

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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

MARK J. GAINOR and ELYSE GAINOR,

Plaintiffs,

v.

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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**DEFENDANT MERRILL LYNCH & CO., INC.'S  
AGREED MOTION FOR JOINDER TO STIPULATION OF CONFIDENTIALITY**

Defendant Merrill Lynch & Co., Inc. ("Merrill Lynch") pursuant to Southern District of Florida Local Rules 5.1 and 7.1, hereby submits its Agreed Motion for Joinder to Stipulation of Confidentiality.

**Memorandum of Law**

On October 9, 2006, Plaintiff Mark Gainor ("Gainor") and Defendant Sidley Austin Brown & Wood, LLP ("Sidley") entered into a Stipulation of Confidentiality. On December 19, 2006, the Court approved the Stipulation of Confidentiality. (Agreed Order Approving The Parties' Stipulation Of Confidentiality) On March 7, 2007, Plaintiffs filed an Amended Complaint that added Merrill Lynch & Co., Inc. as a defendant in the above-captioned

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action. As a party named subsequent to Gainor's and Sidley's entrance into the Stipulation of Confidentiality, Merrill Lynch was not included and, accordingly, is not bound by its terms. On April 20, 2007 and April 24, 2007, Merrill Lynch conferred with counsel for Plaintiffs and Sidley, respectively. Plaintiffs, Sidley and Merrill Lynch agreed that Merrill Lynch would join in and therefore be bound by the terms of the Stipulation of Confidentiality.

Wherefore, Merrill Lynch respectfully requests that this Court enter an Order granting this Agreed Motion for Joinder to Stipulation of Confidentiality.

Respectfully submitted,

s/Coren H. Stern  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 25, 2007, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/Coren H. Stern

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Defendants.

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**AGREED ORDER APPROVING MERRILL  
LYNCH & CO.'S JOINDER TO STIPULATION OF CONFIDENTIALITY**

THIS CAUSE came before the Court on Defendant Merrill Lynch & Co., Inc.'s ("Merrill Lynch") Agreed Motion for Joinder to Stipulation of Confidentiality. Having reviewed the file and being otherwise fully advised, it is

ORDERED AND ADJUDGED:

1. Merrill Lynch's Agreed Motion for Joinder to Stipulation of Confidentiality is GRANTED; and
2. Merrill Lynch is directed to comply with the terms of the Stipulation of Confidentiality.

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DONE AND ORDERED in chambers at Miami, Miami-Dade County, Florida

this \_\_\_\_\_ day of April, 2007.

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Jose E. Martinez  
U.S. District Judge

Copies furnished:  
Coren H. Stern, Esq.  
Richard Benjamin Wilkes, Esq.  
Jonathan Altman, Esq.