

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

MARK J. GAINOR and ELYSE GAINOR,

Plaintiff,

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,

Defendant.

**ORDER GRANTING DEFENDANT SIDLEY AUSTIN LLP'S MOTION
FOR PARTIAL SUMMARY JUDGMENT ON DAMAGES**

THIS CAUSE came before the Court upon Defendant Sidley Austin LLP's ("Sidley") Motion For Partial Summary Judgment On Damages, (D.E. No. _____) filed on July 26, 2007. The Court has carefully considered the motion and is otherwise duly advised. It is hereby:

ORDERED AND ADJUDGED that

1. Sidley's Motion is **GRANTED**, and Plaintiffs' claims for attorneys fees paid to Brown & Wood, accounting fees paid to Arthur Andersen, loan facility fees paid to Merrill Lynch, and damages Plaintiffs describe as the difference between the purchase price of Bryan Medical and Lucor and the value of the securities conveyed, are hereby stricken.

DONE AND ORDERED in chambers at Miami, Florida, this ___ day of July, 2007.

Jose E. Martinez
United States District Judge