

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

IN ADMIRALTY

ODYSSEY MARINE EXPLORATION, INC.

Plaintiff,

CIVIL ACTION

Case No. 8:07-CVMO614-SDM-MAP

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

Defendant,
In Rem

And

The Kingdom of Spain and the Republic of Peru,

Claimants;

And

Gonzalo de Aliaga (the Count of San Juan de Lurigancho),
Agustin de Aliaga (the current Marques de Zelada de la
Fuente), Gonzalo Alvarez del Villar, Ignacio de
Colmenares (the 11th Count of Polentinos), Alberto Emilio
Thiessen, Enriqueta Pita Duthurburu, Flora Leonor Perales
Calderon de Colmenares, Felipe Voyest, Adela Armida de
Izcue Bazo, Carola Daireaux Kinsky, Eleonora Daireaux
Kinsky, Matilde Daireaux Kinsky, Julio Vega Eurasquin,
Inez Marquez Osorio, Javier do Goyeneche (the current
Count of Guaqui and Marques de Villafuente),

And

Santiago de Alvear, Emilio de Alvear,
María Eugenia Solveyra, Alejandro Julián Pera Barthé,
Agustina Solveyra, and Ignacio Solveyra

Claimants.

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VERIFIED CLAIMS OF NAMED DESCENDANTS

Pursuant to Supplemental Admiralty Rule C(6), Federal Rules of Civil Procedure,

Claimants, Santiago de Alvear, Emilio de Alvear, María Eugenia Solveyra, Alejandro Julián Pera Barthé, Agustina Solveyra, and Ignacio Solveyra (collectively referred to herein as “Claimants”) submit their Claim with respect to the goods and cargo that are or may be the subject of this proceeding, and state as follows:

1. The Claimants hereby submit to and accept the jurisdiction over this cause of action and over the property which is the subject of this proceedings and over which they have on information and belief a valid claim and interest.

2. This proceeding involves a cargo that was carried aboard the vessel *Nuestra Señora de las Mercedes* (the “Mercedes”) which sank in 1804 while carrying passengers and privately owned goods as cargo from South America to Spain.

3. Claimants are descendants of Diego de Alvear y Ponce de Leon, the owner of 50,000 coins carried aboard the Mercedes when it sank and ownership of these coins passed from the original owner to the Claimants.

4. If it is determined by this Court that the cargo was carried aboard the Mercedes and/or that any portion of that cargo recovered by ODYSSEY MARINE EXPLORATION, INC. came from the Mercedes, the Claimants make this their formal claim for the coins shipped on the Mercedes by Diego de Alvear y Ponce de Leon.

5. The Claimants maintain their interest in the property that may be the subject matter of this proceeding and have not abandoned their ownership interest and their property rights have been reserved.

6. The Claimants object to the claims submitted by the Kingdom of Spain and the Republic of Peru as both claims are attempts to interfere with and abolish the property rights of the Claimants in which they have ownership rights by virtue of their inheritance and other legal and/or equitable transfer that may apply.

7. The Claimants further object to any claim by the Kingdom of Spain or the Republic of Peru that the property of Claimants are subject to sovereign immunity. Neither

the Kingdom of Spain or the Republic of Peru ever had any ownership interest of the property of Diego de Alvear y Ponce de Leon or the Claimants.

WHEREFORE, it is respectfully submitted that this Court determine that the Claimants are entitled to recover the property that they have an ownership interest in or to award the value of the property loss and salvage award to be determined by this Court or such other further relief that this Court may deem just and proper.

/s/ John McLaughlin
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 9, 2009, 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 the following:

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