

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

EMPIRE LEASEHOLDER LLC, <i>et al.</i> ,)
)
<i>Plaintiffs,</i>)
)
v.)
)
DOUGLAS J. BURGUM, in his official)
capacity as Secretary of the Interior, <i>et al.</i> ,)
)
<i>Defendants,</i>)
)
STATE OF NEW YORK, <i>et al.</i> ,)
)
<i>Plaintiffs,</i>)
)
v.)
)
DOUGLAS J. BURGUM, in his official)
capacity as Secretary of the Interior, <i>et al.</i> ,)
)
<i>Defendants.</i>)

Case No. 1:26-cv-00004

Case No. 1:26-cv-071 (consolidated)

Judge Carl J. Nichols

EMPIRE WIND’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rules 7(h) and 7(n), Plaintiffs Empire Leaseholder LLC and Empire Offshore Wind LLC (together, “Empire Wind”) respectfully request the Court grant Empire Wind’s Motion for Summary Judgment regarding the December 22, 2025 Order issued by the Bureau of Ocean Energy Management to Empire Wind (“Suspension Order”), Dkt. No. 3-1. For the reasons set forth in the accompanying statement of points and authorities, the Suspension Order is invalid and should be vacated because it violates the Outer Continental Shelf Lands Act, violates Empire Wind’s right to due process under the Due Process Clause of the Fifth Amendment to the United States Constitution, and is arbitrary and capricious and contrary to law in violation of the Administrative Procedure Act.

Accordingly, Empire Wind respectfully requests that the Court grant Empire Wind's motion for summary judgment, vacate the Suspension Order, and issue a permanent injunction enjoining the Defendants from further enforcement, implementation, or reinstatement of the Suspension Order.

A proposed order is attached hereto.

Date: May 12, 2026

Respectfully submitted,

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Counsel for Plaintiffs
Empire Leaseholder LLC and Empire Offshore
Wind LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of May 2026, a true and complete copy of the foregoing *Empire Wind's Motion for Summary Judgment, Statement of Points and Authorities in support thereof, and proposed Order* was filed with the Clerk of the Court pursuant to the Court's electronic filing procedures, and served on counsel of record via the Court's electronic filing system.

/s/ Ann D. Navaro
Ann D. Navaro