

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 06-21748-CIV-MARTINEZ

MARK J. GAINOR,

Plaintiff,

vs.

SIDLEY, AUSTIN, BROWN &amp; WOOD, LLP,

Defendant.  

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**DEFENDANT SIDLEY AUSTIN LLP'S NOTIFICATION OF 90 DAYS EXPIRING**

Pursuant to Rule 7.1(B), S.D.Fla.L.R., Defendant Sidley Austin LLP ("Defendant") is required to give notice that over 90 days have expired from the completion of briefing on Defendant's Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 9(b) and 12(b)(6). In support of its notification, Defendant submits:

(1) Defendant filed its Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 9(b) and 12(b)(6) and Memorandum of Law in Support Thereof on July 19, 2006, docket entry number 3, and served said Motion to Dismiss on the parties on July 19, 2006.

(2) Plaintiff Mark Gainor ("Plaintiff") filed his Agreed Motion To Allow Re-Filing of Memorandum in Opposition to Defendant's Motion to Dismiss and Confirming Defendant's Requested Extension of Time to File Reply Brief on September 8, 2006, docket entry number 20, and served said motion on the parties on September 8, 2006.

(4) Defendant filed its Reply Brief in Support of its Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 9(b) and 12(b)(6) on September 25, 2006, docket entry

number 23, and served said Reply Brief on the parties on September 25, 2006.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by Federal Express to **Richard B. Wilkes, Esq.**, at Richard B. Wilkes P.A. 600 South Magnolia Ave., Suite 200, Tampa, FL 33606 on February 8, 2007.

DATED: February 8, 2007

By: Katherine W. Ezell  
Katherine W. Ezell

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