

IN THE 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.

PLAINTIFFS' UNOPPOSED MOTION TO CONTINUE THE EVIDENTIARY
HEARING SCHEDULED FOR THURSDAY, OCTOBER 28, 2010 [D.E. 1098]

Plaintiffs, IYC and HPC, move for an order of this Court continuing the hearing currently scheduled for Thursday, October 28, 2010 at 2:00 p.m. and state the following:

On October 18, 2010, this Court set a hearing for Thursday, October 28, 2010 at 2:00 p.m. [D.E. 1098] on Insurance Company of North America's Motion for Contempt Due to Plaintiffs' Failure to Comply with D.E. 1022 and Memorandum of Law in Support [D.E. 1062].

Mr. Klock is lead counsel in a pro-bono manslaughter case in the Miami-Dade Circuit Court before The Honorable Judge Diane Ward, *State of Florida vs. Stanley Raphael*, Case No. F09-028363-A. The matter is set for trial the week of October 25, 2010. Mr. Klock, in that case, can not request a defense continuance, as he would waive the applicable "speedies." The trial should last all week and thus conflicts with this Court's setting of the evidentiary hearing on October 28, 2010—a hearing in which Mr. Klock, lead counsel for IYC and HPC should attend.

As a result, Plaintiffs respectfully request that the evidentiary hearing be set for

the week of November 8, 2010, if the Court's schedule allows. Undersigned Counsel conferred with counsel for INA, Robert Browning, who stated that INA has no objection, but requested that the hearing not be set for the week of November 1, 2010, nor the week of November 15, 2010, as INA is unavailable those weeks. Furthermore, Mr. Halmos has medical procedures the week of November 1, 2010, both in state and out of state and thus requested that the hearing not be set on those dates either.

As a result, Plaintiffs request that the hearing set by this Court for October 28, 2010 at 2:00 p.m. be rescheduled for the week of November 8, 2010. This motion is not made for purposes of delay, but in the interest of judicial economy and efficiency.

CERTIFICATE OF GOOD FAITH CONFERENCE

Undersigned counsel conferred with counsel for INA, Robert Browning, who stated that INA does not oppose this instant motion for continuance. However, Mr. Browning has indicated that INA is not available the week of November 1, 2010 and the week of November 15, 2010.

WHEREFORE, the Plaintiffs request the entry of an order granting this motion for continuance of the hearing currently set for October 28, 2010 at 2:00 p.m. to the week of November 8, 2010.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 19, 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 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,

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