

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
Northern Division

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WESTERN DISTRICT OF MICHIGAN
[Signature]

GREAT LAKES EXPLORATION GROUP LLC
Plaintiff,
v.
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.

Civil Action No. 1:04-CV-375
HON. ROBERT HOLMES BELL

PLAINTIFF GREAT LAKES EXPLORATION'S RESPONSE TO STATE OF MICHIGAN'S MOTION TO INTERVENE

Plaintiff Great Lakes Exploration, by counsel, for its response to the State of Michigan's Motion to Intervene, respectfully states:

- 1. Plaintiff does not oppose the intervention in this matter by the State of Michigan through its Motion to Intervene pursuant to Fed. R. Civ. P. 24 and Fed. R. Civ. P. Supp. R. E(2)(a). See Mot To Intervene at 2 (identifying the federal rules under which intervention is sought).

2. Plaintiff respects and supports the significant role of the State of Michigan in the appropriate management of shipwrecks falling within the purview of the Abandoned Shipwreck Act of 1987, 43 U.S.C. § 2101, *et seq.*
3. Plaintiff's consent to the State's intervention is not an acknowledgement that Defendant's proposed Motion to Dismiss has merit. In the event that the Court grants the State's Motion to Intervene, Plaintiff will file a brief in opposition explaining why the State's position, though asserted in good faith, is mistaken both factually and legally.
4. While Plaintiff considers the State's assumption that the Defendant falls within the Abandoned Shipwreck Act to be both factually and legally mistaken, it fully supports the State's right to have an opportunity to present evidence and argument, to conduct jurisdictional discovery, and to participate in an evidentiary hearing, regarding those issues. *See California v. Deep Sea Research*, 523 U.S. 1091, 118 S. Ct. 1558, 140 L Ed 2d 3304 (1998). Further, Great Lakes Exploration would welcome the State of Michigan's affirmative participation and input into Plaintiff's efforts to explore and protect the Defendant.
5. Great Lakes Exploration, the Field Museum of Chicago, and the State of Michigan are currently engaged in an informal, confidential dialogue regarding the protection and management of the Defendant, and Plaintiff sincerely hopes that upon due consideration of the material facts being shared on a confidential basis, the State of Michigan will support and join in the scientific and other efforts of Great Lakes Exploration and the Field Museum.

Respectfully submitted,  
GREAT LAKES EXPLORATION GROUP LLC

By: /s/ Richard T. Robol  
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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of October, 2004, a copy of the foregoing was served by regular U.S. mail upon all counsel of record.

/s/ Richard T. Robol