

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,	:	
and	:	
	:	
Gonzalo de Aliaga (the Count of San Juan	:	
de Lurigancho), et. al.,	:	
	:	
Claimants,	:	
and	:	
	:	
Santiago de Alvear, et al.,	:	
	:	
Claimants	:	
_____ /:	:	

**RENEWED MOTION TO SET DEADLINE FOR CLAIMS**

Plaintiff, Odyssey Marine Exploration, Inc., (hereinafter "Odyssey") moved this Court on September 17, 2008 (Dkt. 128) to enter an order setting forth a default date whereby no further

claims could be submitted as of a certain date. The Court has not taken any action on this motion.

Odyssey has complied with Rule C(4) of the Federal Rules of Civil Procedure and Rule 7.03(d) of the Local Rules of Civil Procedure regarding providing proper notice. Additionally, Odyssey filed notice of the arrest in Spain in the Spanish language. That Notice provided sixty (60 ) days for filing of any claims with the Court. Furthermore, there has been significant international press coverage of this case that has reached far beyond what the Rules envision, including publications regarding the arrest by CNN, Fox News, the BBC and the Los Angeles Times, just to name a few.

This matter has been pending for more than one year and several recent claims have been filed by individuals claiming to be heirs of possible owners of cargo aboard a vessel named the “NUESTRA SEÑORA DE LAS MERCEDES (the “MERCEDES.”). It is possible that additional heirs could come forward in the future. It is respectfully submitted, however, that proper notice has been given and sufficient time has transpired for all potential claimants to come forward. This Court should close the time for filing to prevent further delay of the proceedings.

#### **MEMORANDUM OF LAW**

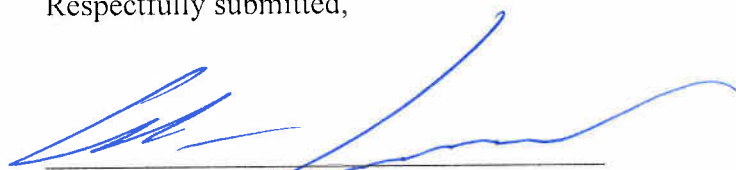
Rule C(6)(a) specifically sets forth that in an admiralty claim involving arrested property, the person claiming an ownership interest must file a claim within ten (10) days or within a court-specified time. In the present case, by recognizing the claims of Peru and the Descendant Claimants, the Court has extended the time well beyond the ten (10) days and actually well beyond the sixty (60) days allowed for parties to respond to the Complaint as provided in the published notices.

The original notices in this matter, which were made pursuant the Federal Rules of Civil Procedure, were made more than one year ago. Undersigned counsel filed a motion (Dkt. 128) on the 17th day of September, 2008, requesting that this Court enter an order setting forth a date where further claims would be precluded. This Motion is made pursuant to the Court's instructions at the status conference on January 8, 2009 to reiterate the request that a date be entered after which no further claims would be accepted.

WHEREFORE, it is respectfully requested that this Court enter an order ending the time for filing claims as of the date of the order. A proposed Order is attached hereto.

Respectfully submitted,

Dated: 11/5/09



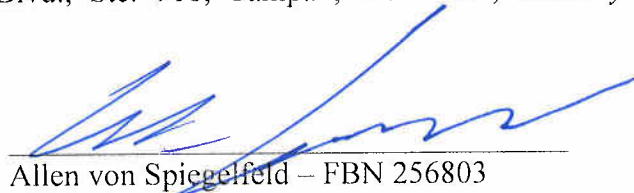
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on January 15, 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 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*; David Paul Horan, Horan, Wallace & Higgins, LLP, 608 Whitehead Street, Key West, FL 33040, *Attorney for Descendant Claimants*; and John J McLaughlin, Wagner, Vaughan & McLaughlin, P.A., 601 Bayshore Blvd., Ste. 910, Tampa, FL 33606, *Attorney for Descendant Claimants*.



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