

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

DAVID GROCHOCINSKI, not individually)	
but solely in his capacity as the Chapter 7)	
Trustee for the bankruptcy estate of)	
CMGT, INC.,)	
)	
Plaintiff,)	No. 06 C 5486
)	
v.)	Judge Virginia M. Kendall
)	
MAYER BROWN ROWE & MAW LLP)	
and RONALD B. GIVEN,)	
)	
Defendants.)	

**DEFENDANTS' SECOND UNOPPOSED
MOTION FOR LEAVE TO FILE OVERSIZED REPLY**

Defendants Mayer Brown LLP and Ronald B. Given (together, the “Defendants”), by their attorneys, Novack and Macey LLP, hereby move for leave to file a reply memorandum of up to 25 pages. In support of their motion, Defendants state as follows:

1. By order dated March 31, 2009, this Court ordered that Defendants file their dispositive motion on their “unclean hands” defenses by June 1, 2009, that Plaintiff file his response thereto by June 29, 2009, and that Defendants file their reply by July 20, 2009. Defendants timely filed their motion on May 29, 2009.

2. On June 19, 2009, Plaintiff David Grochocinski (“Plaintiff”) sought leave to file an oversize response memorandum. Defendants did not object, and Plaintiff’s motion was granted by this Court’s order dated June 23, 2009.

3. Plaintiff’s responsive memorandum is 30 pages long, and his Local Rule 56.1(b)(3)(c) Statement contains over 70 paragraphs. As part of his response, Plaintiff also

submitted over 100 new exhibits. Defendants do not contend that any of these items exceed the limitations set by the Court, as they were in compliance with this Court's order.

4. On July 17, 2009, Defendants filed a motion seeking leave to file a reply brief of up to 25 pages and for an extension of time to file their reply brief -- until August 19, 2009 (the "First Motion"). Plaintiff did not oppose the requested extension of up to 25 pages. However, because the Court was out of the country from July 20, 2009 until August 3, 2009 (the day Defendants' reply was due), Defendants amended the First Motion to reduce the number of pages sought for the reply to 20 pages (the "Amended Motion"). The Amended Motion was granted by the Court on July 20, 2009.

5. Defendants continue to believe that they cannot fully and properly respond to the matters set forth in Plaintiff's 30-page response brief and the new facts and exhibits in less than 25 pages, and therefore respectfully request leave to file a reply up to 25 pages.

WHEREFORE, Defendants respectfully request that the Court grant Defendants leave to file a reply memorandum of up to 25 pages, and that it grant Defendants such other and further relief as is appropriate.

Respectfully submitted by,

MAYER BROWN LLP and RONALD B. GIVEN

By: /s/ Stephen Novack
One Of Their Attorneys

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CERTIFICATE OF SERVICE

Stephen Novack, an attorney, hereby certifies that he caused a true and correct copy of the foregoing Defendants' Second Unopposed Motion for Leave to File Oversized Reply to be served through the ECF system upon the following:

Edward T. Joyce
Arthur W. Aufmann
Robert D. Carroll
Edward T. Joyce & Assoc., P.C.
11 South LaSalle Street
Chicago, IL 60603

on this 4th day of August, 2009.

/s/ Stephen Novack