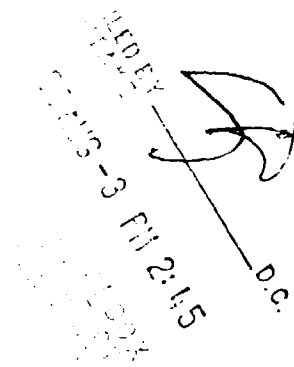


IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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



MARK J. GAINOR,

Plaintiff,

v.

SIDLEY, AUSTIN, BROWN & WOOD, LLP,

Defendants

**AGREED MOTION TO ALLOW EXCEPTION TO ORDER  
REQUIRING PARTIES TO MEET IN PERSON**

Defendant, SIDLEY, AUSTIN LLP (“Brown and Wood” or “Defendant”)<sup>1</sup>, requests leave of the Court to hold counsels’ scheduling conference by telephone as allowed by SDLR 16 B.1, rather than in person as required by the Court’s Order issued July 21, 2006. The grounds for this motion are as follows:

1. The Court’s Order Requiring Parties to Meet would require a meeting on or before August 4, 2006. Timing in which to organize such meeting was very short due in part to the fact that the case was removed to this Court on July 14, 2006. Upon information and belief, Plaintiff’s counsel Richard Benjamin Wilkes, Esq. did not receive the Court’s Order until July 27, due to a wrong address. On July 28, he conferred with Defendant’s counsel to schedule the required meeting

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<sup>1</sup> Sidley Austin Brown & Wood LLP formally changed its name to Sidley Austin LLP on January 1, 2006. Sidley Austin Brown & Wood LLP was the successor to Brown & Wood as the result of a merger in 2001.

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

and on July 29, 2006, Mr. Wilkes left the country on a long awaited vacation . Upon information and belief he will be in France until the end of August.

3. According to the Order the meeting is to be held on or before August 4, 2006, and counsel for both parties have worked out a plan to hold the conference by telephone.

2. Defendant's lead counsel Jonathan Altman, Esq. and Aaron May, Esq. of the firm Munger, Tolles & Olson, LLP are located in Los Angeles, California. The undersigned local counsel is in Miami.

3. Because he is out of the country Mr. Wilkes asked Defendant's counsel to request that this meeting be allowed to occur by telephone, and obviously Defendant's counsel is amenable to doing so.

4. As there are only two Parties involved in this matter, there should be no problem conducting an a timely, orderly and productive scheduling conference in that fashion.

WHEREFORE, undersigned counsel for the Defendant Sidley, Austin and specifically at the request of Plaintiff's counsel Richard Benjamin Wilkes, Esq., moves this Court for leave to hold their scheduling conference by telephone.

**CERTIFICATE OF SERVICE**

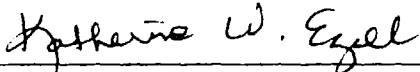
**I HEREBY CERTIFY** that a true and correct copy was faxed and mailed this 3rd day

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

of August, 2006, on Richard Benjamin Wilkes, Richard Benjamin Wilkes, P.A., 600 South Magnolia Avenue, Suite 200, Tampa, Florida 33606.

Respectfully submitted,

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