

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

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

Plaintiffs,

v.

**KENNETH LEE “KEN” SALAZAR, in
his official capacity as Secretary, United
States Department of the Interior;
UNITED STATES DEPARTMENT OF
THE INTERIOR; MICHAEL
BROMWICH, in his official capacity as
Acting Director, Bureau of Ocean Energy
Management, Regulation, and
Enforcement; and BUREAU OF OCEAN
ENERGY MANAGEMENT,
REGULATION, AND ENFORCEMENT,**

Defendants.

CIVIL ACTION No. 10-1663(F)(2)

SECTION F

JUDGE FELDMAN

**MAGISTRATE 2
MAGISTRATE WILKINSON**

**DEFENDANTS’ RESPONSE TO PLAINTIFFS’ MOTION TO ENFORCE
PRELIMINARY INJUNCTION ORDER**

Defendants, Kenneth Lee Salazar, United States Department of the Interior, Michael Bromwich,¹ and the Bureau of Ocean Energy Management, Regulation, and Enforcement, (“Defendants”), hereby file this Response in opposition to Plaintiffs’ Motion to Enforce Preliminary Injunction (“Motion”).

¹ Michael Bromwich is automatically substituted for Bob Abbey as Director of the Bureau of Ocean Energy Management, Regulation, and Enforcement pursuant to Fed. R. Civ. P. 25(d).

The Motion should be denied because it is based on the false premise that Defendants have “chosen to ignore and disobey” this Court’s Preliminary Injunction Order of June 22, 2010 (“Order”). Plfs’ Memo at 3. Plaintiffs incorrectly assert that Defendants intend to enforce the Secretarial Directive entitled “Suspension of Outer Continental Shelf (OCS) Drilling of New Deepwater Wells,” dated May 28, 2010, and the Notice to Lessees dated May 30, 2010 (“NTL No. 2010-N04”) while the injunction remains in place. To the contrary, the Secretary of the Interior has already issued an order to all employees of the Department of the Interior (“Department”) alerting them of this Court’s preliminary injunction. See Immediate Prohibition from Enforcing the Moratorium on Drilling New Deepwater Wells, attached hereto as Exhibit A. That Secretarial order notifies Department employees that they are not to take any action to enforce the Moratorium issued on May 28, 2010, or to enforce NTL No. 2010-N04, until additional orders are received from [the Secretary].” Id.

In addition, the Department of the Interior is in the process of contacting the operators who received individual notices of suspension pursuant to the May 28, 2010 Secretarial Directive. Those operators will shortly receive letters alerting them of this Court’s preliminary injunction and explaining that “[b]ased on the Court’s Order granting preliminary injunction, neither the NTL nor the order directing suspension of operations has legal effect on your operations at this time.” See Exhibit B. Finally, consistent with this Court’s June 22, 2010 Order, Defendants will file with the Court and serve on the Plaintiffs a report in writing no later than July 13, 2010. That report will set forth in greater detail the manner and form in which defendants have complied with the terms of the preliminary injunction.

In short, the Defendants are complying with this Court's Order and the Plaintiffs' motion should be denied. Moreover, contrary to the Plaintiffs' assertions, the Department of the Interior's News Release of June 22, 2010 (Exhibit A to Plaintiffs' Motion) does not imply that the Defendants will disobey this Court's Order. As Plaintiffs themselves admit, Defendants have the "right to challenge this Court's Preliminary Injunction Order on appeal [citation omitted], and further have the right to engage in appropriate fact finding, data analysis and risk assessment followed perhaps by additional agency action" Plfs' Memo at 2. The statements made in the News Release do nothing more than announce that Defendants will avail themselves of these rights by filing an appeal and undertaking a process to issue a new suspension decision that reflects information learned since the original suspension decision and provides further explanation of the need for a pause in deepwater drilling operations. To these ends, Defendants have filed a notice of appeal and, concurrently, a motion for stay of this Court's Preliminary Injunction Order pending appeal. See Dkt. ## 74, 75. Contrary to Plaintiffs' Motion, however, Defendants have not and will not attempt to enforce the Secretarial Directive or NTL No. 2010-N04 for as long as they are enjoined. Accordingly, Plaintiffs' motion to enforce should be denied.

Dated: June 23, 2010

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/s/ Guillermo A. Montero
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CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2010, I caused a copy of the foregoing to be served through the Court's CM/ECF System to all parties.

/s/Guillermo A. Montero
Guillermo A. Montero
Attorney for Defendants