

**[UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

THE STATE OF LOUISIANA, ET AL.	*	CIVIL ACTION NO. 2:21-CV-778
	*	JUDGE TERRY A. DOUGHTY
VERSUS	*	MAG. JUDGE KATHLEEN KAY
JOSEPH R. BIDEN, JR., ET AL.	*	

**MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF IN SUPPORT OF
PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT**

The American Petroleum Institute; American Exploration & Production Council; Independent Petroleum Association of America; International Association of Drilling Contractors; EnerGeo Alliance; National Ocean Industries Association; Montana Petroleum Association; North Dakota Petroleum Council; Petroleum Alliance of Oklahoma; Southeast Oil and Gas Association; Utah Petroleum Association; Western States Petroleum Association; Aries Marine Corporation (“Aries”); and Valveworks USA, Inc. (“Valveworks”) (collectively, “*amici*”) respectfully request that the Court permit the filing of an *amici curiae* brief in support of Plaintiffs’ forthcoming motion for summary judgment in this case. *Amici* further request that their brief be due seven days after the filing of Plaintiffs’ summary judgment brief, within the existing schedule entered by the Court. R. Doc. 151; *see* Fed. R. App. P. 29(a)(6). In support of this motion, *amici* state the following:

1. *Amici* comprise a diverse group of trade associations and businesses representing American energy production. *Amici* represent many members that are federal oil and gas lessees or that service or otherwise support federal oil and gas lessees nationwide onshore and on the Outer Continental Shelf. *Amici*’s members include many bidders that have participated in recent federal oil and gas lease sales and intend to do so in the future. *Amici* also share a significant interest in

the reliable supply of natural gas, oil, and refined products provided to the economy through domestic leasing and production. *Amici* support Plaintiffs' requested declaratory and injunctive relief against implementation of Defendants' moratorium on federal oil and gas lease sales.

2. *Amici* are plaintiffs in an undisputedly related case pending before this Court, *American Petroleum Institute, et al. v. U.S. Dep't of the Interior, et al.*, No. 21-2506. The two cases unquestionably involve common issues of fact and law. Indeed, they center upon the same central issue: whether Defendants acted arbitrarily and capriciously or exceeded their authority in implementing a moratorium on new federal oil and natural gas leasing onshore and offshore.

3. On September 29, 2021, *amici* moved to consolidate their case with this case. Plaintiffs in this case consented to consolidation, but Defendants opposed it. The Court has not yet ruled on that motion to consolidate.

4. When *amici* moved for consolidation, there was no established date certain to commence summary judgment briefing. On March 5, 2021, Plaintiffs resolved without prejudice their outstanding motion regarding the administrative record and discovery, and stated their intent to file their motion for summary judgment within 30 days, which *amici* understand is April 6, 2022.

5. *Amici* are filing this request for leave to file an *amici* brief in the event that the Court does not promptly grant the motion to consolidate. *Amici* maintain their interests in ensuring their meaningful participation in and adjudication of the common issues presented in the two cases. *Amici* also believe it is in the interests of the Court and all parties to minimize duplicative subsequent merits briefing that may result from *amici*'s inability to participate in the merits briefing in this case.

6. The matters that will be addressed in *amici*'s brief are relevant to the disposition of this case in that *amici* have challenged the same moratorium and the cases present several overlapping issues. The arguments raised in *amici*'s brief will aid the Court in reviewing the federal leasing moratorium's violations of the Administrative Procedure Act, Mineral Leasing Act, Outer Continental Shelf Lands Act, and other laws.

7. *Amici*'s brief is desirable because *amici* bring the unique perspective of current and future lessees actually operating on federal lands onshore and on the Outer Continental Shelf. The moratorium fundamentally affects the legal rights of *amici*'s members seeking to bid on federal oil and gas leases critical for sustained production, local jobs, and U.S. economic growth. *Amici* can further explain how the moratorium upsets the leasing systems established by Congress and needlessly creates substantial uncertainties and disruptions for energy markets and the businesses and consumers who depend on them.

8. Counsel for *amici* conferred with the lead counsel for the parties in this case regarding this motion for leave to file an *amici curiae* brief. Plaintiffs consent to this motion. Defendants responded that they need to see the motion before taking a position, and oppose the filing of an *amici curiae* brief after Plaintiffs' file their motion for summary judgment. Counsel for *amici* replied that the requested seven-day period to file within the existing briefing schedule is consistent with Fed. R. App. P. 29 and reasonable to avoid unnecessary duplication.

Accordingly, *amici* respectfully request that this Court grant their motion for leave to file an *amici* brief within seven days after Plaintiffs file their motion for summary judgment.

Dated: March 28, 2022

Respectfully submitted,

/s/ Kenneth H. Laborde

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served on all counsel of record via the Court's electronic case management system on March 28, 2022.

/s/ Kenneth H. Laborde
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