

**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	)	HON. ROBERT HOLMES BELL
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,	)	
	)	
<i>In Rem</i>	)	
	)	
Defendant.	)	

**MOTION TO PERMIT FILING UNDER SEAL**

Pursuant to W.D. Mich. L.Civ. R. 10(a), Plaintiff Great Lakes Exploration respectfully moves the Court to permit the sealed filing of certain portions of affidavits (the "Sealed Portions") of Dr. Scott Demel of the Field Museum, and of Steven Libert of Great Lakes Exploration. In support of this Motion, Plaintiff states:

1. In supporting its claim that the Court is impotent to hear this case, Intervenor's Motion to Dismiss has elected to rely upon affidavits and other information outside the face of the pleadings.
2. Pursuant to Fed. R. Civ. P. 56 and other applicable authorities, Great Lakes has tendered the affidavits of Dr. Scott Demel and of Steven Libert to help

identify and explain the oversights and mistaken factual assumptions in the Motion to Dismiss.

3. Discussion of these mistaken factual assumptions requires some discussion of information kept confidential pursuant to the protocol communicated with the foreign sovereign believed to be the presumed owner of the Defendant.
4. In addition, discussion of these assumptions requires some discussion of certain confidential and propriety information developed by Great Lakes Exploration and/or the Field Museum.
5. Counsel for the parties have agreed that the Sealed Portions will be provided to Intervenors, who agree to keep them confidential until the Court rules on this Motion, and thereafter to abide by such Order of the Court as may issue.
6. For the reasons set forth in the Sealed Portion of the affidavits, publicly releasing such information could risk damage to, and/or destruction of, the shipwreck by relic hunters, looters and other interlopers.
7. Such damage or destruction would be inconsistent with the interests of all parties to this proceeding, and would irreparably harm the public interest in protecting the educational and other values associated with the shipwreck.
8. Plaintiff has requested the Intervenors' consent to this Motion, but as of the date of this Motion has been unable to determine whether Intervenors consent.
9. In further support of this Motion, Plaintiff adopts the analysis and authorities in the Brief filed herewith, and hereby made part of this Motion.
10. Plaintiff has attached a proposed Order to this Motion.

Accordingly, Plaintiff respectfully prays that the Court file under seal the Sealed Portions of the Affidavits of Dr. Scott Demel and Steve Libert.

Respectfully submitted,

GREAT LAKES EXPLORATION GROUP LLC

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of January, 2005, a copy of the foregoing was served by the Court's ECF service upon all counsel of record.

//s// Richard T. Robol