

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

MARK J. GAINOR,

Plaintiff,

v.

SIDLEY, AUSTIN, BROWN & WOOD, LLP,

Defendants

FILED BY [Signature]
CLERK OF DISTRICT COURT
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S.D. FLA. MIA

**DEFENDANT’S AGREED MOTION FOR ENLARGEMENT OF TIME
IN WHICH TO REPLY TO PLAINTIFF’S OPPOSITION
TO DEFENDANT’S MOTION TO DISMISS AND COUNSEL’S
CERTIFICATION OF HAVING CONFERRED**

Defendant, SIDLEY AUSTIN LLP f/k/a/ SIDLEY AUSTIN BROWN & WOOD LLP¹ (“Brown & Wood”), by and through its undersigned counsel, moves this Court for an order enlarging the time in which Brown & Wood must reply to Plaintiff’s Memorandum of Law in Opposition to Defendant’s Motion to Dismiss Plaintiff’s Complaint. The grounds for this motion are as follows:

1. Plaintiff served his opposition to Defendant Brown & Wood’s Motion to Dismiss on August 30, 2006; however, it was not received by Defendant until September 5, 2006.
2. Pursuant to S.D.L.R. 7.1. C.1, Brown & Wood’s reply memorandum would be due on Monday, September 11, 2006.
3. Due to good cause shown below Defendant needs an additional fourteen (14) days in which to prepare its reply. Aaron May, the attorney principally handling the reply brief, is presently engaged in a review of thousands of documents in response to a subpoena by the Securities

¹ On January 1, 2006, Sidley Austin Brown & Wood LLP changed its name to Sidley Austin LLP.

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

and Exchange Commission, the production of which is due September 15, 2005. In addition, Mr. May must respond by September 20th to an amended complaint in another matter involving Brown & Wood, *Freuh v. First Union National Bank*, Case No. 05-4455, pending in the Circuit Court for Hillsborough County, Florida. During this same time frame, Mr. May is preparing a summary judgment motion in *In re US Airways, et al.* Case No. 04-13819, pending in the United States Bankruptcy Court for the Eastern District of Virginia.

4. This motion is thus made in good faith and not for the purposes of delay. The requested enlargement would make the Defendant's reply due on September 25, 2006.

5. On September 5th, Brown & Wood's counsel, Jonathan Altman and Aaron May, conferred with Plaintiff's counsel, Richard Benjamin Wilkes, who graciously authorized them to represent to the Court his agreement with the relief requested in this motion.

WHEREFORE, Defendant, Brown & Wood seeks an order enlarging the time in which it must reply to Plaintiff's Opposition to Defendant's Motion to Dismiss Plaintiff's Complaint so as to make that reply due on or before September 25, 2006.

CERTIFICATE OF SERVICE

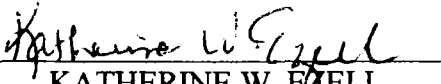
I HEREBY CERTIFY that a true and correct copy was faxed and mailed this 7th day of September, 2006, on Richard Benjamin Wilkes, Esq. And Richard W. Candelora, Esq.,

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

Richard Benjamin Wilkes, P.A., 600 South Magnolia Avenue, Suite 200, Tampa, Florida 33606.

Respectfully submitted,

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By: 
KATHERINE W. EZELL
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And

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