

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
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.

**PLAINTIFFS' MOTION FOR EXTENSION
OF TIME TO SERVE DEFENDANT, R.J. RUBLE
AND CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1.A.3**

Plaintiffs, Mark J. Gainor and Elyse Gainor, by and through their undersigned counsel, hereby move the Court to extend the time for Plaintiffs to serve the Summons and Amended Complaint on Defendant, R.J. Ruble, and as grounds therefor state:

1. The Court deemed Plaintiffs' Amended Complaint filed on March 7, 2007, and on March 15, 2007 the Clerk issued a summons to R.J. Ruble.
2. Plaintiff's counsel has written to Mr. Ruble's attorney, Stuart Abrams, requesting that he accept service. Such request was denied; see **Exhibit A** attached hereto.

3. Since that time, Plaintiffs' counsel has hired a process server who has attempted to serve Mr. Ruble numerous times at his home in New York.

4. The process server in New York has attempted service on Mr. Ruble on various occasions, and has been advised by neighbors that Mr. Ruble seemingly only shows up at the residence periodically to check mail.

5. Presently, the process server is conducting a comprehensive investigation of Mr. Ruble to acquire information of assistance in locating and identifying Ruble, and is in the process of performing a "stake out" at the condominium complex in an effort to serve Mr. Ruble.

6. In order to facilitate the process described above, Plaintiffs' will need additional time to serve Mr. Ruble.

7. The requested extension will not unduly prejudice the parties, or unduly delay this cause and is consistent with the administration of justice.

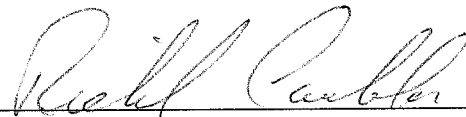
8. No memorandum of law is filed with this motion further to Local Rule 7.1.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1.A.3

9. Counsel for Plaintiffs wrote to opposing counsel for Defendants, Sidley Austin LLP, Arthur Andersen, LLP, Michael S. Marx, P. Anthony Nissley, Merrill Lynch & Co., Inc. and Mark C. Klopfenstein, requesting that they advise of any objections to

this extension. Plaintiffs were unable to confirm with counsel that Defendants have any objection to this motion.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order allowing an additional 120 days from the date of the Order granting this motion within which Plaintiff may serve Defendant, R.J. Ruble.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of July, 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.



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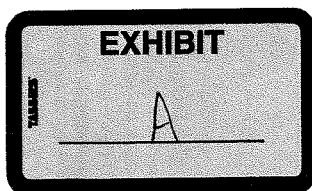
From: Richard Wilkes
Sent: Monday, July 02, 2007 3:02 PM
To: Sue Foster
Subject: FW: Gainor v. Sidley, et al.

From: sabrams@frankelabrams.com [mailto:sabrams@frankelabrams.com]
Sent: Thursday, June 14, 2007 1:02 PM
To: Richard Wilkes
Subject: Gainor v. Sidley, et al.

Dear Mr. Wilkes:

You have continued to send papers in this case to me. I appreciate it if you are doing this as a matter of courtesy. However, as I advised you, and as you have confirmed, Mr. Ruble has never been served in this case and I am not accepting service on his behalf.

Stuart Abrams



7/5/2007