

**FOR THE WESTERN DISTRICT OF MICHIGAN
Northern Division**

GREAT LAKES EXPLORATION)	
GROUP LLC)	
Plaintiff,)	
v.)	Civil Action No. 1:04-CV-375
)	
The Unidentified, Wrecked and (For Salvage-)	HON. ROBERT HOLMES BELL
Right Purposes), Abandoned Sailing Vessel, etc.)	
Defendant, et al.)	

**SUPPLEMENTARY DECLARATION OF STEVEN J. LIBERT IN RESPONSE
TO JULY 20, 2006 SHOW CAUSE ORDER**

State of Maryland } ss:
County of Montgomery }

Steven J. Libert, after first being duly sworn, deposes and states as follows:

1. I make this Supplementary Affidavit in response to the Court's Order to Show Cause dated July 20, 2006. I have reviewed the Order and can state with confidence that Great Lakes Exploration LLC has complied with all orders of the Court to the best of its ability.
2. The Second Amended Complaint states the precise location of the Defendant shipwreck to the best of Great Lakes' ability. Great Lakes Exploration is currently unable to identify the Defendant with any greater precision.

3. I have reviewed the article in the *Detroit Free Press* noted in the Court's Order. I did, in fact, speak with a reporter from the *Detroit Free Press*, as well as to various members of the press.

4. I did not state or imply to the *Detroit Free Press* or to any other member of the press that Great Lakes Exploration LLC had not disclosed the precise location of the shipwreck to the best of its ability.

5. I did not state or imply to the *Detroit Free Press* or to any other member of the press that Great Lakes Exploration had not disclosed the precise location of the shipwreck.

6. In fact, I was very clear in the press interviews that Great Lakes Exploration had undertaken to identify to the State the location to the best of our ability, and that because of the conditions of the site, there were broad scatter and debris areas. I also indicated that it could take years to locate and document all scatter and debris associated with the shipwreck.

7. In addition, I indicated to the press that my settlement discussions with the State of Michigan regarding a permit application had been unsuccessful to date. It was in this context that I stated that the State of Michigan had indicated during the settlement discussions that it would treat information it received as public information or information that would be made available to the public under the Michigan Freedom of Information laws. (The major roadblock to a settlement had been the State's position that

it would not honor the confidentiality of such information as belonging to Great Lakes Exploration).

8. When asked about those settlement discussions, I indicated that without a provision that such information was not public information and did not belong to the State of Michigan, I would be unwilling as part of a settlement to be involved in a permit process that would give the State of Michigan the precise location of specific artifacts lying on the seabed floor).

9. I am not entirely certain what the *Detroit Free Press* reporter had in mind in purporting to quote me as stating that “We can dive on it, that doesn’t require permits, Libert said. But I’m not going to let the state know where the location is.”

10. To the best of my belief, the reporter was not referring to the location of the shipwreck, but instead to one of the parts of the shipwreck debris (which the Intervenors have previously called a “barn timber.”).

11. It has been Intervenors’ consistent position that, notwithstanding any protective orders entered by the Court, any information they are provided would become public information, subject to disclosure under the Michigan Public Records Act.

12. The Intervenors have also taken the position that they are not barred from utilizing information obtained from Plaintiff in this legal proceeding to take “actual possession” over the Defendant shipwreck

13. Great Lakes Exploration LLC has attempted to comply in good faith with all orders of the Court.

FURTHER AFFIANT SAYETH NAUGHT.

I, Steven J. Libert, declare under penalty of perjury that I have read the foregoing Affidavit and that it is true to the best of my knowledge and belief.

Steven J. Libert
1s/ Steven J. Libert

City/County of MONTGOMERY
State of Maryland
Subscribed and sworn to before me,
this 2nd day of AUGUST, 2006
by STEVEN J. LIBERT
Amadou Ndoye Notary Public
My commission expires MAY 1st, 2010

