

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.

**ORDER GRANTING 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**

THIS CAUSE came before the Court upon Plaintiffs Mark and Elyse Gainor's and Defendant Sidley Austin's 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 (D. E. No. ___), filed on August __, 2007. The Court has carefully considered the motion and is otherwise duly advised. It is hereby:

ORDERED AND ADJUDGED that

1. Within 10 days of the Court's entry of this Order, Sidley shall file and serve a Second Amended Answer, in which Sidley Austin LLP shall not take the position that it need not respond to legal conclusions in Plaintiffs' Amended Complaint.

2. Upon entry of this Order, Plaintiffs' Motion To Strike Portions Of Defendant Sidley Austin LLP's Amended Answer shall be withdrawn without prejudice.

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

Jose E. Martinez
United States District Judge

Copies provided to:
All Counsel of Record