

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**HORNBECK OFFSHORE SERVICES,  
L.L.C.,**

**Plaintiff**

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**CIVIL ACTION NO. 10-1663(F)(2)**

**VERSUS**

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\*

**SECTION F**

**KENNETH LEE “KEN” SALAZAR, IN HIS  
OFFICIAL CAPACITY AS SECRETARY,  
UNITED STATES DEPARTMENT OF  
INTERIOR; UNITED STATES  
DEPARTMENT OF INTERIOR;**

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**JUDGE FELDMAN**

**ROBERT “BOB” ABBEY, IN HIS OFFICIAL  
CAPACITY AS ACTING DIRECTOR,  
MINERALS MANAGEMENT SERVICE;  
AND MINERALS MANAGEMENT SERVICE,**

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**MAGISTRATE 2  
MAGISTRATE WILKINSON**

**Defendants**

\*   \*   \*   \*   \*   \*   \*

**MEMORANDUM IN SUPPORT OF PLAINTIFFS’  
EX PARTE CONSENT MOTION TO SUBSTITUTE PARTIES**

NOW INTO COURT, through undersigned counsel, come Plaintiffs, Hornbeck Offshore Services, L.L.C. (“Hornbeck”), the Bollinger Entities and the Chouest Entities (collectively, “Plaintiffs”), which respectfully submit this memorandum in support of Plaintiffs’ Ex Parte Consent Motion to Substitute Parties moving the Court to substitute as defendants herein Bureau of Ocean Energy Management, Regulation, and Enforcement, for current defendant, Minerals

Management Service, and Michael Bromwich, in his official capacity as director, Bureau of Ocean Energy Management, Regulation, and Enforcement, for current defendant, Robert “Bob” Abbey, in his official capacity as acting director, Minerals Management Service.

Current defendants Minerals Management Service and Robert “Bob” Abbey, in his official capacity as acting director, Minerals Management Service, were named as defendants in the Complaint for Declaratory and Injunctive Relief (Rec. Doc. 1) filed by Hornbeck on June 7, 2010. They were likewise named as defendants in Plaintiffs’ First Supplemental and Amended Complaint for Declaratory and Injunctive Relief (Rec. Doc. 5), which was filed on June 9, 2010.

Current defendant Minerals Management Service was renamed Bureau of Ocean Energy Management, Regulation, and Enforcement, effective June 18, 2010, pursuant to Secretarial Order 3302. Attached hereto as Exhibit “A” is a copy of Secretarial Order 3302. Therefore, Bureau of Ocean Energy Management, Regulation, and Enforcement should be substituted as a defendant herein for current defendant Minerals Management Service.

Current defendant Robert “Bob” Abbey, in his official capacity as acting director, Minerals Management Service, ceased to hold that office and is succeeded by Michael Bromwich, in his official capacity, as director, Bureau of Ocean Energy Management, Regulation, and Enforcement, effective June 21, 2010. Attached hereto as Exhibit “B” is a copy of a June 21, 2010 press release by defendant, United States of the Interior, announcing the swearing-in of Michael Bromwich as director, Bureau of Ocean Energy Management, Regulation, and Enforcement. When a public officer, who is a party in an official capacity to an action, ceases to hold office while the action is pending, the officer’s successor is automatically substituted as a party. Fed. R. Civ. Pro. 25(d). Accordingly, Michael Bromwich, in his official capacity, as director, Bureau of Ocean Energy Management, Regulation, and Enforcement, is

automatically substituted as a defendant herein for current defendant Robert “Bob” Abbey, in his official capacity as acting director, Minerals Management Service. Undersigned counsel has requested and obtained Defendants’ consent to Plaintiffs’ Ex Parte Consent Motion.<sup>1</sup>

For the foregoing reasons, Plaintiffs respectfully submit that Plaintiffs’ Ex Parte Consent Motion to Substitute Parties should be granted.

Respectfully submitted,

*s/ Carl D. Rosenblum*

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The Bollinger Entities, and  
The Chouest Entities.**

**CERTIFICATE OF SERVICE**

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<sup>1</sup> Further, Defendants have represented to the Court: “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).” See Rec. Doc. 77, at p. 1 n.1.

I hereby certify that a copy of the above and foregoing pleading has been served upon all parties by email or by using the CM/ECF system which will send a Notice of Electronic filing to all counsel of record, this 28<sup>th</sup> day of June 2010.

*s/ Carl D. Rosenblum*

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