Doc. 90

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The Chrysler Building 405 Lexington Avenue | New York, NY 10174-0208 blankrome.com

Phone: (212) 885-5259
Fax: (917) 332-3730

Email: <u>jkimball@blankrome.com</u>

December 10, 2019

VIA ECF

Honorable Paul A. Engelmayer United States District Court Southern District of New York 40 Foley Square New York, NY 10007

Re: Motion to Reopen Discovery and Request for Leave to File Motion for

Letters of Request

Odyssey Marine Exploration, Inc. v. The Shipwrecked and Abandoned S.S.

Mantola, Docket No. 1:17-cv-02924-PAE

Dear Judge Engelmayer:

We represent Plaintiff Odyssey Marine Exploration, Inc. ("Odyssey") in the above referenced matter. Pursuant to the Court's Opinion and Order dated November 19, 2019 (Doc. No. 88) and Rule 26 of the Federal Rules of Civil Procedure, Odyssey hereby respectfully moves the Court to reopen discovery in this matter and requests leave to move the Court for the issuance of Letters of Request to permit it to obtain evidence abroad concerning the circumstances under which the silver bars were removed from the S.S. Mantola and the date of such removal.

If the Court permits Odyssey to reopen discovery, Odyssey intends to seek the issuance of letters of request Letters of Request pursuant to Federal Rule of Civil Procedure 28(b), 28 U.S.C. § 1781(b)(2), and the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, 23 U.S.T. 2555, to the Senior Master of the Royal Courts of Justice,

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December 10, 2019 Page 2

England and Wales and the Royal Ministry of Justice and Public Security of Norway. 1 The Letters

of Request will seek documentary evidence and testimony concerning the circumstances under

which the silver bars were recovered and deposited with the RoW in April 2017 from Mr. Anthony

Clake of London, UK, and Mr. Arvid Pettersen, Chief Technology Officer of Swire Seabed AS,

Bergen, Norway.

Odyssey has credible information that Mr. Clake was the individual who directed the

removal of the silver bars from the Mantola wreck site by the M/V Seabed Constructor, the transfer

to the M/V Seabed Prince, and the deposit with the RoW. Odyssey also has credible information

that Mr. Clake may have misrepresented the circumstances of the removal in official reports to the

RoW. Swire Seabed AS was the owner and/or operator of the M/V Seabed Constructor and the

M/V Seabed Prince, and Odyssey has credible information that Mr. Pettersen directed the actions

of Swire Seabed AS's captains and crew onboard the vessels during the relevant time periods.

Odyssey also very respectfully requests that the Court act on this motion at its earliest

convenience, as it has just leaned that Swire Seabed AS will be suspending its operations by

February 20, 2020, after which the burden on obtaining evidence and testimony would become

significant.

Respectfully submitted,

/s/John D. Kimball

John D. Kimball

¹ The Letters of Request would be similar in format to the Letters of Request the Court issued on September 21, 2018 (Doc. No. 68) seeking to obtain discovery from and take the testimony of the United Kingdom Receiver of Wreck ("RoW") and Department for Transport ("DfT").

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Granted. Discovery will be reopened in this case. Odyssey is to file its application for Letters of Request by January 8, 2020.

SO ORDERED.

PAUL A. ENGHLMAYER
United States District Judge

December 11, 2019