

United States District Court
Eastern District of Virginia
Norfolk, Virginia 23510

Chambers of
Rebecca Beach Smith
Senior United States District Judge

May 30, 2023

David G. Concannon
Explorer Consulting
100 Sun Valley Road, No. 329
Sun Valley, Idaho 83353

Re: R.M.S. Titanic, Inc. v. The Wrecked & Abandoned Vessel
Case No. 2:93cv902

Dear Mr. Concannon:

I regret not having responded sooner, but the Court's calendar has been overwhelming so far this year. I do thank you for your letter of April 20, 2023, advising the Court of OceanGate Expeditions, Ltd.'s ("OceanGate Expeditions") "plans to undertake a series of photographic and scientific survey expeditions at the wreck site of the *R.M.S. Titanic* during the summer of 2023." Your letter was very comprehensive and specifically "assur[ed] the Court and the parties that all activities will be conducted in accordance with the precedent set by the United States Court of Appeals for the Fourth Circuit in *R.M.S. Titanic, Inc. v. Haver*, 171 F.3d 943, 969-71 (4th Cir.), cert. denied, 528 U.S. 825 (1999)." You also assured the Court that "OceanGate Expeditions has no intention of disturbing the *R.M.S. Titanic* or interfering with *R.M.S. Titanic, Inc.*'s ("RMST") rights as salvor-in-possession, or of violating this Court's orders with respect thereto. On the contrary, OceanGate Expeditions acknowledges and respects this Court's exclusive authority and jurisdiction to manage activities at the *Titanic* wreck site. See *Haver*, 171 F.3d at 967-69."


Given the background and your update of this matter, together with the detailed parameters of the 2023 *Titanic* Survey Expedition, the Court has no objection to the planned expedition as set forth in your letter of April 20, 2023. Further, you have assured that OceanGate Expeditions "does not intend to infringe on any intellectual property rights of RMST." As a

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result of your very thorough and explanatory letter of the upcoming expedition, as well as the assurances detailed above and in the letter, the Court does not have any questions about your plans. The Court would appreciate receiving a copy of your expedition report(s), and I wish you well in your upcoming endeavors.

Finally, I thank you for the invitation to participate in the 2023 *Titanic* Survey Expedition, and perhaps, if another expedition occurs in the future, I will be able to do so. After almost thirty (30) years of being involved in this case, that opportunity would be quite informative and present a first "eyes on" view of the wreck site by the Court. Your expeditions create an even greater understanding and appreciation of the efforts made by so many to preserve the respect for the *R.M.S. Titanic*, and for those who lost their lives to this historic "graveyard of the sea."

Very truly yours,



Rebecca Beach Smith

RBS/erb

cc: Brian A. Wainger, Esquire
RMST

David G. Barger, Esquire
RMST

Kent P. Porter
Assistant United States Attorney

Jackie Rolleri
NOAA Office of the General Counsel

