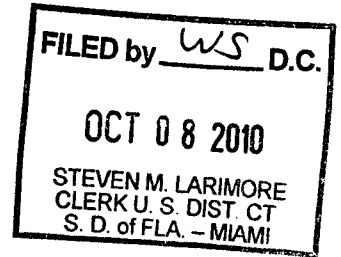


UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
KEY WEST DIVISION



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

PETER HALMOS, et al.,

Plaintiffs,

vs.

INSURANCE COMPANY OF NORTH
AMERICA, et al.,

Defendants.

**PETER HALMOS' *PRO SE* OBJECTION TO OCTOBER 18, 2010 EVIDENTIARY
HEARING AND REQUEST TO SET THIS MATTER FOR JURY TRIAL**

PETER HALMOS, *pro se*, ("Halmos") hereby objects to this Court adjudicating anything at the Evidentiary Hearing scheduled for October 18, 2010 and thus the hearing should be cancelled. Instead, I respectfully request the earliest possible jury trial date that is convenient for this Court to set pursuant to August 31, 2010 Order [D.E. 236].

In addition to adopting the request for cancellation of hearing filed by Plaintiffs IYC and HPC, my basis for objecting to this Court's adjudication of anything at the October 18, 2010 hearing is Your Honor's unequivocal August 12, 2010 instructions:

**"I CANNOT FORCE EITHER SIDE TO DEAL WITH
ANYTHING AT THIS HEARING THAT THEY DO NOT
WANT TO DEAL WITH, THE WAY I SEE IT."**

(August 12, 2010 Transcript P. 4 Lines 18-20)

After reading the voluminous materials submitted as testimony by INA, it is clear that INA is denying coverage. That issue was never agreed upon by the parties for this Court's adjudication. INA's tactical submissions are a clear attempt to have this Court determine the

majority of the issues that should properly be before a jury. As a result, on behalf of myself, individually, and as the authorized representative of Plaintiffs IYC and HPC, Plaintiffs do not want, as put by the Court, "to deal with anything, at this hearing." Plaintiffs will not be put in a position of waiving any issue that is properly before the jury. Instead Plaintiffs' side invokes the terms in the Court's August 31, 2009 Order.

(b)(1) "The Parties will have a trial date certain..."

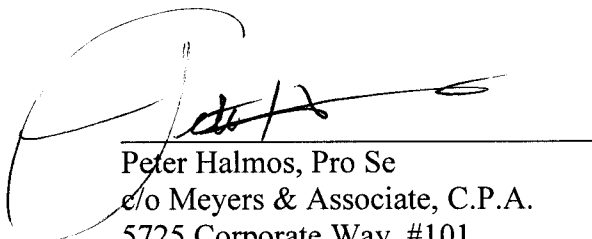
(b)(2) "If the parties can agree, the trial will be set whenever the parties would like it set (subject to conflicts in the Court's calendar):"

(August 31, 2009 Order, P. 2)

WHEREFORE, the relief hereby requested is:

1. Cancellation of the October 18, 2010 hearing because Halmos for good cause, declines to be forced to deal with anything at this hearing (See August 12, 2010 Transcript, P.4, Lines 18-20).
2. Trial by Jury of all matters triable to the maximum extent not prohibited by law at a trial date certain as soon as possible subject to conflicts in the Court's calendar. (See August 31, 2009 Order, P.2)(D.E. 236).

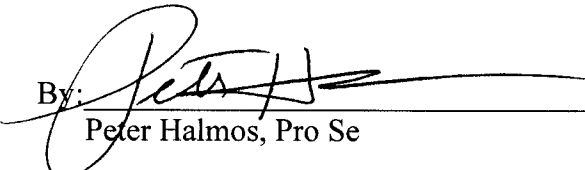
Respectfully submitted,



Peter Halmos, Pro Se
c/o Meyers & Associate, C.P.A.
5725 Corporate Way, #101
West Palm Beach, Florida 33407
Telephone: (561)-684-6604
Facsimile: (561)-684-3881

CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2010, I served the foregoing document on all counsel of record identified on the attached Service List via U.S. Mail.

By: 
Peter Halmos, Pro Se

SERVICE LIST

Frank J. Sioli
Zascha B. Abbott
Brown Sims P.C.
Datran One - Suite 908
9100 South Dadeland Boulevard
Miami, Florida 33156
Telephone: (305) 274-5507
Facsimile: (305) 274-551
fsioli@brownsims.com
zabbott@brownsims.com

Hugh J. Morgan, Esq.
Law Office of Hugh J. Morgan
P.O. Box 1117
Key West, FL 33041
Telephone: 305-296-5676
Facsimile: 305-296-4331

Scott Bassman
Dara Jebrock
Counsel for Defendant, Strickland
Cole, Scott & Kissane, P.A.
Dadeland Centre II
9150 S. Dadeland Blvd, Suite 1400
Miami, FL 33156
Facsimile: (305) 373-2294
dara.jebrock@csklegal.com
scott.bassman@csklegal.com

Joseph P. Klock, Jr.
Juan Carlos Antorcha
Rasco Klock Reininger Perez
283 Catalonia Avenue
Coral Gables, FL 33134
Telephone: (305) 476-7100
Facsimile: (305) 476-7102
jklock@rascoklock.com
jantorcha@rascoklock.com

Clinton Sawyer Payne
DeMahy Labrador Drake Payne & Cabeza
Alhambra Center – Penthouse
150 Alhambra Circle
Coral Gables, FL 33134
Telephone: (305) 443-4850
Facsimile: (305) 443-5960

Jack Spottswood
Spottswood, Spottswood & Spottswood
500 Fleming Street
Key West, FL 33040
Telephone: (305) 294-9556
Facsimile: (305) 292-1982
jack@spottswood.com

Kenneth G. Engerrand
Michael A. Varner
P. Michael Bowdoin
Robert M. Browning
Brown Sims P.C.
1177 West Loop South
Tenth Floor
Houston, Texas 77027-9007
Telephone: (713) 629-1580
Facsimile: (713) 629-5027
kengerrand@brownsims.com
mvarner@brownsims.com

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

David P. Horan
Horan, Wallace & Higgins, LLP
608 Whitehead Street
Key West, FL 33040
Telephone: (305) 294-4585
Facsimile: (305) 294-7822
dph@horan-wallace.com

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

4843-3822-2599, v. 1