

**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.)	

BRIEF IN SUPPORT OF MOTION TO PERMIT FILING UNDER SEAL

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. 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 Intervenor's Motion to Dismiss. See Affidavit of Dr. Scott Demel; Affidavit of Steven Libert. 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.

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. In addition, discussion of these mistaken factual assumption requires some discussion of certain confidential and propriety trade secrets and materials developed by Great Lakes Exploration and/or the Field Museum.

For the reasons set forth in the Sealed Portion of the affidavits, publicly releasing such information could risk damage to, or destruction of, the shipwreck by relic hunters, looters and other interlopers. 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. *See* Affidavits of Dr. Scott Demel; Affidavit of Steven Libert.

CONCLUSION

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 28th 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