

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

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

PETER HALMOS, et al.

vs.

INSURANCE COMPANY OF NORTH AMERICA, et al.

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**INSURANCE COMPANY OF NORTH AMERICA'S  
UNOPPOSED MOTION FOR RECONSIDERATION OF D.E. 971**

Defendant, Insurance Company of North America ("INA" or "Defendant"), by and through the undersigned counsel, hereby files its Unopposed Motion for Reconsideration of D.E. 971. In support hereof, INA shows the Court as follows:

INA has reviewed the Local Rules as well as the CM/ECF Administrative Procedures referenced within D.E. 971. INA believes it fully complied with all requirements. For example, Local Rule 5.1(a) requires that all civil and criminal pleadings, motions, and other papers tendered for conventional (non-CM/ECF) filing shall:

- (1). Be bound only by easily-removable paper or spring-type binder clips, and not stapled or mechanically bound or fastened in any way. Voluminous pleadings, motions, or documents may be bound with a rubber band. Attachments may not be tabbed; reference characters should be printed or typed on a blank sheet of paper separating each attached document.

INA complied with this section of the Local Rules. The exhibit was rubber banded. Therefore, this section could not serve as the basis for D.E. 971.

Local Rule 5.1(a)(2) does not apply since it involves only the filing of a civil complaint. Further, Local Rule 5.1(a)(3), (4), and (5) do not apply since the filing of exhibits is excepted

from those sections. *See* Local Rule 5.1(a) (“Exception: The requirements of (a)(3)-(a)(5) do not apply to: (i) exhibits submitted for filing; ...”). Therefore, this section could not serve as the basis of D.E. 971.

Local Rule 5.1(a)(6) applies, however, it was satisfied since INA included a copy of the Notice of Filing with the exhibits. This document contained all of the information listed in Local Rule 5.1(a)(6). Further, it demonstrated that the document was served electronically on all counsel. Therefore, this section could not serve as the basis for D.E. 971.

Also, neither Local Rule 5.1(a)(7) or (8) apply. Therefore, they could not serve as the basis for D.E. 971.

Finally, the Court raises Sections 3A and 3G(3) of the CM/ECF Administrative Procedures. Regarding Section 3A, INA informed the Court that, due to the size and length of Attachment “A” to Exhibit “A,” it was impossible to file that document electronically. (*See* D.E. 939, p. 5 fn. 4 and D.E. 939-2). Further, any attempt to do so would render the document illegible. Regarding Section 3G(3), assuming that the document was reduced to an illegible size, any attempt to electronically file the document would take an estimated thirty Notices of Filing. Taking this action would render the document illegible and incapable of being used or referenced by the Court.

For these reasons, INA requests reconsideration of D.E. 971. In the alternative, INA asks for clarification regarding what specific rule the Court believes was violated. By doing so, INA can fix the problem expeditiously.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendant Insurance Company of North America respectfully requests that the Court Grant INA’s Unopposed Motion for

Reconsideration of D.E. 971, and grant Defendant any other relief to which it may show itself justly entitled, whether at law, in equity, or in admiralty.

**CERTIFICATE OF CONFERENCE**

Robert M. Browning conferred with JC Antorcha regarding the filing of this motion and he is unopposed to it

**CERTIFICATE OF SERVICE**

I hereby certify that on **August 11, 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,

**BROWN SIMS, P.C.**

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PETER HALMOS, et al.,

*Plaintiffs,*

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*Defendant.*

\_\_\_\_\_ /

**ORDER GRANTING  
INSURANCE COMPANY OF NORTH AMERICA'S  
UNOPPOSED MOTION FOR RECONSIDERATION OF D.E. 971**

On this day came on to be heard Insurance Company of North America's ("INA") Unopposed Motion for Reconsideration of D.E 971. The Court, after considering the Motion is of the opinion that the Motion is well-taken and should in all things be GRANTED. It is therefore:

ORDERED, ADJUDGED, and DECREED that D.E. 971 is withdrawn.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
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

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