

REE

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

FILED

FEB 25 2011
FEB 25 2011
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

MH

DAVID GROCHOCINSKI, not individually,)
but solely in his capacity as the Chapter 7)
Trustee for the bankruptcy estate of)
CMGT, INC.,)
)
Plaintiff,)
)
v.)
)
MAYER BROWN ROWE & MAW LLP,)
RONALD B. GIVEN, and CHARLES W.)
TRAUTNER,)
)
Defendants,)
)
R. GERARD SPEHAR,)
)
Movant.)

No. 06 C 5486
Judge Virginia M. Kendall

DESIGNATION OF RECORD ON APPEAL

Movant R. Gerard Spehar hereby submits his designation of the Record on Appeal pursuant to Federal Rule of Appellate Procedure 10 and Circuit Rule 10 of the United States Court of Appeals for the Seventh Circuit ("Seventh Circuit"). On February 22, 2011, the Seventh Circuit consolidated Movant's February 16, 2011 appeal ("USCA No. 11-1393") with Plaintiff David Grochocinski's April 29, 2010 appeal ("USCA No. 10-2057"). Movant respectfully requests that the Clerk of the United States District Court for the Northern District of Illinois include in the Record on Appeal (1) all items included in the Record on Appeal that was transmitted to the USCA for USCA No. 10-2057 on May 18, 2010 (see Docket No. 197 in the Civil Docket attached hereto) and (2) to the extent that they are not included in the Record on Appeal pursuant to Circuit Rule

10(a), all items in the attached Civil Docket whose respective Docket Numbers (“#”) have been circled (Docket Nos. 200, 201 and 202; Docket Nos. 204 through 215, inclusive; and Docket Nos. 225, 226 and 227).

Respectfully submitted,

R. Gerard Spehar

By: 

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APPEAL, DENLOW, TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 4.2 (Chicago)
CIVIL DOCKET FOR CASE #: 1:06-cv-05486

Grochocinski v. Mayer Brown Rowe & Maw LLP et al
Assigned to: Honorable Virginia M. Kendall
Case in other court: 10-02057
11-01393

Date Filed: 10/10/2006
Date Terminated: 03/31/2010
Jury Demand: None
Nature of Suit: 190 Contract: Other
Jurisdiction: Federal Question

Cause: 28:1441 Petition for Removal

Plaintiff

David Grochocinski
*not individually but solely in his capacity
as the Chapter 7 Trustee for the
bankruptcy estate of CMGT, Inc.*

represented by **David Edward Morgans**
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V.

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Defendant

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Defendant

Charles W Trautner
TERMINATED: 06/12/2007

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PRO SE

Movant

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Date Filed	#	Docket Text
05/18/2010	<u>197</u>	TRANSMITTED to the USCA for the 7th Circuit the long record on appeal <u>175</u> (USCA no. 10-2057). (gej,) (Entered: 05/18/2010)
05/18/2010	<u>198</u>	USCA RECEIVED on 5/18/2010 the long record regarding notice of appeal <u>175</u> . (gej,) (Entered: 05/20/2010)
05/20/2010	<u>199</u>	MINUTE entry before Honorable Virginia M. Kendall: Motion hearing held. Plaintiff's motion to dismiss/lack of jurisdiction <u>193</u> is taken under advisement. Responses are to be filed by 6/3/2010. Replies are to be filed by 6/10/2010. Court will by mail. Briefing on the motion for sanctions is stayed pending disposition of plaintiff's motion to dismiss. Advised in open court (jms,) (Entered: 05/20/2010)
05/27/2010	<u>200</u>	RESPONSE by Defendants in Opposition to R. Gerard Spehar Motion to intervene <u>173</u> (hp,) (Entered: 05/28/2010)

06/03/2010	<u>201</u>	RESPONSE by Ronald B Given, Mayer Brown Rowe & Maw LLP in Opposition to MOTION by Plaintiff David Grochocinski to dismiss for lack of jurisdiction <u>193</u> (Novack, Stephen) (Entered: 06/03/2010)
06/10/2010	<u>202</u>	REPLY Memorandum of Law in Support of Motion to Dismiss defendants' motion for sanctions by David Grochocinski <u>193</u> (Morgans, David) Modified on 6/11/2010 (vmj,). (Entered: 06/10/2010)
06/10/2010	<u>203</u>	NOTICE of filing by David Grochocinski re <u>202</u> (Morgans, David) Modified on 6/11/2010 (vmj,). (Entered: 06/10/2010)
06/10/2010	<u>204</u>	SUPPLEMENT to Spehar motion to alter or amend by Gerry Spehar (Poor Quality Original - Paper Document on File) (vmj,) (Entered: 06/11/2010)
06/10/2010	<u>205</u>	REPLY by Movant Gerard Spehar in support of his motion to intervene <u>173</u> (Exhibits). (hp,) (Entered: 06/14/2010)
06/14/2010	<u>206</u>	LETTER to Judge Kendall dated 6/14/2010 by Ronald B Given, Mayer Brown Rowe & Maw LLP (Attachments: # <u>1</u> Exhibit Appellate Docket & Order Granting Stay)(Novack, Stephen) (Text Edited by Clerks Office on 6/15/2010) (hp,). (Entered: 06/14/2010)
06/25/2010	<u>208</u>	LETTER to Judge Kendall dated 6/24/2010 from pro se movant R. Gerard Spehar (Exhibits) re <u>173</u> <u>193</u> . (hp,) (Entered: 06/29/2010)
06/28/2010	<u>207</u>	Letter by Ronald B Given, Mayer Brown Rowe & Maw LLP (Novack, Stephen) (Entered: 06/28/2010)
07/26/2010	<u>209</u>	AFFIDAVIT of Ronald Holman to Supplement Previously filed Limited Ratification (Exhibit). (hp,) (Entered: 07/27/2010)
08/13/2010	<u>210</u>	LETTER from R. Gerard Spehar dated 8/13/2010. (vmj,) (Entered: 08/17/2010)
08/18/2010	<u>211</u>	LETTER to Judge Kendall by Ronald B Given, Mayer Brown Rowe & Maw LLP dated 8/18/2010 (Novack, Stephen) (Text Modified by Clerk's Office on 8/19/2010). (hp,). (Entered: 08/18/2010)
08/20/2010	<u>212</u>	LETTER to Judge Kendall from Pro Se Movant R. Gerard Spehar dated 8/20/2010. (hp,) (Entered: 08/26/2010)
02/03/2011	<u>213</u>	MINUTE entry before Honorable Virginia M. Kendall: Enter MEMORANDUM, OPINION AND ORDER: For the reasons set forth above, the Court denies Spehars Motion to Intervene and Dismisses his Motion to Alter or Amend as moot. Mailed notice (tsa,) (Entered: 02/03/2011)
02/03/2011	<u>214</u>	MEMORANDUM Opinion and Order Signed by the Honorable Virginia M. Kendall on 2/3/2011. (tsa,) (Entered: 02/03/2011)
02/14/2011	<u>215</u>	WRITTEN Opinion entered by the Honorable Virginia M. Kendall on 2/14/2011: The Court denies Grochocinskis Motion to Dismiss for Lack of Jurisdiction. Grochocinski shall respond to the Defendants Motion for Sanctions by February 28, 2011, and the Defendants shall reply by March 7, 2011. Entered by the Honorable Virginia M. Kendall on 2/14/2011. Mailed notice (tsa,) (Entered: 02/14/2011)
02/16/2011	<u>216</u>	MOTION by Plaintiff David Grochocinski for extension of time to file response/reply (Morgans, David) (Entered: 02/16/2011)
02/16/2011	<u>217</u>	NOTICE of Motion by David Edward Morgans for presentment of motion for extension of time to file response/reply <u>216</u> before Honorable Virginia M. Kendall on 2/22/2011 at 09:00 AM. (Morgans, David) (Entered: 02/16/2011)
02/16/2011	<u>218</u>	NOTICE of appeal by Gerard Spehar regarding orders <u>214</u> <u>213</u> . (Fee Due) (gel,) (Entered: 02/17/2011)
02/17/2011	<u>219</u>	NOTICE of Appeal Due letter sent to counsel of record. (gel,) (Entered: 02/17/2011)
02/17/2011	<u>220</u>	TRANSMITTED to the 7th Circuit the short record on notice of appeal <u>218</u> . Notified counsel (gel,) (Entered: 02/17/2011)

02/17/2011	<u>221</u>	MINUTE entry before Honorable Virginia M. Kendall: Respondent Grochocinski's motion for extension of time to respond to defendants' motion for sanctions <u>216</u> is granted. Response by 3/14/2011. Reply by 3/28/2011. Ruling will be made by mail. The motion for sanctions <u>176</u> is taken under advisement. Mailed notice (tsa,) (Entered: 02/17/2011)
02/17/2011	<u>223</u>	ACKNOWLEDGMENT of receipt of short record on appeal regarding notice of appeal <u>218</u> ; USCA Case No. 11-1393. (hp,) (Entered: 02/18/2011)
02/17/2011	<u>224</u>	CIRCUIT Rule 3(b) Notice to plaintiff (hp,) (Entered: 02/18/2011)
02/23/2011	<u>225</u>	<p>TRANSCRIPT OF PROCEEDINGS held on 9/26/2007 before the Honorable Virginia M. Kendall. Oral Argument. Court Reporter Contact Information: APRIL METZLER, 312-408-5154, April_Metzler@ilnd.uscourts.gov.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 3/16/2011. Redacted Transcript Deadline set for 3/28/2011. Release of Transcript Restriction set for 5/24/2011. (Metzler, April) (Entered: 02/23/2011)</p>
02/23/2011	<u>226</u>	<p>TRANSCRIPT OF PROCEEDINGS held on 10/30/2007 before the Honorable Virginia M. Kendall. Status Conference. Court Reporter Contact Information: APRIL METZLER, 312-408-5154, April_Metzler@ilnd.uscourts.gov.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 3/16/2011. Redacted Transcript Deadline set for 3/28/2011. Release of Transcript Restriction set for 5/24/2011. (Metzler, April) (Entered: 02/23/2011)</p>
02/23/2011	<u>227</u>	<p>TRANSCRIPT OF PROCEEDINGS held on 12/13/2007 before the Honorable Virginia M. Kendall. Motion Hearing. Court Reporter Contact Information: APRIL METZLER, 312-408-5154, April_Metzler@ilnd.uscourts.gov.</p> <p>IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings.</p> <p>Redaction Request due 3/16/2011. Redacted Transcript Deadline set for 3/28/2011. Release of Transcript Restriction set for 5/24/2011. (Metzler, April) (Entered: 02/23/2011)</p>

CERTIFICATE OF SERVICE

The undersigned certifies that on February 25, 2011, he caused the foregoing **DESIGNATION OF RECORD ON APPEAL** to be served upon the parties listed below, by fax or by depositing with the United States Post Office in Glendale, California, postage prepaid, prior to 6:00 p.m. this 25th day of February, 2011.

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