

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case No. 06-21748 CIV-MARTINEZ/BANDSTRA

MARK J. GAINOR and ELYSE
GAINOR,

Plaintiffs,

v.

SIDLEY AUSTIN LLP, et al.

Defendants.

**ARTHUR ANDERSEN LLP'S FIRST AGREED MOTION FOR ENLARGEMENT
OF TIME TO RESPOND TO PLAINTIFFS' AMENDED COMPLAINT**

Defendant Arthur Andersen LLP ("Andersen") moves the Court, pursuant to Fed. R. Civ. P. 6(b), for an enlargement of time through and including June 15, 2007 to respond to Plaintiffs' Amended Complaint. Plaintiffs, through counsel, have granted their agreement to this Motion. As grounds for this Motion, Andersen states:

1. On March 23, 2007, Andersen, through counsel, agreed to accept service of the Amended Complaint on behalf of Andersen.¹
2. Pursuant to Fed. R. Civ. P. 12, Andersen's response to the Amended Complaint is originally due on May 22, 2007.
3. Counsel for Andersen also represents Michael S. Marx and P. Anthony Nissley in this matter. These two defendants are filing motions to dismiss for lack of personal jurisdiction under Fed. R. 12(b)(2) in accordance with the original May 22, 2007 response date.

¹ Andersen was not named as a defendant in the original complaint. The Amended Complaint added Andersen as a party to the instant matter.

4. However, due to a number of scheduling conflicts, including a number of recent and serious illnesses in the families of Andersen's counsel, counsel for Andersen needs additional time to respond on Andersen's behalf.

5. Andersen submits that under these circumstances, the requested enlargement of time will not delay the case, nor prejudice Plaintiffs.

6. Counsel for Andersen has conferred with Plaintiffs' counsel. Plaintiffs' counsel has graciously agreed to the enlargement of time, through and including June 15, 2007 for Andersen to respond to Plaintiffs' Amended Complaint.

With this Motion, undersigned counsel has provided the Court with a proposed order granting the requested enlargement of time.

WHEREFORE, Andersen respectfully requests that this Court enter an Order granting this First Agreed Motion for Enlargement of Time to Respond to Plaintiffs' Amended Complaint through and including June 15, 2007, and for such other and further relief as this Court deems appropriate.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 21, 2007, I electronically filed the forgoing with the Clerk of Court using the CM/ECF system, which automatically sends an electronic notification to CM/ECF participants. The foregoing document was also served on those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing identified on the attached Service List via first-class U.S. mail.

s/ Michael G. Austin
Michael G. Austin

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