

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
Miami Division

**Case Number: 06-21748-CIV-MARTINEZ-BANDSTRA**

MARK J. GAINOR and ELYSE GAINOR,

Plaintiffs,

vs.

SIDLEY, AUSTIN, BROWN & WOOD, LLP,  
a Delaware limited liability partnership, f/k/a  
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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**ORDER GRANTING PLAINTIFFS' MOTION FOR EXTENSION OF TIME TO  
RESPOND TO DEFENDANT MERRILL LYNCH & CO, INC.'S MOTION TO DISMISS**

THIS CAUSE came before the Court upon Plaintiffs' Motion for Enlargement of Time to File Memorandum in Response to Motion to Dismiss of Defendant Merrill Lynch & Co., Inc.

(D.E. No. 74), filed on **June 11, 2007**. The Plaintiffs' original response was due June 12, 2007.

The Court cautions that filing a motion for an extension of time is not a substitute for tendering the brief as due. *Ramos v. Ashcroft*, 371 F. 3d 948, 949 (7th Cir. 2004). Nevertheless, the Court has carefully considered the motion, which is unopposed, and is otherwise duly advised. It is hereby:

**ORDERED and ADJUDGED** that

Plaintiffs' unopposed Motion for Extension of Time to Respond to Defendant Merrill Lynch & Co., Inc.'s Motion to Dismiss (**D.E. No. 74**) is **GRANTED**. Plaintiffs shall have up through and including July 12, 2007 to file their memorandum in response to Defendant Merrill Lynch & Co., Inc.'s Motion to Dismiss.

DONE AND ORDERED in Chambers at Miami, Florida, this 13th day of June, 2007.



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JOSE E. MARTINEZ  
UNITED STATES DISTRICT JUDGE

Copies provided to:  
Magistrate Judge Bandstra  
All Counsel of Record