

IN THE CIRCUIT COURT FOR THE 11<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR MIAMI-  
DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO. 10-33653 CA 04

INSTITUTO NACIONAL DE SEGUROS,

Plaintiff,

vs.

HEMISPHERIC REINSURANCE GROUP,  
L.L.C. and HOWDEN INSURANCE  
BROKERS LIMITED,

Defendants.

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**GENERAL MAGISTRATE'S REPORT AND RECOMMENDATION DENYING  
DEFENDANT, HOWDEN'S, MOTION TO DISMISS AMENDED COMPLAINT**

THIS CAUSE came on for hearing on December 13, 2010, pursuant to the Court's July 14, 2010, Order of Referral on Defendant, Howden Insurance Brokers Limited's ("Howden"), October 22, 2010, Motion to Dismiss Plaintiff, Instituto Nacional De Seguros', September 23, 2010 ("Instituto"), Amended Complaint, and the undersigned, having heard argument of counsel and having reviewed Instituto's December 6, 2010, amended pleading and Howden's December 10, 2010, Notice of Intent to Rely, and having reviewed the file herein and being otherwise advised in the premises, it is

FOUND AND RECOMMENDED as follows:

1. Howden's Motion to Dismiss Instituto's Amended Complaint is denied based upon a finding that Instituto did not impermissibly commingle separate and distinct claims in a single count and that the counts against Howden and Co-defendant, Hemispheric

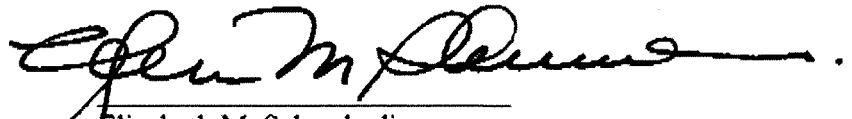
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Reinsurance Group, LLC, are not required to be differentiated into separate counts where Instituto clearly alleged the nature of their relationship between and among these parties in Paragraphs 1, 8 and 9 of its amended pleading.

2. In contrast to case upon which Howden relies, *K.R. Exchange Services, Inc. v. Fuerst, Humphrey, Ittleman, PL*, 35 Fla. L. Weekly D2317 (Fla. 3d DCA October 20, 2010)(dismissing without prejudice a complaint which lacked minimal organization and coherence and combined rambling allegations of legal malpractice against a law firm as well as its non-lawyer compliance advisors), the Magistrate finds that Instituto's Amended Complaint clearly and adequately informs Howden of the position of the pleader and is in compliance with Fla. R. Civ. P. 1.110.
3. Absent timely exceptions pursuant to Fla. R. Civ. P. 1.490(h), Howden shall serve its answer and affirmative defenses to Instituto's Amended Complaint twenty days from the date of this Report.

The undersigned files this Report and Recommendation with the Clerk of Court in Miami,

Miami-Dade County, Florida, this 13<sup>th</sup> day of December, 2010.

  
Elizabeth M. Schwabedissen  
GENERAL MAGISTRATE

Copies furnished via telecopy to:

John F. O'Sullivan, Esq.  
Pieter Van Tol, Esq.  
Barry Greenberg, Esq.  
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