

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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**UNOPPOSED MOTION OF PLAINTIFFS FOR ENLARGEMENT OF TIME  
TO FILE MEMORANDUM IN RESPONSE TO MOTION TO DISMISS OF  
DEFENDANT, MERRILL LYNCH & CO., INC.**

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 12, 2007 for Plaintiffs to file their memorandum in response to the Motion to Dismiss filed by Defendant, Merrill Lynch & Co., Inc. ("Merrill Lynch") Defendant, Merrill Lynch does not oppose this motion. As grounds for this motion, Plaintiffs state:

1. On May 29, 2007, Defendant Merrill Lynch served its Motion to Dismiss and supporting memorandum.

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 12, 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, as well as other case requirements, 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 Merrill Lynch, who has graciously agreed to the enlargement of time up through and including July 12, 2007 for Plaintiffs to serve their memorandum in response to the Motion to Dismiss.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order granting this Unopposed Motion for Enlargement of Time to File Memorandum in Response to Motion to Dismiss of Defendant, Merrill Lynch & Co., Inc.

s/ Richard Benjamin Wilkes  
RICHARD BENJAMIN WILKES  
Florida Bar No. 267163  
RICHARD W. CANDELORA  
Florida Bar No. 198056  
**RICHARD BENJAMIN WILKES, P.A.**  
600 South Magnolia Avenue  
Suite 200  
Tampa, Florida 33606  
Telephone: (813) 254-6060  
Facsimile: (813) 254-6088  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11<sup>th</sup> day of June, 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

**SERVICE LIST**

Katherine W. Ezell, Esq.  
[KEzell@podhurst.com](mailto:KEzell@podhurst.com)  
Podhurst Orseck, P.A.  
25 W. Flagler Street, Suite 800  
Miami, FL 33130  
**Counsel for Sidley Austin**

Jonathan E. Altman, Esq.  
[Jonathan.Altman@mto.com](mailto:Jonathan.Altman@mto.com)  
Aaron May, Esq.  
[Aaron.May@mto.com](mailto:Aaron.May@mto.com)  
Munger, Tolles & Olson LLP  
355 South Grand Avenue, 35th Floor  
Los Angeles, CA 90071  
**Counsel for Sidley Austin**

Coren Stern, Esq.  
[CStern@bressler.com](mailto:CStern@bressler.com)  
Bennett Falk, Esq.  
[BFalk@bressler.com](mailto:BFalk@bressler.com)  
Bressler, Amery & Ross  
2801 S.W. 149<sup>th</sup> Avenue  
Miramar, FL 33027  
**Counsel for Merrill Lynch**

Stuart E. Abrams, Esq.  
[SAbrams@frankelabrams.com](mailto:SAbrams@frankelabrams.com)  
Frankel & Abrams  
230 Park Avenue, Suite 3330  
New York, NY 10169  
**Counsel for Ruble**

R. J. Ruble  
1517 Avalon Square  
Glen Cove, NY 11542

Douglas E. Whitney, Esq.  
[DWhitney@mwe.com](mailto:DWhitney@mwe.com)  
McDermott Will & Emery  
227 West Monroe Street  
Chicago, IL 60606-5096  
**Counsel for Arthur Andersen,  
Nissley and Marx**

Michael G. Austin, Esq.  
[MAustin@mwe.com](mailto:MAustin@mwe.com)  
McDermott Will & Emery  
201 South Biscayne Boulevard  
Suite 2200  
Miami, FL 33131  
**Counsel for Arthur Andersen,  
Nissley and Marx**

Richard A. Morgan, Esq.  
[Richard.Morgan@bipc.com](mailto:Richard.Morgan@bipc.com)  
Buchanan Ingersoll & Rooney, P.C.  
Bank of America Tower  
100 S.E. 2nd Street, 34th Floor  
Miami, FL 33131  
**Counsel for Klopfenstein**

Stephen J. Anderson, Esq.  
[Anderson@andersondailey.com](mailto:Anderson@andersondailey.com)  
Anderson Dailey LLP  
2002 Summit Boulevard, Suite 1250  
Atlanta, GA 30319  
**Counsel for Klopfenstein**

R.J. Ruble  
65 Duck Pond Road  
Glen Cove, NY 11542