

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MARK J. GAINOR,

Plaintiff,

v.

CASE NO.: 06-21748-Civ-Martinez

SIDLEY, AUSTIN, BROWN & WOOD, LLP,

Defendant.

**PLAINTIFF'S THIRD REQUEST FOR
PRODUCTION OF DOCUMENTS TO DEFENDANT**

Plaintiff, Mark J. Gainor, by and through his undersigned counsel and pursuant to Fla.R.Civ.P. 1.350, requests that Defendant, Sidley, Austin, Brown & Wood, produce for inspection and copying at the offices of Richard Benjamin Wilkes, Attorneys at Law, 600 South Magnolia Avenue, Suite 200, Tampa, Florida, within thirty (30) days, or at such other time and place as may be agreed upon between counsel, the originals, or if the originals are unavailable, copies of all documents hereinafter described.

I. DEFINITIONS AND INSTRUCTIONS

- a. As used herein, "you" or "your" shall mean Defendant, Sidley, Austin, Brown & Wood, its affiliates, corporations, partners, agents, servants, employees, attorneys, expert witnesses, accountants, auditors, and all persons over whom Sidley has control or who have been hired, retained or employed for any purpose by Sidley whether directly by Sidley or through any other person or entity.
- b. As used herein, the term "document" or "documents" shall be defined to include any and all documents, memoranda (including written memoranda of telephone

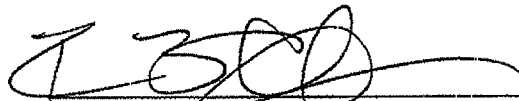


conversations, oral communications, discussions, agreements, acts or activities), letters, postcards, telegrams, messages (including telephone messages), facsimiles, intra- and interoffice communications, correspondence, handwritten and/or typewritten notes, pamphlets, diaries, records of any kind, sound recordings, contracts, agreements, books, letters, reports, catalogues, financial statements, receipts, invoices, billing statements (including credit card and telephone statements), purchase orders, proposals, affidavits, advertisements, solicitations, indices, data processing cards, other data processing materials, data, maps, directives, desk pads, calendars, scrap books, notebooks, drawings, diagrams, sketches, statistical records, appointment books, diaries, computer printouts, data processing input and output, computer input and output, e-mail, microfilms, other records kept by electronic, photographic or mechanical means, and writing of every kind and character, including preliminary drafts and other copies of the foregoing, however produced or reproduced. If multiple copies of a document exist, each copy which is any way not completely identical to a copy which is being produced, should also be produced.

II. DOCUMENTS TO BE PRODUCED

1. All documents, policies and procedures pertaining to the maintenance and security of your client files that were in effect between June of 1999 and January 2004.
2. All documents, policies and procedures pertaining to your computer server(s) and hard drive system(s) back-up in effect between June of 1999 and January 2004.
3. All documents, policies and procedures applicable to opening new client files in effect in 1999.
4. All documents pertaining to the existence of your file on Mr. Gainor in connection with providing the December 31, 1999 opinion letters, including but not limited to new matter sheets and conflict checks.

5. All documents reflecting efforts to retrieve files you claim were lost and/or destroyed as a result of the terrorist attack on September 11, 2001.
6. All documents reflecting any inventories of documents you claim were lost and/or destroyed as a result of the terrorist attack on September 11, 2001.
7. All insurance claims made for the files you assert were lost and/or destroyed as a result of the terrorist attack on September 11, 2001.



RICHARD BENJAMIN WILKES

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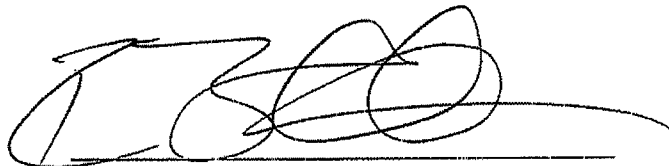
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been
furnished by first class U.S. Mail this 29th day of October, 2006, to:

Jonathan E. Altman, Esq.
Munger, Tolles & Olson LLP
355 South Grand Avenue, 35th Floor
Los Angeles, CA 90071

Katherine W. Ezell, Esq.
Podhurst Orseck, P.A.
25 W. Flagler Street, Suite 800
Miami, FL 33130



Attorney