

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.

**UNOPPOSED MOTION OF PLAINTIFFS FOR ENLARGEMENT OF TIME
TO FILE MEMORANDA IN RESPONSE TO MOTIONS TO DISMISS OF
DEFENDANTS, MICHAEL S. MARX AND P. ANTHONY NISSLEY**

Plaintiffs, Mark J. Gainor and Elyse Gainor, by and through their undersigned counsel, hereby file this unopposed motion for enlargement of time through and including July 11, 2007 for Plaintiffs to file their memoranda in response to the Motions to Dismiss filed by Defendants, Michael S. Marx ("Marx") and P. Anthony Nissley ("Nissley"). Defendants, Marx and Nissley do not oppose this motion. As grounds for this motion, Plaintiffs state:

1. On May 22, 2007, Defendants Marx and Nissley served their Motions to Dismiss and supporting memoranda.

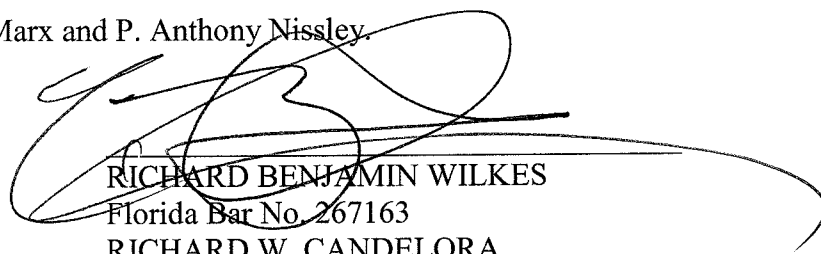
2. Under Local Rule 7.1.C.1 of the United States District Court for the Southern District of Florida, Plaintiffs' responding memoranda shall be served on June 11, 2007.

3. Counsel for Plaintiffs has a two-week trial set to commence June 18, 2007 in Case No. 03-000511-CI-8, *Herman v. Sun State International Trucks, Inc., et al.*, in the Sixth Judicial Circuit of Pinellas County, Florida. Due to the upcoming trial date, Plaintiffs' counsel is scheduled to attend numerous depositions and trial preparation meetings up through trial, and it would be difficult to devote the significant time necessary to prepare an appropriate response to these motions while preparing for trial.

4. Plaintiffs' counsel submits that the requested enlargement of time will not delay the case, nor will it prejudice the parties.

5. Counsel for Plaintiffs has conferred with counsel for Messrs. Marx and Nissley, who has graciously agreed to the enlargement of time up through and including July 11, 2007 for Plaintiffs to serve their memoranda in response to the Motions to Dismiss.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order granting this Unopposed Motion for Enlargement of Time to File Memoranda in Response to Motions to Dismiss of Defendants, Michael S. Marx and P. Anthony Nissley.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 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/ Richard Benjamin Wilkes
Richard Benjamin Wilkes

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