

UNITED STATES DISTRICT COURT

Southern District of Florida

Case Number: 06-217480-Civ-Martinez-Bandstra

Mark J. Gainor and Elyse Gainor,

Plaintiff

v.

Sidley Austin, LLP, etc., et al.,

Defendant

SEALED DOCUMENT TRACKING FORM

Party Filing Matter Under Seal

Name: Plaintiffs, c/o Richard Benjamin Wilkes, Esquire

Address: 600 S. Magnolia Avenue, Suite 200, Tampa, FL 33606

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On behalf of (select one):

[X] Plaintiff

[ ] Defendant

Date sealed document filed: 7/11/2007

If sealed pursuant to statute, cite statute:

If sealed pursuant to previously entered protective order, date of order and docket entry number: 12/19/06, No. 29

The matter should remain sealed until:

[ ] Conclusion of Trial

[ ] Arrest of First Defendant

[X] Case Closing

[ ] Conclusion of Direct Appeal

[ ] Other:

[ ] Permanently. Specify the authorizing law, rule, court order:

The moving party requests that when the sealing period expires, the filed matter should be (select one):

[ ] Unsealed and placed in the public portion of the court file

[X] Destroyed

[ ] Returned to the party or counsel for the party, as identified above

Richard C. Carls
Attorney for: PLAINTIFFS

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,

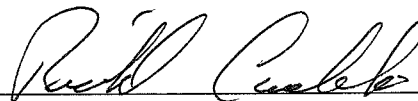
Defendants.

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**PLAINTIFFS' MOTION TO FILE RESPONSE MEMORANDA TO  
DEFENDANTS, ARTHUR ANDERSEN, LLP, MICHAEL S. MARX AND P.  
ANTHONY NISSLEY'S MOTION TO DISMISS AND SUPPORTING  
AFFIDAVIT UNDER SEAL**

Plaintiffs, Mark and Elyse Gainor, by and through their undersigned counsel, pursuant to Local Rule 5.4 and this Court's December 19, 2006 Agreed order approving the Parties' Stipulation of Confidentiality (the "protective Order"), hereby move the Court for permission to file under seal their Memoranda in response to the Motions to Dismiss filed by Defendants, Arthur Andersen, LLP, Michael S. Marx and P. Anthony Nissley, as well as the Affidavit of Mark J. Gainor, which includes documents designated as "Confidential" under the Protective Order.

WHEREFORE, Plaintiffs, Mark and Elyse Gainor, respectfully request that the Clerk file the confidential documents under seal until entry of final judgment and exhaustion of all appeals, at which time the Court should destroy the sealed documents.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11<sup>th</sup> 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.

s/ Richard Benjamin Wilkes  
Richard Benjamin Wilkes

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