

IN THE UNITED STATES DISTRICT COURT
FOR THE 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,
in rem

and

The Kingdom of Spain, The Republic of Peru, and
(Gonzalo de Aliaga (the Count of San Juan
de Lurigancho), *et al.*,

Claimants.

Unopposed Motion Of Claimant Spain For Leave To File A
Response To The Opposition of Claimant Republic of Peru
To Spain's Motion to Dismiss or For Summary Judgment

COMES NOW, Claimant Kingdom of Spain ("Spain") by and through undersigned
counsel, and pursuant to Local Rules 3.01(c) and (d), hereby moves the Court for leave to file a
reply of no more than twenty five pages in response to the opposition of the Republic of Peru to
Spain's Motion to Dismiss or for Summary Judgment filed on November 17, 2008. (Dkt. 141)
Spain requests leave to submit such a reply on or before January 26, 2009. Counsel for Spain
and Peru have conferred and the motion is not opposed. In support of this Motion, Claimant
Spain further states:

1. After the entry of the June 11, 2008 Order establishing a schedule for Spain's Motion (Dkt. 114), the Republic of Peru entered this case with a Conditional Claim (Dkt.120). Peru did not thereafter submit an unconditional claim, but on November 17, 2008 filed a Response to Spain's motion. (Dkt. 141) Peru's Response states that it has engaged an expert who is "currently preparing his report on the basis of Peru's claim under international and admiralty law . . ." (Dkt. 141, p. 24).¹

2. At the time Spain prepared and submitted its Motion to Dismiss or for Summary Judgment, Peru had filed only a "Conditional Claim," and Spain's Motion was directed as to Odyssey's claims. In its Opposition to Spain's Motion, Peru now seeks to raise novel and far-reaching issues asserting a retroactive national claim to moveable property that originated in and/or left what is now Peru at a time when Peru was a ViceRoyalty of Spain. Peru's response to Spain's motion thus adds to this case novel issues relating to international relations, international law and history.

3. Claimant Spain therefore requests leave to submit a twenty-five page reply to Peru's opposition on or before January 26, 2009. This amount of time is requested in anticipation of consultations with representatives of Spanish government ministries, historical research in Spain and/or Peru, anticipated consultations in Spain and elsewhere with experts on history and/or international law and international practice relating to succession of states and other matters raised by Peru, because of pre-existing commitments of counsel in other cases, and because Spain also seeks leave to file a reply to the Odyssey Marine Exploration Response to

¹ In the event that Peru submits an expert report hereafter and such report is allowed by the Court as part of Peru's opposition to Spain's motion, Spain would reserve the right to seek for additional time if necessary based on the matters raised in such a report.

Spain's Motion to Dismiss or for Summary Judgment. Counsel also believes that the requested amount of time is also necessary to allow for the holidays during which people with whom counsel would need to work will be unavailable.

4. Undersigned counsel has conferred with counsel for Peru and has reached agreement as presented by this motion, with the condition requested by counsel for Peru that if the Court sets an earlier date on Spain's motion for leave to file a reply to Odyssey's opposition to Spain's motion (Dkt. 144), such date should also apply to Spain's reply to Peru's opposition.

WHEREFORE, Claimant Spain requests this Court to permit it to file a reply to the Response of Peru to Spain's motion in accordance with this motion so as to respond to factual and legal matters Spain believes it necessary to controvert in the interests of justice and so that the Court may give due consideration to the issues of sovereign immunity and other matters of international law and relations raised by Peru in Opposition to Spain's motion.

Respectfully submitted,

s/James A. Goold
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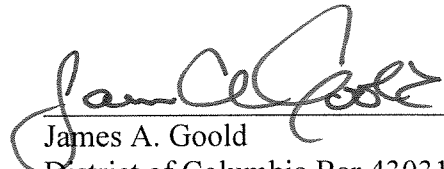
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November 25, 2008

CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2008, I caused the attached Kingdom of Spain Motion For Leave To File A Response To The Opposition of Claimant Republic of Peru To Spain's Motion To Dismiss or For Summary Judgment to be served on counsel of record for all parties by filing the aforementioned motion electronically via the Court's CM/ECF system, which will forward copies to all counsel of record.



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