

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, 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.

**PLAINTIFFS' AGREED MOTION FOR EXTENSION OF TIME TO PROVIDE
EXPERT WITNESS REPORT TO DEFENDANT MERRILL LYNCH AND
CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1**

Plaintiffs, MARK J. GAINOR and ELYSE GAINOR, move on the following grounds for an extension of time to provide to Defendant MERRILL LYNCH & CO., INC. ("Merrill Lynch") the expert witness summary/report of Plaintiffs' expert witness against Merrill Lynch:

1. The Order Setting Civil Trial Date entered by this Court on June 13, 2007 requires that the parties exchange expert witness summaries and reports as required by Local Rule 16.1.K. 120 days before the beginning of the trial period in this case.
2. Therefore, the date set for exchanging expert witness summaries/reports is September 24, 2007.
3. Plaintiffs request an additional 30 days to provide Plaintiffs' expert witness summary/report to Defendant Merrill Lynch.

4. Plaintiffs received approximately 9,000 documents from Merrill Lynch in response to Plaintiffs' Request for Production of Documents to Merrill Lynch. Merrill Lynch produced the first of these documents on August 17, 2007 and the last of these documents on September 17, 2007.

5. Plaintiffs have not had adequate time to assimilate the documents for Plaintiffs' expert witness against Merrill Lynch to review the documents and provide a summary/report of his opinions concerning Merrill Lynch.

6. Plaintiffs contacted counsel for Merrill Lynch and Merrill Lynch agrees to the requested 30-day extension.

7. The requested 30-day extension will not affect the trial date or any other deadline set forth in the timetable in the Order Setting Civil Trial Date.¹

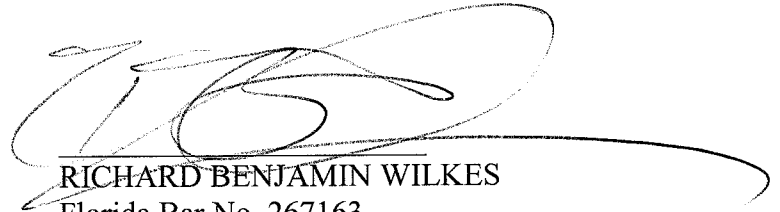
8. Good cause for the requested extension is outlined above. Moreover, the relief requested has been agreed to by both parties.

WHEREFORE, Plaintiffs respectfully request an additional thirty (30) days up to and including October 24, 2007, to provide to Merrill Lynch the expert witness summary/report of Plaintiffs' expert witness against Merrill Lynch.

¹ However, Plaintiffs point out to the Court that a motion to stay these proceedings has been filed by Defendant R.J. Ruble. In his motion to stay, Ruble requests a stay of this proceeding as to Ruble only pending the completion of a criminal action against Ruble, which involves many of the same allegations made by Plaintiffs in this case. It is the Plaintiffs' position that the entire case should be continued as opposed to staying the case as to Defendant Ruble only. Plaintiffs' claims against Ruble are based on the same or substantially the same facts and law as Plaintiffs' claims against the other Defendants in this case, including but not limited to, Ruble's former employer, Sidley Austin.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1 A. 3.

The undersigned counsel for Plaintiffs hereby certifies that he has communicated with counsel for Merrill Lynch regarding this motion. Counsel for Merrill Lynch agrees to the 30-day extension requested herein.



RICHARD BENJAMIN WILKES

Florida Bar No. 267163

Richard Benjamin Wilkes

Attorneys at Law

600 South Magnolia Avenue

Suite 200

Tampa, Florida 33606

Telephone: (813) 254-6060

Facsimile: (813) 254-6088

rwilkes@rbwilkes.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of September, 2007, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/Richard Benjamin Wilkes

Richard Benjamin Wilkes

SERVICE LIST

Richard Gilbert, Esquire
de la Parte & Gilbert
101 East Kennedy Boulevard, Suite 3400
Tampa, FL 33601
Co-counsel for Plaintiffs

William F. Jung, Esquire
WJung@jungandsicso.com
Jung & Sisco, P.A.
100 South Ashley Drive
Suite 1240
Tampa, FL 33602
Counsel for Ruble

Katherine W. Ezell, Esq.
KEzell@podhurst.com
Podhurst Orseck, P.A.
25 W. Flagler Street, Suite 800
Miami, FL 33130
Counsel for Sidley Austin

Stephen J. Anderson, Esq.
Anderson@andersondailey.com
Anderson Dailey LLP
2002 Summit Boulevard, Suite 1250
Atlanta, GA 30319
Counsel for Klopfenstein

Jonathan E. Altman, Esq.
Jonathan.Altman@mto.com
Aaron May, Esq.
Aaron.May@mto.com
Munger, Tolles & Olson LLP
355 South Grand Avenue, 35th Floor
Los Angeles, CA 90071
Counsel for Sidley Austin

Richard A. Morgan, Esq.
Richard.Morgan@bipc.com
Buchanan Ingersoll & Rooney, P.C.
Bank of America Tower
100 S.E. 2nd Street, 34th Floor
Miami, FL 33131
Counsel for Klopfenstein

Coren Stern, Esq.
CStern@bressler.com
Bennett Falk, Esq.
BFalk@bressler.com
Bressler, Amery & Ross
2801 S.W. 149th Avenue
Miramar, FL 33027
Counsel for Merrill Lynch