

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

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

Claimants.

OBJECTIONS TO MAGISTRATE'S REPORT AND RECOMMENDATIONS BY
CLAIMANTS, SANTIAGO DE ALVEAR, EMILIO DE ALVEAR, MARIA
EUGENIA SOLVEYRA, ALEJANDRO JULIAN PERA BARTHE,
AGUSTINA SOLVEYRA and IGNACIO SOLVEYRA

The Report and Recommendations (Document 209) erroneously recommends that all issues concerning the salvaged items be decided in favor of the Kingdom of Spain. Claimants, Santiago de Alvear, Emilio de Alvear, Maria Eugenia Solveyra, Alejandro Julian Pera Barthe', Agustina Solveyra and Ignacio Solveyra (referred to hereafter as de Alvear),

are the descendants of Diego de Alvear y Ponce de Leon whose wife, seven children and private property were lost when the MERCEDES sank. These Claimants have made no complaint that Odyssey Marine Exploration, Inc. by their salvage operations have somehow disturbed the “gravesite” of their deceased relative. Their only claim is that they are entitled to recover what is lawfully theirs after Odyssey Marine Exploration, Inc. is awarded a fair salvage award.

Both of the Objections by Odyssey Marine Exploration, Inc. and Claimants, Whitlock and Durand, filed herein correctly and succinctly set forth the position of Claimants, de Alvear. Rather than submitting similar objections to the Report and Recommendations, Claimants, de Alvear, adopt the arguments, legal analysis and conclusions set forth in the Objections of Odyssey Marine Exploration, Inc. and Claimants, Whitlock and Durand.

Accordingly, it is respectfully submitted that the Report and Recommendations be rejected, that Spain’s Motion to Dismiss be denied and that this Court order that this matter be set for trial on the merits by the Claimants and Objections.

/s/ John McLaughlin
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically filed with the Clerk of Court via CM/ECF system on July 21, 2009, which will generate and transmit Notices of Electronic Filing. I have provided copies of the foregoing by U.S. mail to Joseph A. Rodriguez, Pro Se/Unrepresented Party, 4611 S. University Dr., Davie, FL, 33328-3817, this 21st day of July, 2009.

/s/ John McLaughlin
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