

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
KEY WEST DIVISION
Case Number: 08-10084-CIV-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.

**JOINT MOTION FOR RECONSIDERATION OF THE ORDER
CANCELLING “MEDIATION” AND VACATING ABATEMENT [D.E. 740]**

Plaintiffs and Defendant file this their Joint Motion for Reconsideration of the Order Cancelling “Mediation” and Vacating Abatement [D.E. 740]. In support of this Motion, INA states as follows:

The Parties have been working diligently to resolve the disputes involved in the approximately \$14,000,000.00 in charges that are the subject of the mediation. The Parties spent two days (each in excess of 10 hours) meeting and resolving issues on June 3, 2010 and June 4, 2010.¹ This series of meetings resolved significant issues and most items at issue² involving the approximately \$14,000,000.00 in vendor charges. The Parties are prepared for mediation, believe that it would be beneficial, and want to proceed.

¹ This meeting was after the initial meeting on May 17, 2010 where the parties met to review the applicable spreadsheets.

² This is quantified by the numbers of reimbursement requests, not the dollar value of those requests.

To the extent that the Parties did not provide the detail needed by the Court in their mediation statements, that was unintentional. Both Parties believed that they were providing the requested information.

As to a more detailed analysis, the Parties prepared a lengthy spreadsheet with the items that remained to be resolved at mediation. Since the Parties' meeting concluded late on Friday, June 4, 2010, it was not yet ready to be presented to the Court by Monday, June 7, 2010 (the resolved items needed to be recategorized on the spreadsheet). Despite that, copies were being brought to the mediation. (A copy could be messengered to the Court in advance of mediation if it prefers). Perhaps this would be the additional information which the Court referenced and would satisfy the Court that the Parties need this mediation to occur.

Both Parties believe that the abatement which the Court originally ordered is the best mechanism by which to resolve the approximately \$14,000,000.00 vendor charges -- a critical issue in the case. If this does not occur, the Parties fear that it will merely multiply the issues which must be resolved at trial. Therefore, the Parties request that the Court reconsider D.E. 740, hold the mediation on June 10, 2010 and June 11, 2010 as previously ordered, and proceed with the evidentiary hearing (if required).

CONCLUSION

WHEREFORE, the Parties request that this Court vacate D.E. 740 and proceed with the previously contemplated mediation and evidentiary hearing.

CERTIFICATE OF SERVICE

I hereby certify that on June 8 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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INSURANCE COMPANY OF NORTH AMERICA,
ET AL.,

Defendants.

**ORDER VACATING THE ORDER
CANCELLING "MEDIATION" AND VACATING ABATEMENT [D.E. 740]**

This Court having reviewed the Parties Joint Motion for Reconsideration of the Order Cancelling "Mediation" and Vacating Abatement [D.E. 740], and being fully advised of the premises hereby states:

D.E. 740 is vacated in its entirety. Mediation will begin promptly at 9:00 a.m. on June 10, 2010.

Signed this _____ day of , 2010 at Miami-Dade County, Miami, Florida.

HONORABLE STEPHEN T. BROWN
UNITED STATES MAGISTRATE JUDGE

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