

**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 TO CONDUCT HEARING *IN CAMERA*

This Motion is an identical filing being made in cases 8:06-CV-01685-SDM-MAP, and 8:07-CV-00616-SDM-MAP.

COMES NOW, Plaintiff, Odyssey Marine Exploration, Inc., by and through its undersigned counsel, and respectfully moves this Honorable Court to provide the parties with a short *in camera* hearing to discuss the disclosures that are to be made by Odyssey Marine Exploration, Inc. (“ODYSSEY”) pursuant to this Court’s Order dated January 10, 2008 (Dkt. 75), and in support thereof would state:

1. Odyssey is anxious to make full disclosure of the information that it has available, pursuant to the Court's Order.

2. Some of the information available, if disclosed to the general public, could create security issues relative to the site.

3. Any discussion of these issues in open court would also jeopardize the security of the site.

4. It is Odyssey's desire to discuss *in camera* the best way to make the disclosure of these sensitive items so as to avoid endangering the security of the site.

MEMORANDUM OF LAW IN SUPPORT

The issue of *in camera* hearings has been previously briefed. The case law is clear that *in camera* hearings are not the preferred method of conducting litigation. However, the cases are also clear that, if the discussion is going to involve trade secrets, confidential information, or other sensitive items, the Court has the option of conducting the hearing *in camera*. United States v. Valenti, 987 F.2d 708 (11th Cir. 1993). In this situation, the hearing could be held telephonically. The issues to be discussed relate merely to the manner of the disclosure of information in the answers to the Court-ordered interrogatories.

WHEREFORE, it is respectfully requested that this Honorable Court grant the parties an *in camera* hearing prior to the disclosure date, April 12, 2008. In order to accomplish this, it is further requested that the *in camera* hearing be handled telephonically to provide an expedited hearing.

CERTIFICATE UNDER LOCAL RULE 3.01(g)

Pursuant to Local Rule 3.01(g), undersigned counsel certifies that Ms. MacConnel 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.

Respectfully submitted,

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

s/ Melinda J. MacConnel
Melinda J. MacConnel – FBN 871151
Odyssey Marine Exploration, Inc.
5215 West Laurel Street
Tampa, FL 33607
(813) 876-1776, ext. 2240
Fax: (813) 830-6609
E-mail: mmacconnel@shipwreck.net
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 31, 2008, 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., 1801 North Highland Avenue Tampa, Florida 33602 Mailing Address: Post Office Box 3913 Tampa, Florida 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

s/ Melinda J. MacConnel _____
Melinda J. MacConnel – FBN 871151
Odyssey Marine Exploration, Inc.
5215 West Laurel Street
Tampa, FL 33607
(813) 876-1776, ext. 2240
Fax: (813) 830-6609
E-mail: mmacconnel@shipwreck.net

Attorneys for Plaintiff