

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
KEY WEST DIVISION

Case Number: 08-10084-CIV-MARTINEZ-BROWN

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

Plaintiffs,

vs.

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

Defendants.

**INSURANCE COMPANY OF NORTH AMERICA'S
RESPONSE TO PLAINTIFFS' MOTION TO CONTINUE HEARING (D.E. 1028)
AND MEMORANDUM OF LAW**

Insurance Company of North America ("INA") files this Response to Plaintiffs' Motion to Continue Hearing (D.E. 1028) and Memorandum of Law in Support, and in support thereof, INA would show the Honorable Court as follows:

MEMORANDUM OF LAW

A. Arrangements To Attend The Hearing Have Already Been Made

The hearing scheduled by D.E. 1028 should proceed as noticed. In compliance with the Court's order, INA has already arranged for the attendance of its witnesses, made travel plans, and scheduled Ms. Dennis' time away from her office. More importantly, Connie Dennis, one of the witnesses the Court requested attend the hearing, has already made arrangements for child care during her absence. Changes to the date and time of the hearing would affect those arrangements.

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Also, counsel has already made arrangements to be at the hearing on the scheduled date. Any change in the date or time of the hearing would result in additional cost and expense.

B. Lack of Necessity for Extension

No extension should be granted. In the Court's order the Court noted that "questioning will be done only by the Court" (D.E. 1020), so there is no need for a specific attorney to be present at the hearing. Plaintiffs have an army of lawyers who can represent their interests in the proceeding. Joe Klock was not present at the deposition and has no personal knowledge other than the comments he has made to the media, which have no bearing on the facts involved in this hearing.¹ Certainly Mr. Morgan, Mr. Antorcha, and Mr. Marino, either individually or collectively, can adequately represent the Plaintiffs in this proceeding.

Conclusion

For the reasons discussed herein, INA requests that this Court deny Plaintiffs' Motion to Continue Hearing (D.E. 1028) and hear this matter on October 7, 2010 at 10:00 a.m. as originally noticed.

CERTIFICATE OF SERVICE

I hereby certify that on **September 13, 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 identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated

¹ Plaintiffs' trial of this case in the media, exemplified in the deposition of Thomas Campbell (Exhibit "A"), the www.abovethelaw.com article (Exhibit "B"), Plaintiffs' website entitled www.ace-insurance-litigation.com (Exhibit "C"), continues with Mr. Klock's statement to the *Texas Lawyer*. (Exhibit "D").

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by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

Respectfully submitted,

BROWN SIMS, P.C.

By: /s/ Frank J. Sioli
Frank J. Sioli
Florida Bar No. 009652
Datran Two – Suite 1609
9130 South Dadeland Boulevard
Miami, Florida 33156
Telephone: 305.274-5507
Facsimile 305.274-5517

*Attorneys for Defendant,
Insurance Company of North
America*

OF COUNSEL:

Kenneth G. Engerrand
P. Michael Bowdoin
Robert M. Browning
Michael A. Varner
BROWN SIMS, P.C.
1177 West Loop South, Tenth Floor
Houston, Texas 77027
Telephone: 713.629-1580
Facsimile: 713-629-5027

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SERVICE LIST

Mr. Hugh J. Morgan
Law Office of Hugh J. Morgan
317 Whitehead Street
Key West, Florida 33040
Telephone: 305.296-5676
Facsimile: 305.296-4331
hugh@hjmorganlaw.com
(via CM/ECF)

Mr. Jack Spottswood
Spottswood, Spottswood & Spottswood
500 Fleming Street
Key West, Florida 33040
Telephone: 305.294-9556
Facsimile: 305.292-1982
jack@spottswood.com
(via CM/ECF)

Peter Halmos, *Pro Se*
c/o Meyers & Associates, C.P.A.
5725 Corporate Way, #101
West Palm Beach, FL 33407
(via Certified Mail, return receipt requested
& via U.S. Mail, postage pre-paid)

Brenton N. Ver Ploeg, Esq.
Stephen A. Marino, Jr., Esq.
Ver Ploeg & Lumpkin, P.A.
100 S.E. 2nd Street
30th Floor
Miami, FL 33131
Telephone: 305-577-3996
Facsimile: 305-577-3558
bverploeg@vpl-law.com
smarino@vpl-law.com
(via CM/ECF)

Mr. Clinton S. Payne
Mr. Pete L. DeMahy
DeMahy Labrador Drake Payne & Cabeza
150 Alhambra Circle - Penthouse

Coral Gables, Florida 33134
Telephone: 305.443-4850
Facsimile: 305.443-5960
cpayne@dldlawyers.com
pdemahy@dldlawyers.com
(via CM/ECF)

Mr. David Paul Horan
Horan, Wallace & Higgins, LLP
608 Whitehead Street
Key West, Florida 33040
Telephone: 305.294-4585
Facsimile: 305.294-7822
dph@horan-wallace.com
(via CM/ECF)

Mr. Joseph P. Klock, Esq.
Mr. Juan Carlos Antorcha, Esq.
Rasco Klock Reininger Perez Esquenazi
Vigil & Nieto
283 Catalonia Avenue
Second Floor
Coral Gables, FL 33134
(305) 476-7100
(305) 476-7102
jklock@rascoklock.com
jantorcha@rascoklock.com
(via CM/ECF)

Roberto M. Vargas
C. Wade Bowden
Jones Foster Johnston & Stubbs, P.A.
505 S. Flagler Dr., Suite 1100
P.O. Box 3475
W. Palm Beach, FL 33402-3475
Telephone: 561-650-0406
Facsimile: 561-650-0430
rvargas@jones-foster.com
wbowden@jones-foster.com
(via CM/ECF)

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
KEY WEST DIVISION

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

PETER HALMOS, et al.,

Plaintiffs,

vs.

INSURANCE COMPANY OF NORTH
AMERICA, et al.

Defendants.

**ORDER DENYING
PLAINTIFFS' MOTION TO CONTINUE HEARING (D.E. 1028)**

On this day came on to be heard Plaintiffs' Motion to Continue Hearing (D.E. 1028) and Memorandum of Law in Support. The Court, after considering the Motion, the Response, the Reply (if any), and arguments of counsel, is of the opinion that the Motion is not well taken and should in all things be DENIED. It is therefore

ORDERED, ADJUDGED, and DECREED that Plaintiffs' Motion to Continue Hearing (D.E. 1028) is denied.

Signed this _____ day of _____, 2010.

STEPHEN T. BROWN
CHIEF UNITED STATES MAGISTRATE
JUDGE

Peter Halmos, Int'l Yachting Charters, Inc. &
High Plains Capital v. Insurance Co. of North America
Case Number: 08-10084-CIV-BROWN

SERVICE LIST

Mr. Hugh J. Morgan
Law Office of Hugh J. Morgan
Post Office Box 1117
Key West, Florida 33041
Telephone: 305.296-5676
Facsimile: 305.296-4331
hugh@hjmorganlaw.com

Mr. Clinton S. Payne
Mr. Pete L. DeMahy
DeMahy Labrador Drake Payne & Cabeza
150 Alhambra Circle - Penthouse
Coral Gables, FL 33134
Telephone: 305.443-4850
Facsimile: 305.443-5960
cpayne@dldlawyers.com
pdemahy@dldlawyers.com

Mr. Jack Spottswood
Spottswood, Spottswood & Spottswood
500 Fleming Street
Key West, Florida 33040
Telephone: 305.294-9556
Facsimile: 305.292-1982
jack@spottswood.com

Mr. David Paul Horan
Horan, Wallace & Higgins, LLP
608 Whitehead Street
Key West, Florida 33040
Telephone: 305.294-4585
Facsimile: 305.294-7822
dph@horan-wallace.com

Brenton N. Ver Ploeg, Esq.
Stephen A. Marino, Jr., Esq.
Ver Ploeg & Lumpkin, P.A.
100 S.E. 2nd Street
30th Floor
Miami, FL 33131
Telephone: 305-577-3996
Facsimile: 305-577-3558
bverploeg@vpl-law.com
smarino@vpl-law.com

Mr. Joseph P. Klock, Esq.
Juan Carlos Antorcha, Esq.
Rasco Klock Reininger Perez Esquenazi
Vigil & Nieto
283 Catalonia Avenue
Second Floor
Coral Gables, FL 33134
(305) 476-7100
(305) 476-7102
jklock@rascoklock.com
jantorcha@rascoklock.com

Peter Halmos, *Pro Se*
c/o Meyers & Associates, C.P.A.
5725 Corporate Way, #101
West Palm Beach, FL 33407

Mr. Frank J. Sioli
Datran Two – Suite 1609
9130 South Dadeland Blvd.
Miami, FL 33156-7851
Telephone: 305-274-5507
Facsimile: 305-274-5517
fsioli@brownsims.com

Kenneth G. Engerrand
P. Michael Bowdoin
Michael A. Varner
Robert M. Browning
Brown Sims, P.C.
1177 West Loop South, Tenth Floor
Houston, Texas 77027
Telephone: 713-629-1580
Facsimile: 713-629-5027
kengerrand@brownsims.com
mbowdoin@brownsims.com
mvarner@brownsims.com
rbrowning@brownsims.com

Roberto M. Vargas
C. Wade Bowden
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505 S. Flagler Dr., Suite 1100
P.O. Box 3475
W. Palm Beach, FL 33402-3475
Telephone: 561-650-0406
Facsimile: 561-650-0430
rvargas@jones-foster.com
wbowden@jones-foster.com