

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

ODYSSEY MARINE EXPLORATION, INC.	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
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,	:	
	:	
Defendant;	:	
<i>in rem</i>	:	
and	:	
	:	
The Kingdom of Spain and,	:	
The Republic of Peru	:	
	:	
Claimants.	:	
_____ /	:	

PLAINTIFF, ODYSSEY MARINE EXPLORATION, INC.’S RESPONSE TO VERIFIED CONDITIONAL CLAIM OF THE REPUBLIC OF PERU

COMES NOW the Plaintiff, ODYSSEY MARINE EXPLORATION, INC. (“ODYSSEY”), and files this, its Response to Claimant, Republic of Peru’s Verified Conditional Claim filed on August 19, 2008, and states as follows:

1. ODYSSEY denies that Claimant, the Republic of Peru, has established a legal interest in the Defendant Site. However, ODYSSEY, through its counsel, has communicated its willingness to share information with Claimant and is in the process of scheduling review of evidence.

2. ODYSSEY contests Claimant's assertion that there has been no abandonment, and ODYSSEY denies that any items recovered from the Defendant Site are subject to sovereign immunity.

3. ODYSSEY has not located a vessel at the Defendant Site, but accepts Claimant's admission that no claim as to a vessel or vessel appurtenances is being made.

4. ODYSSEY denies a valid refusal of salvage as to the Defendant Site or anything recovered therefrom has been made by Claimant.

5. ODYSSEY denies that the Republic of Peru has established a legal interest in the Defendant Site. ODYSSEY contests Claimant's assertion that there has been no abandonment, and ODYSSEY denies that any items recovered from the Defendant Site are subject to sovereign immunity. ODYSSEY further denies that there has been a valid refusal of salvage by Claimant as to the Defendant Site or items recovered therefrom.

6. ODYSSEY respects the sovereign status of Claimant, but denies Claimant can raise sovereign immunity as a claimant in this case or that the Defendant Site or any items recovered therefrom are subject to sovereign immunity.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 4, 2008, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to James A. Goold, Covington & Burling LLP, 1201 Pennsylvania Ave., NW, Washington, DC 20004; and David C. Banker, Bush Ross P.A., 220 S. Franklin Street, P. O. Box 3913, Tampa, FL 33601, *Attorneys for Claimant, Kingdom of Spain*; and Timothy P. Shusta, Phelps Dunbar LLP, 100 S. Ashley Drive, Suite 1900, Tampa, FL 33602-5315; and Mark Maney, South Tower, Penzoil Place, 711 Louisiana, Suite 3100, Houston, TX 77002, *Attorneys for the Republic of Peru*.

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