

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, the Republic of Peru, and
various named descendents,

Claimants.
_____ /

UNOPPOSED MOTION FOR STATUS CONFERENCE

Claimant, Republic of Peru (hereinafter “Peru”) hereby moves for entry of an order for a status conference in this matter on the afternoon of January 8, 2009, subsequent to a similar conference set in Case No.: 8:06-cv-01685-SDM-MAP, for the purpose of discussion of the status of the pending Motion to Dismiss or for Summary Judgment by the Kingdom of Spain, the status of briefing, narrowing issues and scheduling.

Subsequent to the Order requiring the Kingdom of Spain to file its dispositive motion asserting immunity, (Doc. 114) new parties have filed claims, including the Republic of Peru (Doc. 120) and various “named descendants” (Doc. 136). On September 22, 2008, the Kingdom of Spain filed its Motion to Dismiss or for Summary Judgment. (Doc. 131).

Subsequently, Odyssey Marine Exploration and the Republic of Peru filed responses, (Docs. 138 & 141), and requests to file replies to the response by the Republic of Peru have been granted. (Docs. 148 & 152). The Republic of Peru believes that a brief status conference would be beneficial to attempt to narrow or prioritize issues and address any other issues any party or the court may have. All parties have consented to holding a status conference on January 8, 2009, provided counsel for the “named descendents” can attend via telephone.

MEMORANDUM OF LAW

Several Rule 16(a) Preliminary Pre-Trial Conferences have been held in this case. The last was on June 9, 2008, (Doc. 112), prior to entry of the Republic of Peru and the named descendents into the case. In light of the new parties in the case and the pending motion, a further Rule 16(a) conference is appropriate at this time.

RULE 3.01(f) CERTIFICATE

I hereby certify that lead counsel for Odyssey Marine Exploration, Inc., The Kingdom of Spain and the Descendant Claimants have been contacted regarding the relief requested in this motion and further certify that each party to this action consents to the relief requested. However, Mr. Horan, counsel for the “descendant claimants” who is from Key West requests permission to attend via telephone because a prior commitment in Key West at 10:00 a.m. will not give him enough time to travel to Tampa.

WHEREFORE, the Republic of Peru requests entry of an order for a status conference on the afternoon of January 8, 2009, with permission for Mr. Horan to attend via telephone.

Respectfully Submitted,

/s/ Timothy P. Shusta

Timothy P. Shusta
FBN: 442305
Phelps Dunbar, LLP
100 S. Ashley Drive
Suite 1900
Tampa, Florida 33602-5315
813.472.7550
813.472.7570 (fax)
shustat@phelps.com

and

/s/ Mark Maney

Mark Maney
Texas State Bar No. 12898200
South Tower, Pennzoil Place
711 Louisiana, Suite 3100
Houston, Texas 77002
713.654.8001
713.654.8818 (fax)
mmaney@maneylaw.com
Attorneys for the Republic of Peru

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed with the Clerk of Court via CM/ECF system on January 5, 2009. I also certify that the foregoing document is being served on all counsel of record on the attached Service List via transmission of Notices of Electronic Filing generated by the CM/ECF system this **5th** day of January, 2009.

/s/ Timothy P. Shusta

Timothy P. Shusta

SERVICE LIST

CASE NO. CASE NO: 8:07-CV-00614-SDM-MAP

<p>Allen von Spiegelfeld, Esq. and Eric C. Thiel, Esq. Banker, Lopez & Gassler P.A. 501 E. Kennedy Blvd. Suite 1500 Tampa, FL 33602 Counsel for Plaintiff Odyssey Marine Exploration, Inc.</p>	<p>K. Russell LaMotte, Esq. Beveridge & Diamond, P.C. Suite 700 1350 I St. NW Washington, DC 20005-3311 Counsel for Plaintiff Odyssey Marine Exploration, Inc.</p>
<p>Melinda J. MacConnel, Esq. O'Brien, Bower, P.a. Suite 100 1304 De Soto Avenue Tampa, FL 33606 Counsel for Plaintiff Odyssey Marine Exploration, Inc.</p>	<p>James Goold, Esq. Covington & Burling, LLP 1201 Pennsylvania Ave. NW Washington, DC 20004-2401 Counsel for Claimant Kingdom of Spain</p>
<p>David C. Banker, Esq. Jeffrey C. Anderson, Esq. and Keith D. Skorewicz, Esq. Bush Ross, P.A. Post Office Box 3913 Tampa, FL 33601-3913 Counsel for Claimant Kingdom of Spain</p>	<p>David Paul Horan, Esq. Horan, Wallace & Higgins, LLP 608 Whitehead Street Key West, FL 33040 Counsel for Descendant Claimants</p>