

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ODYSSEY MARINE EXPLORATION, INC.,

Plaintiff,

v.

CASE NO: 8:07-cv-614-T-23MAP

UNIDENTIFIED, SHIPWRECKED
VESSEL,

Defendant,

KINGDOM OF SPAIN, et al.,

Claimants.

ORDER

Pursuant to 28 U.S.C. § 517, the United States moves (Doc. 239) for “Authorization to File Statement of Interest and Amicus Curiae Brief in Support of Kingdom of Spain.” The plaintiff responds (Doc. 240) in opposition and alternatively moves unopposed for leave to respond to the “Statement of Interest.”

The United States’ unauthorized motion is untimely and fails to comply with Local Rule 3.01, which states that a motion requesting leave to submit a further memorandum “shall not exceed three (3) pages, shall specify the length of the proposed filing, and shall not include, as an attachment or otherwise, the proposed motion, response, reply, or other paper.” Accordingly, the “Statement of Interest” (Doc. 239-2) and each exhibit to the “Statement of Interest” is **STRICKEN**. The Clerk is directed to electronically delete docket item numbers 239-2 through 239-10. Nevertheless the United States’

motion (Doc. 239) to submit a statement of interest is **GRANTED**. On or before **October 2, 2009**, the United States may submit a statement of interest of no more than **ten (10) pages**. Because the United States asserts an interest only after the opportunity to offer evidence to the magistrate judge and after the report and recommendation, the statement of interest may not include evidentiary matter, such as an exhibit, affidavit, declaration, or any other evidentiary matter not offered to the magistrate judge for consideration. The plaintiff's unopposed motion (Doc. 241) to respond to the statement of interest of the United States is **GRANTED**. No later than **ten (10) days** after the United States submits the statement of interest, the plaintiff may file a response of no more than **ten (10) pages**.

Finally, the plaintiff's motion (Doc. 242) for leave to reply in support of the objections to the magistrate judge's report and recommendation is **GRANTED**. On or before **October 16, 2009**, the plaintiff may submit a reply of no more than **ten pages**.

ORDERED in Tampa, Florida, on September 18, 2009.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE

xc: Magistrate Judge