

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 06-21748-CIV-MARTINEZ-BANDSTRA

MARK J. GAINOR and ELYSE GAINOR,

Plaintiffs,

vs.

SIDLEY, AUSTIN LLP, a Delaware limited liability Partnership, f/k/a SIDLEY AUSTIN BROWN & WOOD, f/k/a BROWN & WOOD, R.J. RUBLE, an individual, ARTHUR ANDERSEN, LLP, an Illinois limited liability partnership, MICHAEL S. MARX, an individual, P. ANTHONY NISSLEY, an individual, MERRILL LYNCH & CO., INC., a Delaware corporation, and MARK C. KLOPFENSTEIN, an individual,

Defendants.  

---

**DEFENDANT SIDLEY AUSTIN LLP'S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO PLAINTIFFS' MOTION TO COMPEL FULL AND COMPLETE RESPONSES TO DISCOVERY FROM DEFENDANT, SIDLEY AUSTIN BROWN & WOOD**

Defendant Sidley Austin LLP ("Sidley Austin") moves the Court for an enlargement of time through and including August 13, to respond to Plaintiffs' Motion To Compel Full And Complete Responses To Discovery. Plaintiffs, through counsel, do not oppose this Motion.

1. Plaintiffs first corresponded with counsel for Sidley Austin on March 23, 2007 detailing their discovery concerns. Counsel for Sidley Austin responded on April 3 and again on May 30, 2007, and over the course of several communications, the parties have resolved many disagreements related to discovery.
2. On July 16, 2007, Plaintiffs filed Plaintiffs' Motion To Compel Full And Complete Responses To Discovery From Defendant, Sidley Austin Brown &

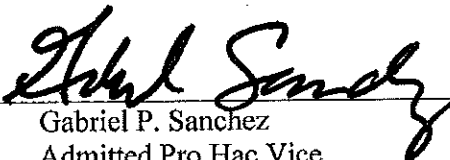
CASE NO. 06-21748-CIV-MARTINEZ-BANDSTRA

Wood, And Certificate Of Compliance With Local Rule 7.1.A.3 (“Plaintiffs’ Motion To Compel”).

3. Under Local Rule 7.1, Defendant Sidley Austin’s response is due July 30, 2007.
4. Plaintiffs’ Motion To Compel raises several issues that Sidley Austin believes can be addressed without the Court’s intervention. Counsel for Sidley Austin is in the process of communicating with Plaintiffs’ counsel to resolve the remaining discovery disagreements. Sidley Austin would like additional time to allow counsels’ discussion to reach a fruitful conclusion.
5. Sidley Austin’s Unopposed Motion For Enlargement Of Time will not affect any pretrial schedule deadline.
6. The undersigned counsel certifies that he has conferred with counsel for the Plaintiffs, Richard Benjamin Wilkes, regarding this motion and Mr. Wilkes has advised that he has no objection to the proposed extension.
7. This motion is filed in good faith and not interposed for the purpose of delay.

DATED: July 25<sup>th</sup>, 2007

MUNGER, TOLLES & OLSON LLP  
355 S. Grand Ave., 35th Floor  
Los Angeles, CA 90071  
(213) 683-9100 / Fax (213)687-3702

By:   
Gabriel P. Sanchez  
Admitted Pro Hac Vice  
Gabriel.Sanchez@mto.com

*Attorneys for Defendant Sidley Austin LLP*

CASE NO. 06-21748-CIV-MARTINEZ-BANDSTRA

DATED: July 25, 2007

PODHURST ORSECK, P.A.  
City National Bank Building  
25 West Flagler Street, Suite 800  
Miami, FL 33130  
(305) 358-2800 / Fax (305) 358-2382

By: Katherine W. Ezell  
Katherine W. Ezell  
Florida Bar No. 114771  
kezell@podhurst.com  
*Attorneys for Sidley Austin LLP*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy was sent via the Southern District of Florida's CM/ECF System and/or electronic mail to all counsel of record and by U.S. Mail to the pro se parties identified on the attached Service List this 25th day of July, 2007.

Respectfully submitted,

PODHURST ORSECK, P.A.  
25 West Flagler Street, Suite 800  
Tel. (305) 358-2800 / Fax (305) 358-238  
kezell@podhurst.com

By: s/Katherine W. Ezell  
KATHERINE W. EZELL  
Fla. Bar No. 114771

And

MUNGER, TOLLES & OLSON, LLP  
Jonathan E. Altman, Esq.  
jonathan.altman@mto.com  
Aaron M. May, Esq.  
Aaron.may@mto.com  
Gabriel P. Sanchez, Esq.  
gabriel.sanchez@mto.com  
355 South Grand Avenue, 35<sup>th</sup> Floor  
Los Angeles, CA 90071-1560  
(613) 683-9100/Fax (613) 683-5136

Attorneys for Defendant Sidley Austin, LLP

**SERVICE LIST**

Richard Benjamin Wilkes, Esq.  
Richard W. Candelora, Esq.  
Richard Benjamin Wilkes, P.A.  
600 South Magnolia Avenue, Suite 200  
Tampa, FL 33606  
Tel. #: (813) 254-6060  
Fax #: (813) 254-6088  
E-Mail: [rwilkes@rbwilkes.com](mailto:rwilkes@rbwilkes.com)  
Attorneys for Plaintiffs

Stephen J. Anderson, Esq.  
2002 Summit Blvd., Suite 1250  
Atlanta, GA 30319  
Tel. #: (404) 442-1800  
Fax #: (404) 442-1820  
E-mail: [Anderson@andersondailey.com](mailto:Anderson@andersondailey.com)  
Attorneys for Mark C. Klopfenstein

Richard A. Morgan, Esq.  
E-mail: [richard.morgan@bipc.com](mailto:richard.morgan@bipc.com)  
Kelly A. McGovern, Esq.  
E-mail: [kelly.mcgovern@bipc.com](mailto:kelly.mcgovern@bipc.com)  
Buchanan Ingersoll & Rooney, PC  
Bank of America Tower, 34<sup>th</sup> Floor  
100 Southeast Second Street  
Miami, FL 33131  
Tel. #: (305) 347-4080  
Fax #: (305) 347-4089  
Attorneys for Mark C. Klopfenstein

Bennett Falk, Esq.  
E-mail: [bfalk@bressler.com](mailto:bfalk@bressler.com)  
Coren Harris Stern, Esq.  
E-mail: [cstern@bressler.com](mailto:cstern@bressler.com)  
Bressler, Amery & Ross  
2801 S.W. 149<sup>th</sup> Ave.  
Miramar, Fl 33027  
Tel #: (954) 499-7979  
Fax #: (954) 499-7969  
Attorneys for Merrill Lynch & Co., Inc.

Douglas E. Whitney, Esq.  
McDermott Will & Emery  
227 West Monroe Street  
Chicago, IL 60606-5096  
Tel. #: (312) 372-2000  
Fax #: (312) 984-7700  
E-mail: [dwhitney@mwe.com](mailto:dwhitney@mwe.com)  
Attorneys for Arthur Andersen, LLP,  
P. Anthony Nissley and Michael S. Marx

Michael G. Austin, Esq.  
McDermott Will & Emery  
201 South Biscayne Boulevard, Suite 2200  
Miami, FL 33131  
Tel. #: (305) 347-6517  
Fax #: (305) 347-6500  
E-mail: [maustin@mwe.com](mailto:maustin@mwe.com)  
Attorneys for Arthur Andersen, LLP,  
P. Anthony Nissley and Michael S. Marx

Jocelyn d. Francoeur, Esq.  
McDermott Will & Emery, LLP  
227 W. Monroe St., Suite 4400  
Chicago, IL 60606-5096  
Tel. #: (312) 372-2000  
Fax #: (312) 984-7700  
E-mail: [jfrancoeur@mwe.com](mailto:jfrancoeur@mwe.com)  
Attorneys for Arthur Andersen, LLP,  
P. Anthony Nissley and Michael S. Marx

Stuart E. Abrams, Esq.  
Frankel & Abrams  
230 Park Avenue, Suite 3330  
New York, NY 10169  
Tel. #: (212) 661-5000  
Fax #: (212) 661-5007  
E-mail: [sabrams@frankelabrams.com](mailto:sabrams@frankelabrams.com)

R.J. Ruble  
1517 Avalon Square  
Glen Cove, NY 11542