

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

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

MARK J. GAINOR AND ELYSE GAINOR,

Plaintiff,

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 ANDERSON, 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.

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ORDER

THIS CAUSE is before the Court on the following pretrial discovery motions filed by the parties to the above-captioned case. Upon review of these motions, all responses and replies thereto, the court file and applicable law, it is hereby

ORDERED AND ADJUDGED as follows:


1. Plaintiff's Motion to Compel (a) Responses to Plaintiffs' Second Request for Production of Documents to Defendants Arthur Anderson, Marx and Nissley and (b) Deposition Dates for Marx and Nissley (D.E. 93) is DENIED as MOOT consistent with this Court Order on Notice of Settlement entered on August 29, 2007.

2. Plaintiff's Motion to Compel Defendant, Arthur Anderson and Merrill Lynch to Produce Initial Disclosures in Compliance with Rule 26(a) (D.E. 95) filed on July 11,

2007 is GRANTED solely to the extent that Merrill Lynch shall provide to plaintiffs (a) the names, and if known, address and telephone numbers of the individuals listed generally as "any other third party advisors of Plaintiffs" in Merrill Lynch's disclosures; and (b) produce copies of, or appropriate descriptions and location of all documents, electronically stored information, and tangible things that may be used to support its claims and defenses. Merrill Lynch shall produce this information within ten (10) days of the date of this Order.

3. Plaintiff's Motion to Compel Full and Complete Responses to Discovery from Defendant, Sidley Austin Brown & Wood (D.E. 102) filed on July 16, 2007 is DENIED, the Court sustaining Sidley's objections and finding that the subject requests for admissions impermissible call for legal conclusions. See Disability Rights Council v. Wash. Metro. Area Transit Auth., 234 F.R.D. 1 (D.D.C. 2006) (" . . . [0]ne party cannot demand that the other party admit the truth of a legal conclusion").

DONE AND ORDERED in Chambers at Miami, Florida, this 5th day of September, 2007.



Ted E. Bandstra
Chief United States Magistrate Judge

Copies furnished to:
Honorable Jose E. Martinez
Counsel of record