

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

IN ADMIRALTY

ODYSSEY MARINE EXPLORATION, INC.

Plaintiff

CIVIL ACTION

vs.

Case No. 8:07-CV-00614-SDM-MAP

THE UNIDENTIFIED, SHIPWRECKED  
VESSEL, its apparel, tackle  
appurtenances and cargo located within  
center point coordinates:  
provided to the Court under seal,  
in rem

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 11<sup>th</sup> Count  
Of Polentinos), Alberto Emilio Thiessen, Enriqueta Pita Duthurburu, Flora Leonor Perales  
Calderon de Colmenares, Felipe Voyest, Adela  
Armida de Izcue Bazo, Carola Daireux Kinsky, Eleonora Daireux Kinsky,  
Matilde Daireux Kinsky, Julio Vega Eurasquin, Inez Marquez Osorio,  
Javier de Goyeneche (the current Count of Guaqui and Marques de Villafuente)  
and Jose Antonio Rodriguez Menendez aka Joseph Anthony Rodriguez  
Claimants /

09 MAR 23 AM 10:35  
CLERK, U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

FILED

Non-Possessory Lien Claimant (Menendez)  
Motion for Continuance to Finalize Genealogic Research, to Interview Potential Legal Counsel, and to Complete Memorandum of Law in Support of Verified Claim and to Reply to PLAINTIFF, ODYSSEY MARINE EXPLORATION, INC's RESPONSE TO VERIFIED CLAIM OF JOSEPH ANTHONY RODRIGUEZ

Menendez intends to reply to Odyssey Marine Exploration, Inc. (OME) and demonstrate that he has a valid legal interest in property which has been recovered from the Defendant Site and brought into this Court's jurisdiction. OME demands strict proof of Menendez's legal ownership interest claimed. Menendez believes that his burden of proof is at the level of *clear and convincing evidence*. Black's Law Dictionary (seventh edition, abridged) definition: "Evidence indicating that the thing to be proved is highly probable or reasonably certain."

Towards attaining his burden of proof, Menendez will present contractual and other documentary evidence from the official Kingdom of Spain PARES Archives, from the [Spanish] Royal Academy of History, from the Asturian Virtual Library, from the Florida Statutes, from multiple international treaties in which Spain, Portugal, Great Britain, and/or the United States of America have been signatories, and from other illustrative sources.

Unfortunately, the professional archivist retained by Menendez has not completed retrieval of certificates of original document archives providing additional evidence of his great great grandfather's descent from the family(s) of Pedro Menendez de Aviles, Alonso de la Campa. A seasoned, accredited genealogist in Salt Lake City (with access to the vast genealogic research complex of the Church of Jesus Christ and Latter Day Saints [Mormons] ) has also been contracted by Menendez to gather the "strict proof"

demanding by Odyssey Marine Exploration, Inc.(OME). She has reviewed the materials currently available and has expressed a favorable preliminary opinion. Unfortunately, in order for the genealogist to generate a definitive report, a component of her work relies on the work of the archivist.

Menendez has also interviewed several attorneys for potential representation. So far, however, all attorneys interviewed have bowed out citing the “unusual nature” of this case and their lack of experience in providing effective representation in this subject area.

#### Conclusion

1. Menendez hereby prays that this Court grant this motion for continuance to finalize genealogy research, to interview potential legal counsel, and to complete Memorandum of Law in Support of Verified Claim.
2. Menendez hereby prays that this Court grant this motion for continuance to reply to PLAINTIFF, ODYSSEY MARINE EXPLORATION, INC’s RESPONSE TO VERIFIED CLAIM OF JOSEPH ANTHONY RODRIGUEZ

#### Certificate of Service

I hereby certify, on March 21, 2009, that I caused the attached documents to be served up on the attorneys of record for the parties listed below, by Federal Express delivery to:

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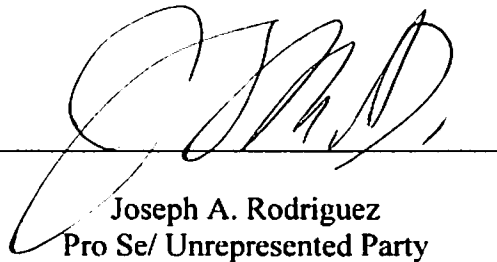
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