

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division

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/ 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.

JOINT STIPULATION TO WITHDRAW PLAINTIFFS' MOTION TO STRIKE PORTIONS OF DEFENDANT SIDLEY AUSTIN LLP'S AMENDED ANSWER, FILED ON JULY 5, 2007; AND TO AMEND SIDLEY AUSTIN LLP'S AMENDED ANSWER

WHEREAS, Plaintiffs Mark and Elyse Gainor ("Plaintiffs") filed a Motion To Strike Portions Of Defendant Sidley Austin LLP's ("Sidley") Amended Answer on July 5, 2007 (the "Motion");

WHEREAS, the Motion sought to strike those portions of Sidley's Amended Answer in which Sidley stated that it had no duty to respond to legal conclusions in Plaintiffs' Amended Complaint;

WHEREAS, the parties wish to avoid further expenditures of time and judicial resources regarding this dispute;

THEREFORE: IT IS HEREBY STIPULATED AND AGREED BY THE PARTIES that (1) within 10 days of the Court's entry of an Order approving this Stipulation, Sidley shall file and serve a Second Amended Answer, in which Sidley shall not take the position that it need not

respond to legal conclusions in Plaintiffs' Amended Complaint; and (2) upon entry of the Court's Order approving this Stipulation, Plaintiffs Motion shall be withdrawn without prejudice.

DATED: August 4, 2007

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DATED: August 6 2007

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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 6th day of August, 2007.

Respectfully submitted,

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