

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
Miami Division

Case No. 06-21748 CIV-MARTINEZ/BANDSTRA

MARK J. GAINOR and ELYSE  
GAINOR,

Plaintiffs,

v.

SIDLEY AUSTIN LLP, et al.

Defendants.

---

**ARTHUR ANDERSEN LLP'S, MARX'S, AND NISSLEY'S AGREED MOTION FOR  
ADDITIONAL TIME TO FILE REPLIES IN SUPPORT OF THEIR MOTIONS TO  
DISMISS AND RESPOND TO PLAINTIFFS' MOTIONS TO COMPEL**

Defendants Arthur Andersen LLP, Michael S. Marx, and P. Anthony Nissley (collectively "Andersen") move the Court, pursuant to Fed. R. Civ. P. 6(b), for an enlargement of time through and including August 8, 2007 to file reply memoranda in support of Arthur Andersen's, Marx's, and Nissley's individual Motions to Dismiss and also respond to Plaintiffs' two motions to compel. Plaintiffs, through counsel, have granted their agreement to this Motion. As grounds for this Motion, Andersen states:

1. On July 11, 2007, Plaintiffs filed Plaintiffs' Memorandum of Law in Opposition to Defendant Arthur Andersen LLP's Motion to Dismiss, Plaintiffs' Memorandum of Law in Opposition to Defendant Marx's Motion to Dismiss, and Plaintiffs' Memorandum of Law in Opposition to Defendant Nissley's Motion to Dismiss:

2. Also on July 11, 2007, Plaintiffs filed Plaintiffs' Motion to Compel Defendants, Arthur Andersen and Merrill Lynch, to Produce Initial Disclosures in Compliance with Rule 26(a) and Plaintiffs' Motion to Compel (a) Responses to Plaintiffs' Second Request for

Production of Documents to Defendants Arthur Andersen, Marx and Nissley and (b) Deposition Dates for Marx and Nissley (collectively "Motions to Compel").

3. Pursuant to the Order Granting Plaintiffs' Motion for Extension of Time to Respond to Defendant Arthur Andersen, LLP's Motion to Dismiss, and for Extension of Time for Defendants Arthur Andersen, LLP and Michael S. Marx and P. Anthony Nissley to File Their Reply Memoranda, Andersen's reply memoranda are due on July 25, 2007.

4. Pursuant to Pacer's Docket Report, Andersen's responses to Plaintiffs' Motions to Compel are also due July 25, 2007.

5. Given the volume of briefing and other scheduling issues, counsel for Andersen needs additional time to submit its reply memoranda in support of its three motions to dismiss as well as respond to Plaintiffs' Motions to Compel.

6. Counsel for Andersen has conferred with Plaintiffs' counsel. Plaintiffs' counsel has graciously agreed to the enlargement of time, through and including August 8, 2007 for Andersen to serve its reply memoranda and to respond to Plaintiffs' Motions to Compel.

With this Motion, undersigned counsel has provided the Court with a proposed order granting the requested enlargement of time.

WHEREFORE, Andersen respectfully requests that this Court enter an Order granting this Agreed Motion for Additional Time to File Replies in Support of Andersen's Motions to Dismiss and Respond to Plaintiffs' Motions to Compel through and including August 8, 2007.

**McDERMOTT WILL & EMERY LLP**

By: s/ Michael G. Austin  
Michael G. Austin (FBN 0457205)  
E-mail: [maustin@mwe.com](mailto:maustin@mwe.com)  
201 South Biscayne Blvd., Ste. 2200  
Miami, Florida 33131  
Tel: (305) 347-6511; Fax: (305) 347-6500

*Of counsel:*  
Douglas E. Whitney  
Jocelyn D. Francoeur  
**McDERMOTT WILL & EMERY LLP**  
227 West Monroe Street  
Chicago, Illinois 60606  
(312) 372-2000  
(312) 984-7700 FAX  
E-Mail: [dwhitney@mwe.com](mailto:dwhitney@mwe.com)  
[jfrancoeur@mwe.com](mailto:jfrancoeur@mwe.com)  
*Counsel for Arthur Andersen, LLP, Michael S.  
Marx and P. Anthony Nissley*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 18, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which automatically sends an electronic notification to CM/ECF participants. The foregoing document was also served on those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing identified on the attached Service List via first-class U.S. Mail.

s/ Michael G. Austin  
Michael G. Austin

**SERVICE LIST**

Richard Benjamin Wilkes  
Richard W. Candelora  
Richard Benjamin Wilkes, P.A.  
Attorneys at Law  
600 S. Magnolia Ave, Suite 200  
Tampa, Florida 33606  
813-254-6060  
Fax: 813-254-6088  
**[rwilkes@rbwilkes.com](mailto:rwilkes@rbwilkes.com)**  
*Attorneys for Plaintiff*

Jonathan E. Altman  
Aaron M. May  
Gabriel P. Sanchez  
Brad D. Brian  
Julie Cantor  
Lisa Demsky  
Richard Drooyan  
MUNGER, TOLLES & OLSON LLP  
355 S. Grand Avenue, 35th Floor  
Los Angeles, California 90071  
613-683-9100  
Fax: 613-683-3702  
**[Jonathan.altman@mto.com](mailto:Jonathan.altman@mto.com)**  
**[Aaron.may@mto.com](mailto:Aaron.may@mto.com)**  
**[Gabriel.sanchez@mto.com](mailto:Gabriel.sanchez@mto.com)**  
*Attorneys for Sidley Austin LLP*

Coren Harris Stern  
Bennett Falk  
Bressler, Amery & Ross P.C.  
2801 S.W. 149th Ave.  
Miramar, Florida 33027  
954-499-7979  
**[csfern@bressler.com](mailto:csfern@bressler.com)**  
*Attorneys for Merrill Lynch & Co., R.J. Ruble*

Katherine Warthen Ezell  
PODHURST ORSECK  
JOSEFSBERG, ET AL.  
25 W. Flagler Street, Suite 800  
City National Bank Bldg.  
Miami, Florida 33130-1780  
305-358-2800  
Fax: 305-358-2382  
**[KEzell@podhurst.com](mailto:KEzell@podhurst.com)**  
*Attorneys for Sidley, Austin, Brown  
& Wood, LLP*

Stephen J. Anderson  
ANDERSON DAILEY LLP  
2002 Summit Blvd., Suite 1250  
Atlanta, Georgia 30319  
404 442 1800  
Fax: 404 442 1820  
**[Anderson@andersondailey.com](mailto:Anderson@andersondailey.com)**  
*Attorney for Marc C. Klopfenstein*

R.J. Ruble  
1517 Avalon Square  
Glen Cover, New York 11542

Richard A. Morgan  
Buchanan Ingersoll & Rooney, P.C.  
100 S.E. Second Street  
Miami, Florida 33131  
305-347-4080  
Fax 305-347-4089  
**[Richard.morgan@bipc.com](mailto:Richard.morgan@bipc.com)**  
*Attorneys for Mark C. Klopfenstein*