

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

ODYSSEY MARINE EXPLORATION, INC.

Plaintiff,

v.

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,

Claimant.

CIVIL ACTION

Case No: 8:07-CV-00616-T-23MAP

**PLAINTIFF’S MOTION FOR LEAVE TO FILE A
REPLY TO CLAIMANT KINGDOM OF SPAIN’S
OPPOSITION TO PLAINTIFF’S MOTION FOR PROTECTIVE ORDER**

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 Protective Order. In support of this Motion, Plaintiff states:

1. Plaintiff filed a Motion for Protective Order Regarding Preliminary Site Assessment on August 6, 2007, (Dkts. 27, 30), and Claimant SPAIN responded in opposition (Dkt. 43).

2. No other brief or other legal memorandum pertaining to ODYSSEY's Motion for Protective Order Regarding Preliminary Site Assessment ("PSA") is permitted without the permission of this Court. See Local Rule 3.01(c).

3. Although Odyssey has volunteered the PSA in an attempt to be cooperative and forthcoming, SPAIN'S opposition to the Protective Order calls into question its true intentions with respect to the Defendant Site and renders the Protective Order even more crucial.

4. SPAIN's opposition to Plaintiff's Motion for Protective Order raises certain facts and issues that are unique to SPAIN's status as a foreign state and which were not raised or addressed in ODYSSEY's Motion. Namely, SPAIN argues that ODYSSEY's proposed Order interferes with the exercise of a foreign nation's governmental functions. ODYSSEY seeks to rebut SPAIN's contentions as a matter of fact and law.

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 and legal assertions ODYSSEY feels it is necessary to controvert. Plaintiff will limit the reply to no more than five (5) pages.

WHEREFORE, Plaintiff Odyssey Marine Exploration, Inc. respectfully requests this Honorable Court to grants its motion for leave to file a reply to Claimant The Kingdom of

Spain's Opposition to Plaintiff's Motion for Protective Order Regarding Preliminary Site Assessment.

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.*

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