

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

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,)

v.

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

Intervenors.

Civil Action No. 1:04-CV-375

HON. ROBERT HOLMES BELL

**INTERVENOR'S MOTION
FOR SUMMARY JUDGMENT**

Oral Argument Requested

INTERVENOR'S MOTION FOR SUMMARY JUDGMENT

This motion seeks dismissal of this action pursuant to Fed. R. Civ. P. Rule 56 because title to the Defendant Shipwreck is in the State of Michigan, and any action regarding the Defendant Shipwreck cannot therefore be brought in federal court due to the prohibitions found in the Eleventh Amendment to the United States Constitution. This Court should find that title to the Defendant Shipwreck is in the State because the wreck is both abandoned and embedded in the submerged lands of Michigan, the two factors in the Abandoned Shipwreck Act that must be

established for a state to have title to a shipwreck.¹ This motion will establish that there can be no legitimate dispute that these factors have been satisfied.

RELIEF REQUESTED

There is no genuine dispute that the Defendant Shipwreck is both abandoned and embedded in the bottom of Lake Michigan. Under the ASA, title has passed to the State. This Court therefore no longer has jurisdiction of this case and Intervenors' therefore respectfully request that it be dismissed in its entirety with prejudice pursuant to Fed. R. Civ. P. Rule 56.

Respectfully submitted,

Michael A. Cox
Attorney General

/s/

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Dated: December 23, 2008

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to counsel of record.

/s/ Louis B. Reinwasser
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¹ 43 U.S.C. § 2105.