

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

ANIMAL WELFARE INSTITUTE, <u>et al.</u> ,)	
)	
)	
Plaintiffs,)	
)	
v.)	Civ. No. 10-1866
)	
)	
BP America, <u>et al.</u> ,)	
)	
Defendants.)	

PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, plaintiffs move for a temporary restraining order to stop defendants BP America, et al. ("BP") from continuing to engage in activities in the Gulf of Mexico that result in endangered and threatened sea turtles being burned to death, seriously injured, and otherwise impaired, as part of BP's effort to contain the Deepwater Horizon oil spill that has been going on since April 20, 2010. The burning of the endangered and threatened sea turtles, without a permit from the federal government, as required under the Endangered Species Act, constitutes an unlawful "take" of those sea turtles, including the rare Kemp's Ridley sea turtle, as well as the endangered Leatherback sea turtles, endangered Green sea turtles, threatened Loggerhead sea turtles, and endangered Hawksbill sea turtles. Those violations of the ESA in turn constitute violations of BP's lease with the United States government that governs the Deepwater Horizon facility, which requires BP to comply with all federal environmental laws.

Accordingly, plaintiffs may avail themselves of the citizen suit provision of the Outer Continental Shelf Lands Act (“OCSLA”), 43 U.S.C. § 1349(a)(2)(A), which allows them to bring a case to compel compliance with those lease provisions.

Because BP has already killed and otherwise harmed many endangered and threatened sea turtles with its burning activities – which has only added to the hundreds of other endangered sea turtles that have already been killed as a direct result of BP’s oil spill in the Gulf – **plaintiffs request an immediate hearing on this motion.** In support of their motion, plaintiffs submit the accompanying memorandum of law, the Declarations of Mike Ellis, Kevin Aderhold, and Todd Steiner, and Exhibits A - J. Plaintiffs have electronically served BP’s General Counsel, as well as outside counsel handling BP’s environmental matters related to the Deepwater Horizon oil spill, with the Complaint, this motion, and the accompanying memorandum of law, Declarations and Exhibits.

Respectfully submitted,

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