

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

ODYSSEY MARINE EXPLORATION, INC.	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	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 coordinates provided to the Court	:	
under seal,	:	
	:	
Defendant;	:	
<i>in rem</i>	:	
and	:	
	:	
The Kingdom of Spain,	:	
	:	
Claimant.	:	
_____	:	
	/	

**PLAINTIFF’S MOTION FOR LEAVE TO FILE A REPLY TO CLAIMANT
KINGDOM OF SPAIN’S OPPOSITION TO PLAINTIFF’S MOTION FOR
ORDER GRANTING PRELIMINARY INJUNCTIVE RELIEF**

COMES NOW, Plaintiff, ODYSSEY MARINE EXPLORATION, INC. (“ODYSSEY”), by and through undersigned counsel, and pursuant to Local Rules 3.01(c) and (d), hereby moves this Honorable Court for leave to file a reply of no more than five (5) pages to Claimant THE KINGDOM OF SPAIN’s (“SPAIN”) Opposition to Plaintiff’s Motion for Order Granting Preliminary Injunctive Relief. In support of this Motion, Plaintiff states:

1. Plaintiff filed a Motion for Order Granting Preliminary Injunctive Relief on August 6, 2007, (Dkts. 23, 28), and Claimant SPAIN responded in opposition (Dkt. 38).

2. No other brief or other legal memorandum pertaining to ODYSSEY's Motion for Order Granting Preliminary Injunctive Relief is permitted without the permission of this Court. See Local Rule 3.01(c).

3. SPAIN's Opposition to Plaintiff's Motion for Preliminary Injunctive Relief raises certain factual allegations and issues that are unique to SPAIN's status as a foreign state. Namely, SPAIN argues that ODYSSEY's proposed Order interferes with the exercise of a foreign nation's governmental functions and that this Court does not have jurisdiction over SPAIN. ODYSSEY seeks to rebut SPAIN's arguments as a matter of fact and law to demonstrate to this Court to order injunctive relief against SPAIN.

4. In its opposition, SPAIN makes other incorrect factual and legal assertions including the boundaries and effect of the injunction requested which Odyssey would like to address in its reply memorandum.

5. ODYSSEY respectfully requests this Court to permit it to file a reply memorandum to address the issues raised by SPAIN concerning their status as a foreign government and to respond to factual assertions ODYSSEY feels it is necessary to controvert. Plaintiff will limit the reply to no more than five pages.

WHEREFORE, Plaintiff Odyssey Marine Exploration, Inc. respectfully requests this Honorable Court to grant its motion for leave to file a reply to Claimant The Kingdom of Spain's Opposition to Plaintiff's Motion for Order Granting Preliminary Injunctive Relief.

CERTIFICATE UNDER LOCAL RULE 3.01(g)

Pursuant to Local Rule 3.01(g), undersigned counsel certifies that he has conferred with counsel for Claimant, The Kingdom of Spain, in a good faith effort to resolve the issues by this Motion, and counsel were unable to agree on the resolution of the same.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 25, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to James A. Goold, Covington & Burling LLP, 1201 Pennsylvania Ave., NW, Washington, DC 20004; and David C. Banker, Bush Ross P.A., 220 S. Franklin Street, P. O. Box 3913, Tampa, FL 33601, *Attorneys for Claimant, Kingdom of Spain.*

s/ Allen von Spiegelfeld
Allen von Spiegelfeld – FBN 256803
avonsp@fowlerwhite.com
Eric C. Thiel – FBN 016267
ethiel@fowlerwhite.com
FOWLER WHITE BOGGS BANKER P.A.
P.O. Box 1438
Tampa, Florida 33601
(813) 228-7411
Facsimile: (813) 229-8313
Attorneys for Plaintiff