

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GREAT LAKES EXPLORATION  
GROUP LLC,

Plaintiff,

File No. 1:04-CV-375

v.

HON. ROBERT HOLMES BELL

THE UNIDENTIFIED, WRECKED, AND  
(FOR SALVAGE-RIGHT PURPOSES),  
ABANDONED SAILING VESSEL, her  
tackle, apparel, appurtenances, cargo, etc.,  
located within a circle having a radius of  
3.5 statute miles, whose center point is at  
coordinates 45° 32.8' North latitude and  
86° 41.5' West longitude, *In Rem*,

Defendant,

v.

MICHIGAN DEPARTMENT OF  
ENVIRONMENTAL QUALITY AND  
MICHIGAN DEPARTMENT OF HISTORY,  
ARTS, AND LIBRARIES,

Intervenors.

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**ORDER**

This matter is before the Court on Plaintiff Great Lakes Exploration Group LLC's motion to be appointed substitute custodian. (Dkt. No. 116.) Intervenors Michigan Department of Environmental Quality and Michigan Department of History, Arts, and Libraries oppose the appointment of Plaintiff as substitute custodian. (Dkt. No. 117.)

Plaintiff's motion was premised on the appointment of a substitute custodian being necessary to effect the arrest of Defendant as ordered by the Court's June 2, 2008, order. On July 1, 2008, the Marshal was able to arrest a piece of Defendant. According to the return of service filed with the Court, Defendant was arrested as follows:

The arrest of the sunken vessel will be affected [*sic*] by arresting a piece of wood (approximately 2" X 1") previously removed from the sunken vessel by the Plaintiff. This method of arrest has been approved by Lucy Roberts, Office of General Counsel, USMS Headquarters. Plaintiff, Steven Libert<sup>[1]</sup> will present this piece of wood to USMS on July 1, 2008 at 9:30 a.m. The piece of wood will then be promptly transported by the USMS to a designated storage facility.

(Dkt. No. 119, Process Receipt - Arrest Warrant.) The Marshal is in possession of a piece of Defendant and the arrest has been effected. Hence, the appointment of a substitute custodian is unnecessary. Therefore,

**IT IS HEREBY ORDERED** that Plaintiff Great Lakes Exploration Group LLC's motion to be appointed substitute custodian (Dkt. No. 116) is **DENIED**.

Date: July 16, 2008

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Steven Libert is Plaintiff's agent. (Dkt. No. 102, 08/21/2006 Op. 6 n.3.)