

**IN THE UNITED STATES DISTRICT COURT  
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.	)	

**PARTIES' STATUS REPORT**

Plaintiff, Great Lakes Exploration Group, LLC and The State of Michigan Departments of History, Arts and Libraries and of Environmental Quality, by counsel, respectfully file the following Status Report to address the current status of this proceeding, including gathering of information concerning the Defendant; discovery; and subject matter jurisdiction:

1. Intervenor respectfully report that their representatives have visited all locations for which the Plaintiff provided the coordinates of the Defendant. Intervenor further state as follows: (1) that they have viewed all, and photographed some, of the sites, but did not disturb them in anyway that would be in violation of the Order Regarding Arrest Warrant and Disclosure of Information issued by this Court on June 2, 2008; (2) that the purpose of the site visit was limited to determining whether the Defendant was "embedded" in the submerged lands of the State of Michigan; (3) that Intervenor have determined that there is a single physical artifact visible on the various locations identified by Plaintiff, which is in fact embedded. Plaintiff respectfully disagrees with the foregoing allegations both as a matter of fact and as a matter of law. Intervenor expect to file a motion for summary judgment on or by December 1, 2008 asserting

among other things, Intervenor's position that the Defendant is embedded in the soils of the State of Michigan, and therefore is owned by the State and not subject to federal admiralty jurisdiction. If for any reason Intervenor is unable to complete filing of their motion by that date, Plaintiff has agreed to extend the Intervenor's time to such date as may be reasonably required to complete filing of the motion.

2. Although Plaintiff has not yet seen Intervenor's motion for summary judgment, it anticipates that following receipt of Intervenor's motion, it will require approximately six months of written discovery and depositions and an evidentiary hearing to respond to the motion. In addition, Plaintiff anticipates that responding to Intervenor's motion will require it to conduct a site inspection to address the claims raised. Pursuant to the Court's June 2, 2008 Order Regarding Arrest Warrant and Disclosure of Information, Fed. R. Civ. P. 26-37, Fed. R. Civ. P. 56, and the other applicable law, Plaintiff requests the opportunity to conduct a site inspection of the Defendant in order to gather evidence to respond to Intervenor's proposed motion for summary judgment and for the trial on the merits. (The next weather window for such a site inspection will be the period for May through September, 2009). Although Intervenor disagrees that there will be any need for Plaintiff to conduct discovery or a site visit to respond to the motion for summary judgment, and will oppose any request to change the briefing schedule set forth in Local Rule 7.2 for dispositive motions, Intervenor has no objection to Plaintiff conducting a site investigation of the Defendant as long as any such investigation does not disturb the site or the Defendant in any way that is in violation of the Order Regarding Arrest Warrant and Disclosure of Information issued by this Court on June 2, 2008.

Respectfully submitted,

GREAT LAKES EXPLORATION, LLC

/s/ Richard T. Robol

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STATE OF MICHIGAN,  
DEPARTMENTS OF HISTORY, ARTS  
AND LIBRARY AND OF  
ENVIRONMENTAL QUALITY

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