

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

ODYSSEY MARINE EXPLORATION, INC.,

Plaintiff,

v.

CASE NO: 8:08-cv-1045-T-26MAP

THE UNIDENTIFIED, WRECKED AND
(FOR FINDERS-RIGHT PURPOSES)
ABANDONED SAILING VESSEL, if any,
its apparel, tackle, appurtenances and cargo
located within center point coordinates:
to be provided to the Court under seal at
the Court's request

in rem,

Defendant(s).

ORDER

Upon due consideration of Plaintiff's Motion for Order Granting Preliminary Injunctive Relief (Dkt. 9), it is ordered and adjudged that the Motion is denied as premature. The clear language of Rule 65 of the Federal Rules of Civil Procedure concerning preliminary injunctions provides that notice must be given to the party the movant seeks to enjoin. An injunction binds only those persons who actually receive notice.¹ In this case, there is no indication at this time that the *in personam* jurisdiction of

¹ See Fed.R.Civ.P. 65(d)(2).

this Court should be invoked² because there is no assertion that anyone is attempting to interfere with the ongoing salvage recovery.³ Should an adverse party surface, then Plaintiff is without prejudice to renew this motion and give the notice contemplated by the rule.

DONE AND ORDERED at Tampa, Florida, on June 20, 2008.

s/Richard A. Lazzara
RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

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Counsel of Record

² See Lathrop v. Unidentified, Wrecked & Abandoned Vessel, 817 F.Supp. 953, 961 (M.D. Fla. 1993) (citing Hitchman Coal & Coke Co. v. Mitchell, 245 U.S. 229, 38 S.Ct. 65, 62 L.Ed. 260 (1917) and Zepeda v. United States I.N.S., 753 F.2d 719 (9th Cir. 1983), for the principle that admiralty law invokes *in rem* jurisdiction only, and *in personam* jurisdiction requires exercise of personal jurisdiction with adequate notice).

³ See Treasure Salvors, Inc. v. Unidentified, Wrecked and Abandoned Sailing Vessel, 640 F.2d 560, 567 (5th Cir. 1981) (holding that district court did not abuse discretion in issuing injunction in situation involving rival salvors over which the court had personal jurisdiction).