

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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.

ORDER

Before the Court is the motion of Claimant Jose Antonio Rodriguez Menendez (“Menendez”) a.k.a. Joseph Anthony Rodriguez, *pro se*, to compel Claimant Kingdom of Spain and its legal counsel to serve Jose Antonio Rodriguez Menendez with pleadings and exhibits and for other relief (doc. 268). In his motion, Menendez states he is proceeding *pro se*, is not registered to use the Court’s electronic filing system, and therefore does not receive electronic notice of other parties’ filings. Menendez further states Spain consistently fails to serve its filings in this case on him. Based on the exhibits to Menendez’s motion, it appears that when Menendez asked Spain to remedy its deficient service, Spain’s counsel responded that

Menendez should take advantage of the Court's electronic filing procedures and a publicly accessible website on which the filings are available.

The Court's Administrative Procedures for Electronic Filing in Civil and Criminal Cases provide:

Certificate of Service: A certificate of service must be included with each document filed electronically indicating how service was accomplished on each party. *The filer must serve in accordance with the Federal Rules of Civil and Criminal Procedure a paper copy of any electronically filed document on a party not registered to file electronically.*

United States District Court Middle District of Florida, Administrative Procedures for Electronic Filing in Civil and Criminal Cases II.B.3 (emphasis added). Accordingly, it is hereby

ORDERED:

1. Claimant Menendez's motion to compel Claimant Kingdom of Spain and its legal counsel to serve Jose Antonio Rodriguez Menendez with pleadings and exhibits and for other relief (doc. 268) is GRANTED IN PART AND DENIED IN PART. The motion is granted insofar as it requests Spain and its counsel be compelled to serve Spain's filings on Menendez, but is denied insofar as it requests other relief.

DONE AND ORDERED in Tampa, Florida on November 23, 2009.



MARK A. PIZZO
UNITED STATES MAGISTRATE JUDGE

cc: Counsel of Record