

LAW OFFICES  
EDWARD T. JOYCE & ASSOCIATES, P.C.  
ELEVEN SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO, ILLINOIS 60603-1211  
(312) 641-2600  
FAX (312) 641-0360

June 15, 2009

**VIA FACSIMILE and U.S. MAIL**

Stephen Novack  
Mitchell L. Marinello  
Steven J. Ciszewski  
**NOVAK AND MACEY LLP**  
100 N. Riverside Plaza  
Chicago, Illinois 60606

**Re: The Estate of CMGT, Inc. v. Mayer Brown Rowe & Maw, LLP, et al.**

Dear Counsel:

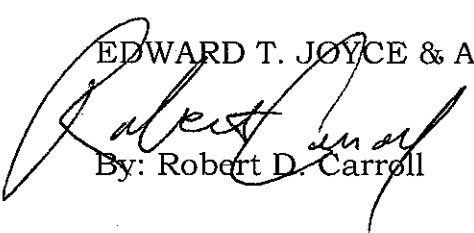
This is in response to Mr. Marinello's letter dated June 12, 2009.

Plaintiff requested all documents that Defendants' contend support their unclean hands defense. The affidavits attached to Defendants' motion for summary judgment in support thereof, and all documents relating to the preparation of those affidavits, are clearly documents that Defendants' believe support their defense. In fact, Defendants previously identified drafts of these affidavits on a privilege log in response to Plaintiff's request to produce. That privilege log demonstrates that Defendants agree that documents relating to the preparation of the affidavits are within the scope of Plaintiff's discovery request. Furthermore, by affirmatively using the affidavits in support of their defense, Defendants have waived any work-product protection that otherwise might be afforded these documents.

I understand that Mr. Marinello is out of the office until Wednesday. I would appreciate it if Mr. Novack or Mr. Ciszewski would contact me before Wednesday so that we can get this issue resolved. In that regard, if Defendants are going to stand by their refusal to produce the requested documents, Plaintiff would like to be able to file a motion to compel this week. Thank you for your attention to this matter.

Very truly yours,

EDWARD T. JOYCE & ASSOCIATES, P.C.

  
By: Robert D. Carroll

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**EDWARD T. JOYCE & ASSOCIATES, P.C.**  
 11 SOUTH LA SALLE STREET  
 SUITE 1600  
 CHICAGO, ILLINOIS 60603  
 PHONE: (312) 641-2600  
 FAX: (312) 641-0360  
 E-MAIL: [RCARROLL@JOYCELAW.COM](mailto:RCARROLL@JOYCELAW.COM)

# FAX

<b>To:</b> Stephen Novack	<b>From:</b> Rob Carroll
<b>Fax:</b> (312) 419-6928	<b>Pages:</b> 2
<b>Phone:</b>	<b>Fax:</b>
<b>Re:</b> David Grochocinski v. Mayer, Brown & Maw LLP	<b>Date:</b> June 15, 2009
	<b>Time:</b> 8:54:30 AM

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