

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

ODYSSEY MARINE EXPLORATION, INC.,

Plaintiff,

v.

Case No: 8:07-cv-614-T-23MAP

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;  
*in rem*

and

THE KINGDOM OF SPAIN *et al.*,

Claimants.

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**DECLARATION OF GIANLUCA MORELLO IN SUPPORT OF PLAINTIFF  
ODYSSEY MARINE EXPLORATION, INC.'S OBJECTIONS TO THE  
MAGISTRATE JUDGE'S JUNE 3, 2009, REPORT AND RECOMMENDATION**

Gianluca Morello declares as follows:

1. I am an attorney with Fowler White Boggs P.A. in Tampa, Florida, and co-counsel in this matter for plaintiff Odyssey Marine Exploration, Inc. ("Odyssey"). I make this declaration in support of Plaintiff Odyssey Marine Exploration, Inc.'s Objections to the Magistrate Judge's June 3, 2009, Report and Recommendation, which is being filed along with this declaration.

2. Attached as Exhibit 1 is a true and correct copy of a spreadsheet created by Odyssey Marine Exploration, Inc. which reflects information contained on 173 consignment receipts for the cargo aboard the *Nuestra Señora de las Mercedes* (the “*Mercedes*”) on her final voyage. Among other information, the spreadsheet identifies the nature of the items shipped, the consignor of the items, the consignee, and the related freight charge. As reflected in the “Legend” in the top, left corner of the spreadsheet, entries shaded in blue relate to consigned cargo that belonged to the Spanish government or officials of the *Mercedes* and entries shaded in light or dark green relate to consigned cargo that belonged to merchants or other private interests.

3. Attached as Composite Exhibit 2 are true and correct copies of: (a) an English translation of a sample of consignment receipts for cargo transported aboard the *Mercedes* on her final voyage; (b) a spanish-language typed duplicate of the original consignment receipts which are part of the sample and which were retrieved from the Archivo General de Indias, Audiencia de Lima 1535; and (c) a certification of accurate translation.

4. Attached as Composite Exhibit 3 are true and correct copies of: (a) an english translation of a portion of the abbreviated cargo manifest which itemizes all of the cargo consigned for transportation on the *Mercedes*’ final voyage; (b) the original abbreviated cargo manifest; and (c) a certification of accurate translation.

5. Attached as Composite Exhibit 4 are true and correct copies of: (a) english translations of summary cargo registries reflecting goods and property transported by the *Mercedes* on her final voyage and by other vessels in Montevideo at the same time the *Mercedes* was there before she sailed for her final voyage; (b) the original cargo registries,

which have been reduced to fit on a single page; and (c) a certification of accurate translation.

6. Attached as Composite Exhibit 5 are true and correct copies of: (a) an english translation of the main body, Annex II, and Annex III of a report prepared for the Spanish Guardia Civil in connection with its investigation of Odyssey's actions, titled *Technical Report on Possible Undersea Archaeological Sites in the Operating Areas of the Odyssey and the Ocean Alert*; and (b) the original report.

7. Attached as Exhibit 6 is a true and correct copy of excerpts from Patricia Marks, *Deconstructing Legitimacy: Viceroy, Merchants, and the Military in Late Colonial Peru* (2007).

8. Attached as Composite Exhibit 7 are true and correct copies of: (a) an english translation of the cover page of an original document whose translated title is *Dossier/File On Seizures/Arrests of 1804 & 1805* and which was retrieved from the Archivo General de Indias, Consulados 94, Expedientes 22; and (b) a copy of the original document.

9. Attached as Exhibit 8 is a true and correct copy of Jacques A. Barbier and Herbert S. Klein, *Revolutionary Wars & Public Finances: The Madrid Treasury, 1784-1807*, J. Econ. History, Vol. 41, No. 2 (June 1981).

10. Attached as Exhibit 9 is a true and correct copy of an english translation of the following case decided by the Supreme Court of The Netherlands: *United States/Eemshaven Port Authority*, Supreme Court of The Netherlands, 12 Nov. 1999.

11. Attached as Composite Exhibit 10 are true and correct copies of the following articles: (a) CommodityOnline, *Spain Hunts for Gold Treasure in Sea*, Jul. 14, 2009; (b)

Mirror, *Spain Seeks Sunken Treasure*, Jul. 13, 2009; (c) an english translation and original language version of Atenea, *The Value of the Sunken Gold in Spanish Waters Tops the 100 Billion Public Deficit*, June 17, 2009; (d) an english translation and original language version of El Mundo, *Over 100 Billion in Gold and Silver Sitting at the Bottom of the Sea*, June 21, 2009; and (e) a certification of accurate translation of the Atenea and El Mundo articles.

I declare under the penalty of perjury that the foregoing is true and correct and is executed this 21st day of July, 2009.

s/ Gianluca Morello  
Gianluca Morello, FBN 034997  
gianluca.morello@fowlerwhite.com  
FOWLER WHITE BOGGS P.A.  
501 E. Kennedy Blvd., Suite 1700  
Tampa, FL 33602  
Phone: (813) 228-7411  
Fax No: (813) 229-8313

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 21, 2009, I electronically filed this document with the Clerk of the Court by using the CM/ECF system and mailed a true and correct copy to non-CM/ECF participant Joseph A. Rodriguez, *pro se*, 4611 South University Drive, Davie, FL 33328-3817.

s/ Gianluca Morello  
Gianluca Morello, FBN 034997