

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
IN ADMIRALTY

ODYSSEY MARINE EXPLORATION, INC.,

Plaintiff,

v.

Case No. 8:07-CV-00614-SDM-MAP

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

Defendant,

and

The Kingdom of Spain and the Republic of Peru,

Claimants.

Verified Conditional Claim of the Republic of Peru

Pursuant to Supplemental Admiralty Rule C(6), and with an express reservation of its sovereign immunity, the Republic of Peru submits this conditional claim with respect to the contents, artifacts, and cargo that are or may become the subject of this proceeding, which originated in the Republic of Peru.

1. On information and belief, this admiralty proceeding may involve part of the patrimony of the Republic of Peru. In order to determine whether there is property to which the Republic of Peru wishes to make a formal claim, the Republic of Peru makes this conditional claim and requests that it be provided with the discovery and information to make a final determination.

2. The Republic of Peru maintains its interest in all of its property and patrimony

and has not abandoned such interests, either expressly or impliedly, including any such property that may be the subject matter of this proceeding. All of Peru's sovereign and other rights in its property, artifacts, and other items sunken at sea are and have been reserved.

3. The Republic of Peru does not claim any interest in any vessel or appurtenances of any vessel in this matter.

4. The Republic of Peru has not been asked to consent, and has not consented, to the salvage of its property, and in any event such consent would require express written authorization from the appropriate representatives of the Republic of Peru.

5. By this Verified Claim, the Republic of Peru affirms and restates its sovereign and other rights in property that originated in its territory or was produced by its people, the non-abandonment of such property, and its refusal of salvage, without express authorization, as to any and all such property, by Plaintiff Odyssey Marine Exploration, that is or may be the subject of this proceeding and in which the Republic of Peru has an interest. The Republic of Peru further affirms and restates that arrest, recovery or other unauthorized disturbance or recovery by Odyssey Marine Exploration of property of the Republic of Peru is not authorized, and the Republic of Peru reserves all rights and remedies arising from such activities.

6. Nothing herein constitutes or may be construed as any waiver or limitation upon the sovereign immunity of the Republic of Peru and its property.

Dated: August 1, 2008

Respectfully Submitted,

/s/ Mark Maney
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Certificate of Service

I certify that on Aug. 19, 2008, I electronically filed the foregoing Verified Conditional Claim of the Republic of Peru with the Clerk of the Court by using CM/ECF system which will send a notice of electronic filing to the following: **Allen von Spiegelfeld, Esq. and Eric C. Thiel, Esq.**, Fowler White Boggs Banker, P.A., P.O. Box 1438, Tampa, FL 33601; **K. Russell LaMotte, Esq.**, Beveridge & Diamond, P.C., Suite 700 1350 I St. NW Washington, D.C. 20005-3311 and **Melinda j. MacConnel, Esq.**, O'Brien Bower, P.A., Suite 100 1304 De Soto Ave. Tampa, FL 33606, attorneys for Plaintiff Odyssey Marine Exploration, Inc., and **James Goold, Esq.**, Covington & Burling, LLP, 1201 Pennsylvania Ave NW Washington, D.C. 20004-2401; **David C. Banker, Esq., Jeffrey C. Andersen, Esq., & Keith D. Skorewicz, Esq.**, Bush Ross, P.A., P.O. Box 3913 Tampa, FL 33601-3913, attorneys for Claimant, Kingdom of Spain.

s/ Timothy P. Shusta
Timothy P. Shusta

VERIFICATION

REPUBLIC OF PERU

Pursuant to 28 U.S.C. § 1746, Emb. Felipe Ortiz de Zevallos, verifies under the penalties of perjury under the laws of the United States of America that the following is true and correct:

I am the Peruvian Ambassador to the United States of America and am authorized to make this verification. I have read the foregoing claim and verify that the statements made therein are true of my own knowledge, except for those matters stated upon information and belief, and as to those matters I believe the statements to be true.

Dated: July 31, 2008



Emb. Felipe Ortiz de Zevallos