

## COVINGTON & BURLING LLP

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**JAMES A. GOOLD**  
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April 18, 2008

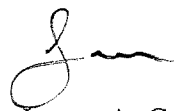
### **By Email and First Class Mail**

Allen von Spiegelfeld, Esq.  
Fowler White Boggs Banker P.A.  
501 East Kennedy Boulevard  
Suite 1700  
Tampa, Florida 33602

Dear Allen:

In reviewing my pleadings file for Case 07-cv-0614, I was reminded that on or about January 10, 2008, an affidavit of Mr. Stemm was filed under seal in support of an Odyssey motion for protective order. I do not find a copy that was served on me - would you please send me a copy by email or fax.

Sincerely,



James A. Goold

cc: M. MacConnel

**Goold, James**

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**From:** von Spiegelfeld, Allen [avonsp@fowlerwhite.com]  
**Sent:** Friday, May 02, 2008 3:27 PM  
**To:** Maria DiBartolomeo  
**Cc:** Goold, James; David C. Banker  
**Subject:** RE: Odyssey/Kingdom of Spain

Dear Ms DiBartolomea

There is obviously some confusion. Nobody from our office ever said that we were sending you Mr Stemm's affidavit. I told you that I could not release the affidavit without my client's consent. I have spoken with my client and we are preparing a letter to advise you and Mr Goold of the position of Odyssey. I expect that you will have the letter on Monday or Tuesday.

I am sorry for the confusion.

---

**From:** Maria DiBartolomeo [mailto:mdibartolomeo@bushross.com]  
**Sent:** Friday, May 02, 2008 2:51 PM  
**To:** von Spiegelfeld, Allen  
**Cc:** Goold, James; David C. Banker  
**Subject:** Odyssey/Kingdom of Spain

Dear Mr. von Spiegelfeld:

As we had discussed on Wednesday, you were going to forward the "sealed documents" to our firm on Thursday. As of this time, we still have not received them. I've contacted your office several times this week, spoke to your assistant twice today, and she indicated that you were waiting to check with other co-counsel.

Could you please let me know as soon as possible when we can receive these sealed documents that were supposed to have been served on us in January. Thank you.

Maria DiBartolomeo  
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 Bush Ross, P.A.  
 1801 North Highland Avenue  
 Tampa, Florida 33602-2656  
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 (813) 223-9620 [Fax]  
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## Goold, James

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**From:** von Spiegelfeld, Allen [avonsp@fowlerwhite.com]  
**Sent:** Friday, May 09, 2008 5:09 PM  
**To:** Goold, James; mdibartolomeo@bushross.com  
**Cc:** dbanker@bushross.com  
**Subject:** RE: Odyssey/Kingdom of Spain

Dear Jim,  
I apologize for not getting back to you earlier on this issue. As a result of the incendiary statements that were made to the press regarding my client, they are occupied on other matters. Since you have already stated that there is no question as to the identity of the Black Swan, the affidavit can be of no value to you in determining the identity of the vessel, which is the information that the court ordered us to give you. None the less, I will try to ascertain whether we are willing to provide you with the affidavit in full, in part or object. I have passed you email on to my client, but they are working on other matters today. I hope to have an answer for you Monday.

-----Original Message-----

From: Goold, James [mailto:jgoold@cov.com]  
Sent: Friday, May 09, 2008 1:04 PM  
To: von Spiegelfeld, Allen; mdibartolomeo@bushross.com  
Cc: dbanker@bushross.com  
Subject: Re: Odyssey/Kingdom of Spain

Dear Allen,

We have now made numerous requests for a copy of the January 9, 2008 affidavit of Mr. Stemm that was filed with the Court and not served upon opposing counsel. You have also not provided the letter that we were told to expect last Monday or Tuesday, nor any response to the letter in which I first pointed out that you had not served us with this affidavit.

Unless we receive the document by the end of the day today, or you provide some other clarification, I shall take it that your client will not authorise you to provide us with the document, as astonishing as that is.

Thank you, Jim Goold

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Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: von Spiegelfeld, Allen <avonsp@fowlerwhite.com>  
To: Maria DiBartolomeo <mdibartolomeo@bushross.com>  
Cc: Goold, James; David C. Banker <dbanker@bushross.com>  
Sent: Fri May 02 15:26:43 2008  
Subject: RE: Odyssey/Kingdom of Spain

Dear Ms DiBartolomea

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From: Maria DiBartolomeo [mailto:mdibartolomeo@bushross.com]  
Sent: Friday, May 02, 2008 2:51 PM

To: von Spiegelheld, Allen  
Cc: Goold, James; David C. Banker  
Subject: Odyssey/Kingdom of Spain

Dear Mr. von Spiegelheld:

As we had discussed on Wednesday, you were going to forward the "sealed documents" to our firm on Thursday. As of this time, we still have not received them. I've contacted your office several times this week, spoke to your assistant twice today, and she indicated that you were waiting to check with other co-counsel.

Could you please let me know as soon as possible when we can receive these sealed documents that were supposed to have been served on us in January. Thank you.

Maria DiBartolomeo

Legal Assistant

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