

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
KEY WEST DIVISION**

CASE NO. 08-10084-CIV-MARTINEZ/BROWN

PETER HALMOS, INTERNATIONAL
YACHTING CHARTERS, INC., and
HIGH PLAINS CAPITAL,

Plaintiffs,

v.

INSURANCE COMPANY OF NORTH
AMERICA and STRICKLAND MARINE
INSURANCE, INC., (f/k/a STRICKLAND
MARINE AGENCY, INC.),

Defendants.

**PLAINTIFFS' REPLY TO THEIR EMERGENCY MOTION FOR
ENLARGEMENT OF TIME TO FILE DISPOSITIVE MOTIONS**

Corporate Plaintiffs argue in further support of their Emergency Motion for Enlargement of Time to File Dispositive Motions [D.E. 999] that the request for additional time is based on the undersigned's complicated litigation schedule and the special master's recent rulings, and not any effort to gain a litigation advantage.¹

The undersigned's firm was retained to handle certain issues in this case related to the insurance coverage at issue. Plaintiff's Motion for Partial Summary Judgment is focused solely on those matters, and was therefore the undersigned's responsibility to handle. The undersigned participated in an arbitration in New York on Thursday and Friday, August 19 and 20, 2010. The undersigned returned to South Florida late on Friday, then attended mediation of a securities

¹ The undersigned verifies that he has not yet reviewed INA's motion for summary judgment and will refrain from doing so until after Plaintiffs' motion is completed and filed.

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matter all day on Saturday, August 21, 2010 in Plantation, Florida. On Monday, August 23, 2010, the undersigned traveled to Jacksonville, Florida on a 7:05 a.m. flight to attend depositions in another matter (filed in the Middle District of Florida) and did not return to Miami until after 8:00 p.m.

Thus, it was the undersigned's hectic work-related travel and litigation schedule that prompted the request for additional time, not an effort to gain some strategic advantage in this case. The requested enlargement was filed by the undersigned's office in his absence. The undersigned agrees that the relief sought is not truly an "emergency," and states that the requested enlargement should have been ten days, not thirty. Had the undersigned been able to review the motion prior to its filing, those errors would have been corrected, but they are nonetheless the responsibility of the undersigned. And while Mr. Halmos' testimony and document production will likely relate to the issues to be addressed by the Court in reviewing the parties' competing motions, the undersigned concedes that, given the ferocity of INA's objections, the testimony and documents can be incorporated within Plaintiffs' response to INA's motion and its Reply in further support of its own motion.

WHEREFORE, Plaintiffs, respectfully request that this Court enter an Order granting Plaintiffs an enlargement of time within which to file their dispositive motion through noon on August 25, 2010, and any other relief that this Court deems just and proper.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I herby certify that on August 24, 2010 I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notice of Electronic Filing.

/s/ Stephen A. Marino, Jr.
Stephen A. Marino, Jr.

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SERVICE LIST

**Peter Halmos; International Yachting Charters, Inc. and High Plains Capital v. Insurance Company of North America and Strickland Marine Insurance, Inc.
Case No. 08-10084-CIV-MARTINEZ/BROWN
United States District Court, Southern District of Florida**

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