

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

MARK J. GAINOR and ELYSE GAINOR,

Plaintiff,

vs.

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,

Defendant.

**AGREED MOTION OF DEFENDANT SIDLEY AUSTIN LLP TO EXTEND TIME
FOR SIDLEY AUSTIN LLP TO AMEND ITS ANSWER AS OF RIGHT AND
CERTIFICATION PURSUANT TO S.D.L.R. 7.1.A.3**

Defendant Sidley Austin LLP ("Sidley") hereby, by and through undersigned counsel, moves the Court to extend the time to allow Sidley to amend its Answer as of right without leave of court through and including June 7, 2007 and states the following in support thereof:

1. Sidley filed and served its Answer on May 17, 2007.
2. Pursuant to Federal Rule of Civil Procedure 15(a), Sidley may amend its Answer as of right without seeking leave of court within 20 days after it was served. Under that Rule, Sidley has until today, May 31, 2007, to amend its Answer as of right.
3. In light of issues raised by Plaintiffs' counsel and other events, Sidley is in the process of analyzing its Answer and is contemplating amending it. Sidley would like additional time to conclude its analysis and make a determination as to whether it will amend its Answer.

Sidley would further like to avoid the time and expense of having to file a motion for leave of court in the event it decides to file an amended answer.

4. As of this date, none of the other five defendants has filed an answer.

5. No trial date is currently set in this matter.

6. The undersigned counsel certifies he has conferred with counsel for Plaintiffs, Richard Benjamin Wilkes, regarding this motion and he has advised that he has no objection to the proposed extension. He further advised that an amended answer may impact proposed motions to compel discovery from Sidley, including testimony from Sidley's corporate representative, and Sidley agreed he could file any such motion within 30 days after receiving an amended answer filed pursuant to this motion, or 30 days from the expiration of the additional time in which to do so.

7. This motion is filed in good faith and not interposed for the purpose of delay.

DATED: May 31, 2007

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DATED: May 31, 2007

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