

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

GREAT LAKES EXPLORATION
GROUP LLC

Plaintiff

Civil Action No. 1:04-CV-375

v.

HON. ROBERT HOLMES BELL

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.

and

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

Intervening Defendants

ORDER OF DISMISSAL

Intervenors Michigan Department of History, Arts and Libraries and the Michigan Department of Environmental Quality has filed their Motion to Dismiss this action pursuant to Fed. R. Civ. P 12(b)(1), and it appearing to the Court that Plaintiff has yet to file a complaint that complies with the requirements of Fed. R. Civ. P. Suppl E(2) for failing to adequately identify the vessel and location of the purported wreck, and, it appearing to the Court, according to the

allegations of the complaint and the evidence submitted to the Court, that it would be futile to allow additional amendment in that the alleged vessel is the property of the State of Michigan, not subject to salvage and may not be reduced to the exclusive custody, control, possession or dominion of the Plaintiff or recovered, altered or destroyed, except as authorized by the State of Michigan, and the Court lacking jurisdiction in the absence of an arrest,

NOW THEREFORE IT IS ORDERED that Plaintiff's action is dismissed, with prejudice.

Honorable _____

Robert Holmes Bell
U. S. District Judge

Dated: _____, 2004
s:nrd/ac/cases/open/great lakes exploration 04ag/order of dismissal