323 F.Supp.2d 724 (2004)

R.M.S. TITANIC, INC., successor-in-interest to Titanic Ventures, limited partnership, Plaintiff,

THE WRECKED AND ABANDONED VESSEL, Its Engines, Tackle Apparel, Appurtenances, Cargo, etc., Located Within One (1) Nautical Mile of a Point Located at 41 43' 32" North Latitude and 49 56' 49" West Longitude, Believed to be the R.M.S. Titanic, in rem, Defendant.

No. ACT.NO. 2:93CV902.

United States District Court, E.D. Virginia. Norfolk Division.

July 2, 2004.

726 *725 *726 J. Ridgely Porter, III, Esquire, Carr & Porter LLC, Portsmouth, VA, Counsel for RMS Titanic, Inc.

Lawrence R. Leonard, Assistant U.S. Attorney, Norfolk, VA, Counsel for USA.

MEMORANDUM OPINION AND ORDER

REBECCA BEACH SMITH, District Judge.

This matter is before the court on plaintiff R.M.S. Titanic, Incorporated's ("RMST's") "Motion for Salvage and/or Finds Award," which is scheduled for a salvage award hearing to begin on October 18, 2004. In its motion, RMST requested that the court rule on two preliminary matters prior to the hearing: (1) whether the court will recognize a 1993 Proces-Verbal issued by a French maritime official which purports to award RMST title to 1,800 artifacts raised from the wreck of the R.M.S. Titanic in 1987, and (2) whether RMST will be permitted to present evidence and argument at the October 18, 2004 hearing that it should be awarded title to all 5,900 Titanic artifacts presently in its possession under the law of finds. On May 17, 2004, the court held a hearing on these two preliminary issues. For the reasons set forth below, the court will not recognize the 1993 Proces-Verbal and RMST is estopped from arguing that it is the owner of the artifacts under the law of finds. See infra, Part II. Also set forth below, for the purpose of assisting RMST in preparing for the October 18, 2004 hearing, is an explanation of the factors the court will consider in fashioning RMST's salvage award. See infra Part III.

I. Factual and Procedural History

This in rem action has been pending for over a decade, and has resulted in the publication of numerous opinions by both the United States Court of Appeals for the Fourth Circuit and this court. [11] These opinions thoroughly review much of the factual and procedural history relevant to this extended litigation and that history will not be repeated in detail here.

On April 15, 1912, the luxury liner **R.M.S. Titanic** ("**Titanic**") sunk in the North Atlantic Ocean, killing 1,523 of the 2,228 passengers and crew onboard. In 1985, a joint American-French expedition "727 discovered the wreck of the **Titanic** in international waters about 400 miles south of Newfoundland. The discoverers of the sunken **vessel** did not take any artifacts from the wreckage.

In the summer of 1987, RMST's predecessor-in-interest, **Titanic** Ventures limited partnership ("TVLP"), working in conjunction with the Institut français de recherche pour l'exploitation de la mer ("IFREMER"), recovered 1,800 artifacts over the course of thirty-two dives to the **Titanic** wreck. [2] All of the 1987 artifacts were taken to France, where they underwent conservation and restoration processes at the government-owned laboratories of Electricite de France, and at LP3, a privately-owned conservation laboratory in Semur-en-Auxois.

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SB Merriam

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Chicano English Joyce Penfield, 1982 **Dialects and American English** Walt Wolfram,1991 Aspects of Linguistic Variation Steve Lander, Ken Reah, 1981 Talkin' Tar Heel Jeffrey Reaser, Walt Wolfram, 2014-04-07 Are you considered a dingbatter or outsider when you visit the Outer Banks Have you ever noticed a picture in your house hanging a little sigogglin or crooked Do you enjoy spending time with your buddyrow or close friend Drawing on over two decades of research and 3 000 recorded interviews from every corner of the state Walt Wolfram and Jeffrey Reaser's lively book introduces readers to the unique regional social and ethnic dialects of North Carolina as well as its major languages including American Indian languages and Spanish Considering how we speak as a reflection of our past and present Wolfram and Reaser show how languages and dialects are a fascinating way to understand our state s rich and diverse cultural heritage The book is enhanced by maps and illustrations and augmented by more than 100 audio and video recordings which can be found online at talkintarheel com Sociocultural and Historical Contexts of African American English Sonja L. Lanehart, 2001-01-01 This volume based on presentations at a 1998 state of the art conference at the University of Georgia critically examines African American English AAE socially culturally historically and educationally It explores the relationship between AAE and other varieties of English namely Southern White Vernaculars Gullah and Caribbean English creoles

language use in the African American community e g Hip Hop women's language and directness and application of our knowledge about AAE to issues in education e g improving overall academic success To its credit since most books avoid the issue the volume also seeks to define the term AAE and challenge researchers to address the complexity of defining a language and its speakers The volume collectively tries to help readers better understand language use in the African American community and how that understanding benefits all who value language variation and the knowledge such study The Languages of Africa and the Diaspora Jo Anne Kleifgen, George C. Bond, 2009 This book takes a fresh look at subordinated vernacular languages in the context of African Caribbean and US educational landscapes highlighting the social cost of linguistic exceptionalism for speakers of these languages Chapters describe contravening movements toward various forms of linguistic diversity and offer a comprehensive approach to language awareness in educative settings Working Papers in Applied Linguistics ,1979 African American, Creole, and Other Vernacular Englishes in Education John R. Rickford, 2013 More than 50 years of scholarly attention to the intersection of language and education have resulted in a rich body of literature on the role of vernacular language varieties in the classroom This field of work can be bewildering in its size and variety drawing as it does on the diverse methods theories and research paradigms of fields such as sociolinguistics applied linguistics psychology and education Compiling most of the publications from the past half century that deal with this critical topic this volume includes more than 1600 references books articles in journals or books and web accessible dissertations and other works on education in relation to African American Vernacular English AAVE English based pidgins and creoles Latina o English Native American English and other English vernaculars such as Appalachian English in the United States and Aboriginal English in Australia with accompanying abstracts for approximately a third of them This comprehensive bibliography provides a tool useful for those interested in the complex issue of how knowledge about language variation can be used to more effectively teach students who speak a nonstandard or stigmatized language variety Special Education at the Century's End Thomas Hehir, Thomas Latus, 1992 ESSAYS ON THE EDUCATION OF THE PHYSICALLY HANDICAPPED IN THE UNITED STATES PUBLIC SCHOOLS Resources in Education .1993 Encyclopedia of African American Education Kofi Lomotey, 2010 The Encyclopedia of African American Education covers educational institutions at every level from preschool through graduate and professional training with special attention to historically black and predominantly black colleges and universities Other entries cover individuals organizations associations and publications that have had a significant impact on African American education The Encyclopedia also presents information on public policy affecting the education of African Americans including both court decisions and legislation It includes a discussion of curriculum concepts theories and alternative models of education and addresses the topics of gender and sexual orientation religion and the media The Encyclopedia also includes a Reader's Guide provided to help readers find entries on related topics It classifies entries in sixteen categories Alternative Educational Models

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