

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

MARK J. GAINOR and ELYSE GAINOR,

Plaintiffs,

v.

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.

**NOTICE OF FILING EXHIBIT A TO
DEFENDANT MERRILL LYNCH & CO., INC.'S RESPONSE TO
PLAINTIFFS' MOTION TO COMPEL COMPLIANCE WITH RULE 26(a)**

Defendant Merrill Lynch & Co., Inc. hereby gives notice of filing the attached Exhibit A, which was inadvertently not attached to its Response to Plaintiffs' Motion to Compel Compliance with Rule 26(a).

Respectfully submitted,

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/s/Coren H. Stern

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Coren H. Stern
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing *Notice of Filing Exhibit A to Defendant Merrill Lynch & Co., Inc.'s Response to Plaintiffs' Motion to Compel Compliance With Rule 26(a)* has been served this 30th day of July, 2007 to all parties on the attached service list via the Court's CM/ECF system or if such person(s) is not subscribed to the same, via U.S. Mail.

/s/Coren H. Stern

SERVICE LIST

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June 11, 2007

Via E-Mail Only

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Re: *Gainor v. Sidley Austin, et al.*
Our File No. 03-1687

Dear Counsel:

I am in receipt of your clients' Rule 26 disclosures. I do not believe that these disclosures comply with the rules.

With respect to the identification of witnesses, please identify the names of "any other third party advisors of Plaintiffs" that are referenced in your disclosure document. In addition, you are required to provide to us copies of, or appropriate descriptions of, documents and other items which you may use to support your claims or defenses. I would appreciate your providing such a description immediately, or providing copies of such documents to us immediately, so that we can avoid the necessity of seeking judicial intervention in this matter. I believe many of these documents would be pertinent to your claim that the law of a foreign state applies, as well as to your claims regarding the statute of limitations. I look forward to hearing from you at your earliest convenience on this time-sensitive matter.

Sincerely,

Richard Benjamin Wilkes

Richard Benjamin Wilkes
(Signed in Mr. Wilkes' absence
in order to avoid delay)

RBW/sf

EXHIBIT A