

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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 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.

**DEFENDANT SIDLEY AUSTIN LLP'S REQUEST FOR ORAL ARGUMENT
ON DEFENDANT SIDLEY AUSTIN LLP'S MOTION FOR
PARTIAL SUMMARY JUDGMENT ON DAMAGES**

Defendant Sidley Austin LLP ("Sidley Austin"), pursuant to Rule 7.1B S.D.Fla.L.R., respectfully requests that this Court grant oral argument on their Motion For Partial Summary Judgment On Damages, on the following grounds:

1. Sidley Austin filed its Motion For Partial Summary Judgment On Damages on July 26, 2007 [Docket Entry No. 112].
2. Plaintiffs Mark and Elyse Gainor filed their Memorandum Of Law In Opposition To Sidley Austin's Motion For Partial Summary on August 23, 2007 Judgment [Docket entry No. 160].

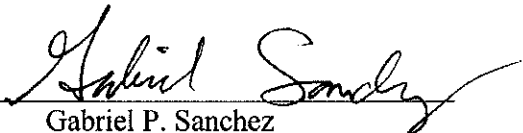
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3. Pursuant to Local Rule 7.1B, Sidley Austin is filing a separate written request for oral argument concurrently with its Reply In Support Of Its Motion For Partial Summary Judgment On Damages. [Docket No. 175].
4. Sidley Austin is prompted to request oral argument on its Motion For Partial Summary Judgment on the basis of Plaintiffs' Memorandum in Opposition. Although "Plaintiffs largely agree with Sidley's Statement of Undisputed Facts," (Plaintiffs' Opp. at 4), Plaintiffs raise a number of unsubstantiated, extraneous, and conclusory allegations in their Opposition that are immaterial to Sidley Austin's motion but serve to muddle the issues.
5. Sidley Austin believes oral argument would assist the Court. The presence of counsel and their familiarity with the facts and issues at hand would make it possible for them to answer any questions that the Court might raise.
6. Sidley Austin believes that resolution of its Motion For Partial Summary Judgment may significantly streamline the issues for decision in this litigation.
7. Sidley Austin believes that less than one hour should provide sufficient time for all parties to be heard.

WHEREFORE, Sidley Austin respectfully requests that the Court grant its request for oral argument of its Motion For Partial Summary Judgment On Damages.

DATED: September 7, 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 on the attached Service List this 7th day of September, 2007.

Respectfully submitted,

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