

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ODYSSEY MARINE EXPLORATIONS, INC.,

Plaintiff,

v.

CASE NO.: 8:07-cv-616-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,

Claimant.

ORDER

The Kingdom of Spain has filed identical motions in case numbers 8:06-cv-1685-T-23MAP, 8:07-cv-614-T-23MAP, and 8:07-cv-616-T-23MAP, seeking an order that certain materials disclosed to Spain by Odyssey Marine Exploration, Inc. are not confidential. *See* 06-cv-1685, doc. 85; 07-cv-614, doc 78; and 07-cv-616, doc. 82. Spain contends that Odyssey has adopted a “blanket approach” to confidentiality: “each and every document, photograph, and videotape was designated as confidential, regardless of what it shows or contains.” Spain requests that this Court strike the confidential designation “with respect to the photographs, artifact lists, artifact descriptions, and certain other documents provided by Odyssey.” Spain notes that it cannot describe the materials further in its motion because they have been designated confidential, but offers to file them under seal.

In response, Odyssey claims that it cannot diligently show “good cause” as to the need for confidentiality without knowing exactly which items Spain objects to as being confidential. Odyssey also claims that the parties have not adequately conferred about the confidential status of each document.

This Court reminds the parties of their obligation to confer in an attempt to resolve issues before seeking court intervention. *See* Local Rule 3.01(g). "Confer," as that term is used in Local Rule 3.01(g), means “to come together to compare views or take counsel.” Webster's New Collegiate Dictionary (1979). *See e.g., Williams v. Board of County Commissioners*, 192 F.R.D. 698, 700 (D.C. Kan. 2000) (a single letter between counsel addressing a discovery dispute does not satisfy the duty to confer; it requires counsel to "converse, confer, compare views, consult, and deliberate").

The parties are directed to confer in an attempt to narrow the number of items for which the confidentiality designation is at issue. To the extent the parties cannot agree, Spain is directed to file under seal the materials it contends were inappropriately designated as confidential on or before February 29, 2008.

DONE and ORDERED at Tampa, Florida on February 22, 2008.



MARK A. PIZZO
UNITED STATES MAGISTRATE JUDGE