

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.

_____/

**AGREED MOTION FOR EXTENSION OF TIME
FOR DEFENDANT TO RESPOND TO THE AMENDED COMPLAINT**

Defendant Mark C. Klopfenstein, by and through undersigned counsel, hereby moves the Court for an extension of time to respond to Plaintiffs Mark J. Gainor and Elyse Gainor's Amended Complaint through and including May 22, 2007, and states the following in support thereof:

1. Plaintiffs filed their original Complaint in 2006;
2. Plaintiffs moved to amend their Complaint on or about March 2, 2007, inter alia, to add as a defendant Mark C. Klopfenstein;
3. Plaintiffs' motion to amend was granted by this Court on March 7, 2007;
4. Defendant Mark C. Klopfenstein was served on or about April 12, 2007;

5. Due to scheduling conflicts and other impending deadlines, Defendant Mark C. Klopfenstein's counsel requires additional time to review the allegations of the Complaint and prepare an appropriate response thereto;

6. Accordingly, Defendant Mark C. Klopfenstein respectfully requests an extension of time up through and including May 22, 2007, to file his Response to the Amended Complaint;

7. Undersigned counsel has conferred with Plaintiffs' counsel, Richard Benjamin Wilkes, Esquire, and requested a extension of time up through and including May 22, 2007, to file and serve the response to the Amended Complaint, and Mr. Wilkes has advised that he has no objection to the requested extension.

8. This Motion is filed in good faith and is not interposed for purposes of delay.

Date: May 1, 2007

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY, P.C.

Bank of America Tower

100 S.E. 2nd Street

34th Floor

Miami, Florida 33131

Phone: (305) 347-4080

Fax: (305) 347-4089

s/ Richard A. Morgan

Richard A. Morgan

Fla. Bar No.: 836869

richard.morgan@bipc.com

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2007, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that a true and correct copy of this Agreed Motion for Extension of Time for Defendant Mark C. Klopfenstein to Respond to the Amended Complaint was served this day upon 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/ Richard A. Morgan
Richard A. Morgan