

08-10084.no7

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami 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.

_____ /

NOTICE OF HEARING

This matter is before this Court on INA's Motion for Contempt ...(D.E. 1062). The Court has considered the motion, the response, the reply, and all pertinent materials in the file.

It does not appear from the filings, that plaintiffs' have (prior to the filing of this motion) addressed the e-mails from defendant, attached to this motion. While the response to this motion addresses production, it appears to be a third/fourth/fifth attempt to revisit rulings previously made. The Court will not revisit the legal propriety of the prior rulings. However, if there is a physical impossibility of compliance, that would be considered. With regard to the issue of the non-appearance of Mr. Halmos, the Court agrees with plaintiffs - it is gamesmanship. Having so stated, however, a failure on the part of plaintiffs to show physical impossibility of performance will result

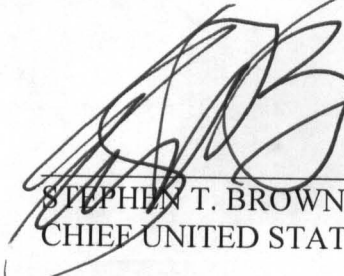
in a finding of contempt, and serious sanctions will be considered. In the event the Court finds plaintiffs' position sustainable, they will nonetheless have the burden of showing the Court why a more expeditious resolution of this matter did not occur...and shall address the proposal of defendants to resolve this matter prior to the hearing. (See page 3 of the reply).

Therefore, and the Court being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** that a hearing has been set for **Thursday, October 28, 2010, at 2:00 P.M., at the United States District Court, 301 North Miami Ave., Miami, Florida, Tenth Floor.** The parties are required to meet at least 48 hours before the hearing and confer in a good faith effort to resolve the issues herein.

(a) One hour has been scheduled for this hearing. The parties may bring a sample box/documents, but shall not bring anything resembling all of them, for this hearing.

(b) In the event the parties are able to resolve this matter they shall promptly notify the Court of same.

DONE AND ORDERED in Chambers at Miami, Florida, this 18th day of October, 2010.


STEPHEN T. BROWN
CHIEF UNITED STATES MAGISTRATE JUDGE

cc: Counsel of record