

**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-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, )

HON. ROBERT HOLMES BELL

**INTERVENORS' MOTION TO  
ADJOURN HEARING ON THEIR  
MOTION FOR SUMMARY  
JUDGMENT**

*In Rem* )

Defendant, )

v.

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

Intervenors.

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**INTERVENORS' MOTION TO ADJOURN HEARING ON THEIR MOTION FOR  
SUMMARY JUDGMENT**

In December, 2008, Intervenors filed their motion seeking 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. The motion for summary judgment was based in part on the fact that no third-party

had filed a claim of ownership in response to the Court-ordered notices that were published last summer in two newspapers directing any potential claimants to file their claims within ten days of the last day of publication. No such claims were filed within the prescribed period.

Since the filing of the motion for summary judgment, however, the Republic of France has filed an untimely conditional claim of ownership. The State of Michigan and France have had preliminary discussions regarding possible settlement of the issue of ownership of the Defendant Shipwreck, and for this reason, Intervenor believe it would be in everyone's interest to postpone the hearing on Intervenor's motion for summary judgment to allow these discussions to progress to a resolution one way or another.

### **RELIEF REQUESTED**

Intervenor respectfully request that the hearing on their motion for summary judgment currently scheduled for April 7, 2009, be postponed to a date 30 to 60 days later. While not necessarily concurring in the truth of all the statements set forth above, Counsel for Plaintiff and for the Republic of France has agreed to this postponement, but asks that his schedule that will include increasing obligations for Army Reserve duty be taken into consideration when rescheduling this motion, which of course Intervenor are willing to do.

Respectfully submitted,

Michael A. Cox  
Attorney General

/s/

Louis B. Reinwasser (P37757)  
Assistant Attorney General  
Environment, Natural Resources  
and Agriculture Division  
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Dated: April 1, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that on April 1, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the counsel.

/s/ Louis B. Reinwasser

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