

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

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,)	
RONALD B. GIVEN, and CHARLES W.)	
TRAUTNER,)	
)	
Defendants.)	
)	

**JOYCE’S RESPONSE TO DEFENDANTS’
PETITION FOR ATTORNEYS’ FEES AND COSTS**

On June 30, 2010, this Court ordered Joyce to pay (a) one-half of the attorneys’ fees incurred by Defendants in preparing for and taking Plaintiff’s deposition; (b) one-half of the costs incurred by Defendants in connection with Plaintiff’s deposition; and (c) one-half of the attorneys’ fees and costs incurred by Defendants in bringing their motion for sanctions. The purpose of that order was to sanction Joyce for conduct that occurred during Plaintiff’s deposition.

Accordingly, Joyce does not contest the amount of fees and costs that Defendants seek under (a) and (b) above. However, Joyce respectfully calls the Court’s attention to the following facts that should bear upon the amount of fees that Defendants seek under (c) above (“briefing fees”). In that regard, Defendants filed:

- (1) A 14 page Memorandum In Support Of Their Motion For Sanctions against Joyce and Plaintiff, of which only two

paragraphs concerned Joyce's conduct during Plaintiff's deposition;

- (2) An 18 page Reply Memorandum In Support Of Their Motion For Sanctions against Joyce, of which only one paragraph concerned Joyce's conduct during Plaintiff's deposition; and
- (3) A 20 page Reply Memorandum In Support Of Their Motion For Sanctions against Plaintiff, none of which concerned Joyce's conduct during Plaintiff's deposition.

Defendants paid \$49,969.80 of fees for those briefs, and now seek one-half of that amount--\$24,984.90. But given that this Court has already sanctioned Joyce for one-half of Defendants' fees and costs from Plaintiff's deposition, Joyce respectfully submits that it would be unfair to further sanction him for one-half of the briefing fees because, as shown above, those briefing fees had almost nothing to do with Joyce's deposition conduct. Accordingly, Joyce requests that this Court substantially reduce the briefing fees portion of Defendants' petition.

Respectfully submitted,

EDWARD T. JOYCE & ASSOCIATES, P.C.

By: /s/ Edward T. Joyce

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CERTIFICATE OF SERVICE

I, Arthur W. Aufmann, an attorney, hereby certify that I caused a true and correct copy of the foregoing JOYCE'S RESPONSE TO DEFENDANTS' PETITION FOR ATTORNEYS' FEES AND COSTS to be served upon the counsel of record via email through the United States District Court Electronic Filing System this 22nd day of July, 2011.

/s/ Arthur W. Aufmann