

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
Miami Division

**Case Number: 06-21748-CIV-MARTINEZ-BANDSTRA**

MARK J. GAINOR,

Plaintiff,

vs.

SIDLEY, AUSTIN, BROWN & WOOD, LLP,

Defendant.

---

**ORDER GRANTING PLAINTIFF'S MOTION TO AMEND COMPLAINT AND  
DENYING WITHOUT PREJUDICE DEFENDANT'S MOTION TO DISMISS**

THIS CAUSE came before the Court upon Plaintiff's Motion for Leave to Amend Complaint and Certification of Pre-Filing Conference (**D.E. No. 37**), as well as a *sua sponte* review of the record. The Court has carefully considered the motion and is otherwise duly advised. Plaintiff's Motion explains that after engaging in significant discovery, he now has "a far clearer picture of what transpired than he did when this case was filed." (D.E. No. 37 at 2). Indeed, Plaintiff's Motion is accompanied by a proposed Amended Complaint (D.E. No. 37) that is forty-two pages long. This Court finds that Plaintiff has stated good cause for leave to amend to be granted. Furthermore, in light of the detailed allegations contained in Plaintiff's proposed Amended Complaint, this Court finds that Defendant's Motion to Dismiss, which was filed pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), should be denied without prejudice. Defendant may seek leave to re-file its Motion to Dismiss, if appropriate. It is hereby:

**ORDERED and ADJUDGED** that


1. Plaintiff's Motion for Leave to Amend Complaint and Certification of Pre-Filing

Conference (**D.E. No. 37**) is **GRANTED**.

2. The proposed Amended Complaint (**D.E. No. 37-2**) is deemed filed as of the date that this Order is entered on the docket.

3. Defendant's Motion to Dismiss (**D.E. No. 4**) and Motion for Oral Argument (**D.E. No. 5**) are **DENIED without prejudice**.

DONE AND ORDERED in Chambers at Miami, Florida, March 7, 2007.

  
\_\_\_\_\_  
JOSE E. MARTINEZ  
UNITED STATES DISTRICT JUDGE

Copies provided to:  
Magistrate Judge Bandstra  
All Counsel of Record