

**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-SCB-MAP

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

in rem,

Defendant(s).

Unopposed Motion of Claimant Kingdom of Spain for Extension of Time to Respond to Plaintiff's Amended Complaint and Pending Motions

Claimant Kingdom of Spain ("Spain"), through undersigned counsel, hereby moves for an extension of time to September 19, 2007 to respond to Plaintiff's Amended Complaint and motions filed on August 6, 2007. Spain's counsel has conferred with Plaintiff's counsel and has been advised that the proposed extension is agreed to. This motion seeks an extension of time for Spain to September 19, 2007 with respect to the following matters:

- 1) Spain's response to the Amended Complaint filed by Plaintiff Odyssey Marine Exploration ("Odyssey") on August 6, 2007 (refiled on August 7, 2007).
- 2) Spain's reply in opposition to Plaintiff's Motion for an Order Granting Preliminary Injunctive Relief filed on August 6, 2007 (refiled on August 7, 2007).
- 3) Spain's reply in opposition to Plaintiff's Motion for Protective Order filed on August 6, 2007 (refiled on August 7, 2007).

MEMORANDUM OF LAW

The Federal Rules of Civil Procedure empower this Court to grant extensions of time. Fed. R. Civ. P. 6(b)(1). Spain respectfully submits that granting the agreed extension of time would be in the interests of justice and would advance the efficient management of this case for the following reasons:

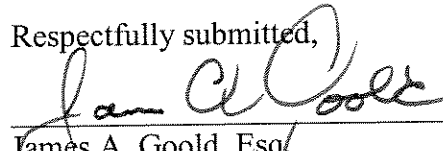
- 1) This case is one of three cases (*i.e.*, 8:07-CV-00614-SCB-MAP, 8:07-CV-00616-JSM-MSS, and 8:06-CV-01685-SDM-TBM) in which Odyssey filed in rem claims against shipwrecks in European waters. In each case, Spain has filed a Verified Claim and a Motion for More Definite Statement and Other Relief seeking, inter alia, disclosure of the identity of the shipwreck and other information pursuant to Supplemental Rules C(2)(b) and E(2)(a). Spain has reserved all rights of sovereign immunity and other potential jurisdictional issues.
- 2) Odyssey was granted two extensions of time to August 6, 2007 to reply to Spain's motions and on that date filed, inter alia, an Amended Complaint in each case which seeks to add new in personam causes of action against Spain.
- 3) Odyssey's Amended Complaint and its motions for preliminary injunctive relief and for a protective order raise far-reaching issues, such as sovereign immunity as to claims that seek review by a U.S. court of official governmental acts and functions in Spain.
- 4) Spain anticipates that, in response to the Amended Complaints, it will file a motion to dismiss pursuant to Supplemental Rules C and E as well as the Foreign Sovereign Immunities Act, 28 U.S.C. §§1603, et seq., the Act of State doctrine, and principles of international relations and comity, among other grounds.

5) Preparation of Spain's anticipated motion and replies requires consultations by counsel with officials of the Government of Spain. These consultations cannot be carried out during August because it is the month during which vacations are commonly taken in Spain.

6) James A. Goold, lead counsel for Spain, will also be unavailable the week of August 18, 2007 to August 25, 2007 because of long-scheduled family vacation commitments and in early September because of a previously scheduled hearing in a criminal matter in the State of Washington.

7) Spain also believes that the three above-referenced cases involve common questions of law and fact. Pursuant to Local Rule 1.04(b), Spain intends to file by the end of this week a motion for transfer of related cases, which Spain has been advised will be opposed. Entry of an order granting a common response date of September 19, 2007 in the matters pending in these cases is also in the interest of justice and efficiency in light of this anticipated motion.

Respectfully submitted,



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