

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-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 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.

**DESCENDANT CLAIMANTS, SANTIAGO DE ALVEAR, EMILIO DE ALVEAR, MARÍA
EUGENIA SOLVEYRA, ALEJANDRO JULIÁN PERA BARTHÉ, AGUSTINA SOLVEYRA,
AND IGNACIO SOLVEYRA, RESPONSE TO THE KINGDOM OF SPAIN'S MOTION TO
DISMISS OR FOR SUMMARY JUDGMENT**

Claimants, Santiago de Alvear, Emilio de Alvear, María Eugenia Solveyra, Alejandro Julián Pera Barthé, Agustina Solveyra, and Ignacio Solveyra, join in the response filed on behalf of the claimants, Gonzalo de Aliaga, et al. to Spain's Motion to Dismiss or for Summary Judgment. With the exception of Spain and Peru, all other claimants are descendants of private individuals whose goods were shipped aboard the Mercedes. It does not appear to be disputed by Spain that the Mercedes was carrying privately owned cargo when she sank in 1804. Odyssey Marine Exploration, Inc. has not by their salvage efforts recovered the vessel Mercedes but a portion of the privately owned cargo carried on the Mercedes found strewn on the Atlantic seabed.

It is the contention of Claimants, Santiago de Alvear, et al., that this Court now has all concerned parties to this matter before it and is in the best position to determine the rights of the various claimants and Odyssey Marine Exploration, Inc. Claimants are prepared to offer proof to this Court that a portion of the commercial cargo that was recovered by Odyssey Marine Exploration, Inc. was owned by Diego de Alvear and that Santiago de Alvear, et al. are the lawful descendants of Diego de Alvear.

The Descendants Claimants, Santiago de Alvear, Emilio de Alvear, María Eugenia Solveyra, Alejandro Julián Pera Barthé, Agustina Solveyra, and Ignacio Solveyra respectfully request that this Court retain jurisdiction over the parties and that Santiago de Alvear, Emilio de Alvear, María Eugenia Solveyra, Alejandro Julián Pera Barthé, Agustina Solveyra, and Ignacio Solveyra be adjudicated the owners of specific portions of the privately owned cargo carried aboard the Mercedes and that this Court decree their specific entitlement to the recovered coins, less a salvage award to Odyssey Marine Exploration, Inc.

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 3.01, undersigned counsel certifies that he has conferred with Counsel for the Kingdom of Spain in a good faith effort to resolve issues raised in this Response. Kingdom of Spain opposes Descendant Claimants, Santiago de Alvear, Emilio de Alvear, María Eugenia Solveyra, Alejandro Julián Pera Barthé, Agustina Solveyra, and Ignacio Solveyra, filing of this Response.

Dated the 9th day of February 2009.

Respectfully submitted,

/s/John McLaughlin

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 12, 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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I have provided copies of the foregoing to Joseph A. Rodriguez, Pro Se/Unrepresented Party, 4611 S. University Dr., Davie, FL, 33328-3817, this 12th day of February, 2009.

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