

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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

MARK J. GAINOR and ELYSE GAINOR,

Plaintiffs,

vs.

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.

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**UNOPPOSED MOTION OF DEFENDANT SIDLEY AUSTIN L.L.P. FOR  
ENLARGEMENT OF TIME TO ANSWER AMENDED COMPLAINT**

Defendant Sidley Austin LLP ("Sidley") moves the Court for an enlargement of time through and including May 11, 2007, to answer Plaintiffs' Amended Complaint. Plaintiffs do not oppose this Motion.

Plaintiff Mark Gainor filed a motion for leave to amend his original complaint on March 2, 2007. This Court granted the motion to amend on March 7 and Plaintiffs' amended complaint ("AC") was deemed filed as of the date the Court's Order appeared on the docket. The AC added a number of new parties and made new allegations. On March 15, 2007, Plaintiffs and Sidley moved the Court to vacate the previous Order Setting Civil Trial Date, based on the addition of new parties and new allegations. In addition, Sidley requested that its time to answer the AC be extended to April 16, 2007. During preparation of the joint motion to vacate, Counsel for Sidley discussed with Plaintiffs' counsel the possibility that Sidley might require time beyond

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April 16<sup>th</sup> to prepare its answer to the AC; Plaintiffs' counsel indicated he would not oppose a request for further extension, if Sidley found it needed more time.

On March 22, 2007, the Court granted the motion to vacate, and extended Sidley's time to respond to the AC to April 16, 2007.

Sidley is still evaluating the new claims in the AC. In addition, Sidley and Plaintiffs have scheduled a mediation for May 4, 2007, which is requiring considerable preparation by Sidley.

Sidley's counsel discussed this motion with Plaintiffs' counsel on April 12, 2007; Plaintiffs' counsel does not oppose this motion. Therefore, Sidley respectfully requests that the Court extend Sidley's time to answer Plaintiffs' Complaint until May 11, 2007.

DATED: April 13, 2007

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DATED: April \_\_, 2007

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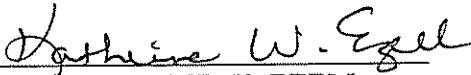
*Attorneys for Sidley Austin LLP*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy was sent via U.S. First Class Mail on this 13<sup>th</sup> day of April, 2007, on Richard Benjamin Wilkes, Esq. and Richard W. Candelora, Esq., Richard Benjamin Wilkes, P.A., 600 South Magnolia Avenue, Suite 200, Tampa, Florida 33606.

Respectfully submitted,

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