

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 06-21748-CIV-MARTINEZ

MARK J. GAINOR,

Plaintiff.

vs.

SIDLEY, AUSTIN, BROWN & WOOD, LLP,

Defendant.

JOINT STIPULATION TO WITHDRAW RACHLIN COHEN & HOLTZ LLP'S
MOTION TO QUASH, MOTION FOR PROTECTIVE ORDER
FILED FEBRUARY 9, 2007

WHEREAS: Sidley Austin LLP ("Defendant") served a subpoena duces tecum ("Subpoena") on third party Rachlin Cohen & Holtz LLP ("Rachlin"), Plaintiff Mark J. Gainor's ("Plaintiff") accountant, on January 11, 2007 requiring the production of documents on February 2, 2007; and

WHEREAS: Rachlin objected to certain aspects of the Subpoena and contacted both Defendant and Plaintiff to discuss its objections;

WHEREAS: Rachlin, Plaintiff and Defendant (collectively "Parties") agreed upon procedures and steps toward reaching an amicable resolution of said objections and compliance with the Subpoena and agreed to extend the time for objecting to the Subpoena to February 9, 2007;

WHEREAS: In an abundance of caution and to preserve its rights, Rachlin filed its Objection to Production of Documents, Motion to Quash Subpoena and/or Motion for Protective Order ("Motion to Quash, Motion for Protective Order") (D.E. No. 34) on February 9, 2007;

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WHEREAS: In accordance with the Parties' prior agreement, Rachlin provided documents responsive to the Subpoena to Plaintiff for review before producing them to Defendant and plans on providing additional documents to Plaintiff in the near future; and

WHEREAS: Plaintiff, Defendant, and Rachlin have been in continuing discussion regarding the Subpoena and believe they will be able to reach an amicable resolution of all issues concerning the Subpoena without Court intervention:

THEREFORE: IT IS HEREBY STIPULATED AND AGREED BY THE PARTIES that:
(1) Rachlin's Motion to Quash, Motion for Protective Order shall be withdrawn without prejudice and that in the event that an amicable resolution cannot be reached amongst the Parties, Rachlin, Plaintiff or Defendant shall be able to file or renew any motion with respect to the Subpoena, and (2) Rachlin's withdrawal of its motion shall not be used against it by any Party in responding to any filed or renewed motion concerning the Subpoena.

DATED: February 21st, 2007

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DATED: February 21st, 2007

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DATED: February 27th, 2007

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DATED: February 27th, 2007

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