

**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,                                  | ) |                           |
|   | ) |                           |
| v.  | ) | No. 06 C 5486             |
|   | ) |                           |
| MAYER BROWN ROWE & MAW LLP and              | ) | Judge Virginia M. Kendall |
| RONALD B. GIVEN,                            | ) |                           |
|   | ) |                           |
| Defendants.                                 | ) |                           |

**DEFENDANTS' PETITION FOR ATTORNEYS' FEES AND COSTS**

Pursuant to the Court's Order dated June 30, 2011 (the "June 30 Order"), Defendants Mayer Brown LLP (formerly known as Mayer Brown Rowe & Maw LLP) and Ronald P. Given (together, "Defendants"), by their attorneys, Novack and Macey LLP ("Novack and Macey"), hereby submit their petition for attorneys' fees and costs to be paid by Edward T. Joyce & Associates ("Joyce"). In support hereof, Defendants state as follows:

**PROCEDURAL HISTORY**

1. On March 31, 2010, the Court granted Defendants' Motion for Summary Judgment Based on Their Unclean Hands Defenses. (Dkt. 170-171.)
2. Thereafter, on April 29, 2010, Defendants filed their Sanctions Motion seeking sanctions against Plaintiff and Joyce (the "Sanctions Motion"). (Dkt. 176-177.)
3. On June 30, 2011, the Court granted Defendants' Sanctions Motion, in part, as to Joyce. (Dkt. 246-247.) Specifically, the June 30 Order requires Joyce to pay: (a) one-half of the attorneys' fees and costs incurred by Defendants in preparing for and taking Plaintiff's deposition (the "Deposition"); (b) one-half of the costs incurred by Defendants in connection with

the Deposition; and (c) one-half of the attorneys' fees and costs incurred by Defendants in bringing the Sanctions Motion.

**DEFENDANTS' ATTORNEYS' FEES AND COSTS**

4. The awarded fees and costs Defendants seek are set forth in detail in the Affidavit by Certification of Steven J. Ciszewski ("Ciszewski Aff. ¶\_\_"), attached hereto as Exhibit A. As set forth fully therein, Defendants should be awarded fees and costs totaling \$37,135.82, as follows:

|                                      |                    |
|--------------------------------------|--------------------|
| Fees related to the Deposition       | \$10,712.34        |
| Costs related to the Deposition      | \$1,438.58         |
| Fees related to the Sanctions Motion | \$24,984.90        |
| <b>TOTAL</b>                         | <b>\$37,135.82</b> |

5. The hourly rates charged by Novack and Macey in connection with the Deposition and Sanctions Motion are consistent with the rates regularly charged (and collected) by Novack and Macey in legal malpractice actions. These rates are fair and reasonable and within the normal standards of the Chicago legal community for the type of services provided. (Ciszewski Aff. ¶¶6-8.)

6. Moreover, the time spent on the Deposition and Sanctions Motion was reasonable and necessary under the circumstances. (Id. ¶11.)

WHEREFORE, Defendants respectfully request that the Court:

- A. Enter an order granting this Fee Petition;
- B. Order Joyce to reimburse Defendants \$37,135.82 for attorneys' fees and costs and enter final judgment against Joyce and in favor of Defendants in that amount; and
- C. Grant Defendants such other and further relief as is appropriate.

Respectfully submitted,

MAYER BROWN LLP and RONALD B. GIVEN

By:           /s/ Steven J. Ciszewski            
One Of Their Attorneys

Stephen Novack  
Mitchell L. Marinello  
Steven J. Ciszewski  
NOVACK AND MACEY LLP  
100 N. Riverside Plaza  
Chicago, IL 60606  
(312) 419-6900  
Doc. #441977

**CERTIFICATE OF SERVICE**

Steven J. Ciszewski, an attorney, hereby certifies that he caused a true and correct copy of the foregoing Defendants' Petition for Attorneys' Fees and Costs 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 S. LaSalle St.  
Chicago, IL 60603

David Morgans  
Myers & Miller, LLC  
30 N. LaSalle St., Suite 2200  
Chicago, IL 60602

and by Federal Express overnight service, upon the following:

Gerard Spehar  
1625 Grandview Avenue  
Glendale, CA 91201

on this 8th day of July, 2011.

/s/ Steven J. Ciszewski