

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case No. 06-21748 CIV-MARTINEZ/BANDSTRA

MARK J. GAINOR and ELYSE
GAINOR,

Plaintiffs,

v.

SIDLEY AUSTIN LLP, et al.

Defendants.

**ARTHUR ANDERSEN LLP'S, MARX'S, AND NISSLEY'S AGREED MOTION FOR
ADDITIONAL TIME TO FILE REPLIES IN SUPPORT OF THEIR MOTIONS TO
DISMISS AND RESPOND TO PLAINTIFFS' MOTIONS TO COMPEL**

Defendants Arthur Andersen LLP, Michael S. Marx, and P. Anthony Nissley (collectively "Andersen") move the Court, pursuant to Fed. R. Civ. P. 6(b), for an enlargement of time through and including August 22, 2007 to file reply memoranda in support of Arthur Andersen's, Marx's, and Nissley's individual Motions to Dismiss and also respond to Plaintiffs' two motions to compel. Plaintiffs, through counsel, have granted their agreement to this Motion. As grounds for this Motion, Andersen states:

1. On July 11, 2007, Plaintiffs filed Plaintiffs' Memorandum of Law in Opposition to Defendant Arthur Andersen LLP's Motion to Dismiss, Plaintiffs' Memorandum of Law in Opposition to Defendant Marx's Motion to Dismiss, and Plaintiffs' Memorandum of Law in Opposition to Defendant Nissley's Motion to Dismiss.

2. Also on July 11, 2007, Plaintiffs filed Plaintiffs' Motion to Compel Defendants, Arthur Andersen and Merrill Lynch, to Produce Initial Disclosures in Compliance with Rule 26(a) and Plaintiffs' Motion to Compel (a) Responses to Plaintiffs' Second Request for

Production of Documents to Defendants Arthur Andersen, Marx and Nissley and (b) Deposition Dates for Marx and Nissley (collectively "Motions to Compel").

3. Pursuant to the Order Granting Defendant Arthur Andersen LLP's, Marx's, and Nissley's Agreed Motion for Additional Time to File Replies in Support of Their Motions to Dismiss and Respond to Plaintiffs' Motions to Compel entered on July 26, 2007, Andersen's reply memoranda and responses to Plaintiff's Motions to Compel are due on August 8, 2007.

4. Due to intervening circumstances and scheduling issues, counsel for Andersen is requesting additional time to submit its reply memoranda in support of its three motions to dismiss as well as respond to Plaintiffs' Motions to Compel.

5. Counsel for Andersen has conferred with Plaintiffs' counsel. Plaintiffs' counsel has graciously agreed to the enlargement of time, through and including August 22, 2007 for Andersen to respond to Plaintiffs' Amended Complaint.

With this Motion, undersigned counsel has provided the Court with a proposed order granting the requested enlargement of time.

WHEREFORE, Andersen respectfully requests that this Court enter an Order granting this Agreed Motion for Additional Time to File Replies in Support of Andersen's Motions to Dismiss and Respond to Plaintiffs' Motions to Compel through and including August 22, 2007.

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CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which automatically sends an electronic notification to CM/ECF participants. The foregoing document was also served on those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing identified on the attached Service List via first-class U.S. Mail.

s/ Michael G. Austin
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