

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ODYSSEY MARINE EXPLORATION, INC.,

Plaintiff,

v.

CASE NO.: 8:07-cv-614-T-23MAP

THE UNIDENTIFIED SHIPWRECKED  
VESSEL, its apparel, tackle,  
appurtenances and cargo located  
within a five mile radius of the center  
point coordinates provided to the Court  
under seal,

Defendant,  
*in rem*

and

THE KINGDOM OF SPAIN,

Claimant.

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**ORDER**

This cause is before the Court on the Kingdom of Spain's motion to compel service of an affidavit of Gregory P. Stemm filed under seal by Odyssey Marine Exploration, Inc. on January 10, 2008. *See* doc. 109. Spain contends that Odyssey failed to serve this affidavit on Spain's counsel and has continued to withhold it despite repeated requests. Upon review, it is clear that this affidavit was not properly filed under seal in the first place, and it is therefore stricken.

This Court does not permit the automatic filing of documents under seal. *See Kuhns v. Zimmer, Inc.*, 2007 WL 781783 (M.D. Fla. 2007); *see also* Local Rule 1.09 (specifying the procedures for filing documents under seal). Odyssey failed to file a motion to seeking to file the affidavit under seal or otherwise comply with the requirements of Local Rule 1.09. Therefore, the affidavit is stricken and the Clerk is directed to return the affidavit to Odyssey's counsel. *See* Local

Rule 1.09(d). Accordingly, it is hereby

ORDERED:

1. The January 10, 2008 affidavit of Gregory P. Stemm (S-2) is STRICKEN, and the Clerk is directed to return the affidavit to Odyssey's counsel.
2. The Kingdom of Spain's motion to compel (doc. 109) is DENIED.

DONE AND ORDERED in Tampa, Florida on May 22, 2008.

  
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MARK A. PIZZO  
UNITED STATES MAGISTRATE JUDGE

cc: Counsel of Record