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.)

PLAINTIFF'S MOTION TO SUPPLEMENT RECORD ON APPEAL PURSUANT TO F.R.A.P. 10(e) AND CIRCUIT RULE 10(b)

Plaintiff, through his counsel, moves for leave to supplement the record on appeal pursuant to Federal Rule of Appellate Procedure 10(e) and Circuit Court Rule 10(b) of the United States Court of Appeals for the Seventh Circuit. In support of this motion, Plaintiff states as follows:

- This matter is presently on appeal to the United States Court of Appeals for the Seventh Circuit, designated Seventh Circuit No. 10-2057. Plaintiff's Appellate Brief is must be filed on October 18, 2011.
- 2. On May 20, 2010, November 16, 2010 and March 15, 2011, the clerk for the district court transmitted the record for this matter to the Seventh Circuit.
- 3. Included in the documents transmitted to the Seventh Circuit was Defendants' Memorandum in Support of Their Motion for Sanctions, Docket Number 177.
- 4. On March 14, 2011, Plaintiff and his attorney filed responses to Defendants' Motion for Sanctions. Those responses were not included in the Record on Appeal. In order to have

a complete record, Plaintiff respectfully requests that his and his attorney's responses to Defendants' Motion for Sanctions, Docket Numbers 235 and 236, be included in the

Record on Appeal.

Seventh Circuit.

Wherefore, for the foregoing reasons, Plaintiff respectfully requests that this Court enter an Order directing the Clerk of the United States District Court for the Northern District of Illinois to prepare and certify a Supplemental Record on Appeal containing Docket Numbers 235 and 236 and to forward the Supplemental Record on Appeal to the Clerk of the Court for the

Respectfully submitted,

DAVID GROCHOCINSKI, not individually, but solely in his capacity as the Chapter 7 Trustee for the bankruptcy estate of CMGT, INC.

By: ____/s/ Edward T. Joyce____

Edward T. Joyce Arthur W. Aufmann Robert D. Carroll THE LAW OFFICES OF EDWARD T. JOYCE & ASSOC., P.C. 135 South LaSalle Street, Ste., 2200 Chicago, Illinois 60603

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on October 3, 2011, he caused **Plaintiff's Motion** for Leave to Supplement Record on Appeal Pursuant to F.R.A.P. 10(e) and Circuit Court Rule 10(b) to be served upon by electronically delivering a copy through the Court's CM/ECF filing system.

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

and

by U.S. mail, proper postage prepaid, upon:

R. Gerard Spehar 1625 Grandview Ave. Glendale CA, 91201

/s/ Edward T. Joyce