

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, 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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**JOINT PROPOSED SCHEDULING ORDER**

The Court being fully advised in the premises, it is hereby ordered:

1. Pursuant to Local Rule 16.1.A.1, this case has been assigned as a **Complex Track**.
2. The discovery schedule is as follows:
  - (a) The parties will commence all discovery, including discovery of electronically stored information, in time for it to be completed by **May 31, 2008**.
  - (b) Plaintiffs shall provide expert witness summaries and reports by **February 28, 2008**. Defendants shall provide both their expert witness and rebuttal expert witness summaries and reports by **March 31, 2008**.
  - (c) Plaintiffs shall provide rebuttal expert witness summaries and reports by **April 15, 2008**.
  - (d) The parties shall exchange preliminary witness lists and documents by **February 28, 2008**.

3. The Plaintiffs and Defendants Sidley Austin, Arthur Andersen, Michael S. Marx, P. Anthony Nissley and Merrill Lynch have reached an agreement with respect to asserting claims of privilege or protection of trial preparation materials after production; this agreement has been confirmed in the Court's Agreed Order Approving the Parties' Stipulation of Confidentiality dated December 19, 2006. Defendant, Mark C. Klopfenstein has not agreed to the Stipulation of Confidentiality.
4. The final date to join additional parties and to amend the pleadings shall be **December 31, 2007**.
5. The final date for filing all pretrial motions should be **September 1, 2008**.
6. The final date for resolution of all pretrial motions by the Court shall be **October 15, 2008**.
7. The parties agree that the Manual on Complex Litigation is inapplicable to this cause. With respect to rule variations, Plaintiffs believe that it is likely that more than 10 depositions will be required because of the extensive number of witnesses, and that the time limit on depositions of the parties be waived due to the complexity of this matter. Defendants are not at this time willing to stipulate to a variance of these limitations, but all parties agree to cooperate with each other on these issues and anticipate that they will be able to resolve these matters among themselves without the need for judicial intervention.
8. The pretrial Conference for this matter shall be held on \_\_\_\_\_.
9. The trial of this matter shall commence on \_\_\_\_\_

DONE AND ORDERED in Chambers at Miami, Florida, this \_\_\_\_ day of \_\_\_\_\_,  
2007.

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JOSE E. MARTINEZ  
UNITED STATES DISTRICT JUDGE

Copies provided to:  
All counsel of record