law or fact. In addition, Applicants' intervention will not unduly delay this case or otherwise prejudice any existing party.

WHEREFORE, Applicants respectfully move for leave to intervene as a party herein and to participate fully in the proceeding.

Respectfully submitted, this 18th day of June, 2010.

/s/ John Suttles

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CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2010, I electronically filed the foregoing with the Clerk of court by using the CM/ECF system, which will send a notice of electronic filing to the following:

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I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participants:

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