

**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.)	

NOTICE OF APPEAL

Notice is hereby given that Defendants Mayer Brown LLP (formerly known as Mayer Brown Rowe & Maw LLP) and Ronald P. Given (together, “Defendants”), hereby appeal to the United States Court of Appeals for the Seventh Circuit from the following orders entered in this action by District Judge Virginia M. Kendall: (1) those portions of the June 30, 2011 Minute Order and accompanying Memorandum Opinion and Order (together, the “June 30 Orders”) that denied Defendants’ requests for sanctions against Plaintiff David Grochocinski (“Grochocinski”), individually and in his official capacity as the Chapter 7 Trustee for the bankruptcy estate of CMGT, Inc., and/or Grochocinski’s counsel, Edward T. Joyce & Associates (“Joyce”); and (2) the October 17, 2011 Written Opinion (the “October 17 Order”) setting forth the amount of sanctions to be paid by Joyce which, among other things, made the June 30 Orders and the October 17 Order final and appealable.

Respectfully submitted,

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 Notice of Appeal to be served through the ECF system upon the following:

Edward T. Joyce
Arthur W. Aufmann
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and by Federal Express overnight service, upon the following:

Gerard Spehar
1625 Grandview Avenue
Glendale, CA 91201

on this 15th day of November, 2011.

/s/ Stephen Novack

SEVENTH CIRCUIT COURT OF APPEALS INFORMATION SHEET

Include the names of all plaintiffs (petitioners) and defendants (respondents) who are parties to the appeal. Use a separate sheet if needed.

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION DOCKET NUMBER: 06cv5486

PLAINTIFF (Petitioner)

v.

DEFENDANT (Respondent)

David Grochocinski/Appellant

Mayer Brown Rowe & Maw LLP et al/Appellee

(Use separate sheet for additional counsel)

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name	David Edward Morgans	Name	Stephen Novack
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Other Information			
District Judge	Kendall	Date Filed in District Court	10/10/2006
Court Reporter	R Scarpelli 5815	Date of Judgment	6/30/2011, 10/17/2011
Nature of Suit Code	190	Date of Notice of Appeal	11/15/2011

COUNSEL:

Appointed

☐

Retained

☒

Pro Se

☐

FEE STATUS:

Paid

☒

Due

☐

IFP

☐

IFP Pending

☐

U.S.

☐

Waived

☐

Has Docketing Statement been filed with the District Court Clerk's Office?

Yes

☐

No

☒

If State/Federal Habeas Corpus (28 USC 2254/28 USC 2255), was Certificate of Appealability:

Granted

☐

Denied

☐

Pending

☐

If Certificate of Appealability was granted or denied, date of order:

If defendant is in federal custody, please provide U.S. Marshall number (USM#):

IMPORTANT: THIS FORM IS TO ACCOMPANY THE SHORT RECORD SENT TO THE CLERK OF THE U.S. COURT OF APPEALS PURSUANT TO CIRCUIT RULE 3(A). Rev 04/01

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 4.2
Eastern Division**

David Grochocinski

Plaintiff,

v.

Case No.: 1:06-cv-05486

Honorable Virginia M. Kendall

Mayer Brown Rowe & Maw LLP, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, June 30, 2011:

MINUTE entry before Honorable Virginia M. Kendall: Enter MEMORANDUM, OPINION AND ORDER: For the reasons set forth above, and pursuant to both § 1927 and its inherent power to enter sanctions, the Court denies the Mayer Browns motion for sanctions as to Grochocinski, and grants in part Mayer Browns motion as to Joyce. By July 8, 2011, Mayer Brown must file its fee petition detailing: (1) one-half the attorneys fees and costs it incurred in preparing for and taking Grochocinskis deposition; (2) one-half of the Grochocinski deposition costs; and (3) one-half the attorneys fees and costs it incurred to bring the sanctions motion. Any response to the bill of costs is due July 22, 2011. Mailed notice(tsa,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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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.,)	
)	Case No. 06 C 5486
Plaintiff,)	
v.)	Judge Virginia M. Kendall
)	
MAYER BROWN ROWE & MAW LLP,)	
RONALD B. GIVEN and CHARLES W.)	
TRAUTNER,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

David Grochocinski (“Grochocinski”), in his capacity as Chapter 7 Trustee for the bankruptcy estate of CMGT, Inc. (“CMGT”) sued Mayer Brown Rowe & Maw LLP and Ronald B. Given, one of its attorneys (collectively “Mayer Brown”), for legal malpractice. On March 31, 2010, this Court granted Mayer Brown’s motion for summary judgment. Mayer Brown now moves for sanctions against Grochocinski and his attorneys, Edward T. Joyce and Associates (“Joyce”) pursuant to the Court’s inherent authority to enter sanctions and, as to Joyce, pursuant to 28 U.S.C. § 1927 as well. For the reasons stated below, the Court denies the Mayer Brown’s motion as to Grochocinski and grants it in part as to Joyce.

I. BACKGROUND

A. Before the Complaint

In early 2004, Spehar Capital, LLC (“SC”), a venture capital consulting firm, secured a \$17 million default judgment against CMGT in California state court. (Op. at 6-7.)¹ Details of the prove-up hearing testimony, as well as the facts that led to the judgment, can be found in the Court’s March 31, 2010 Memorandum Opinion and Order (“March 31, 2010 Opinion”). (Doc. 171); *see Grochocinski v. Mayer Brown Row & Maw LLP*, No. 06 C 5486, 2010 WL 1407256 (N.D. Ill. Mar. 31, 2010). In that opinion, this Court concluded that the sole owner, officer, and an employee of SC, Gerry Spehar (“Spehar”), misrepresented the financial state of CMGT to the California court and that the judgment amount was based on these misrepresentations. (Op. at 6, 21.)

Seeking to recover the \$17 million judgment, SC filed a single-creditor involuntary bankruptcy petition against CMGT in the United States Bankruptcy Court for the Northern District of Illinois. (Op. at 7; Doc. 236, Ex. A ¶ 6.) Spehar admitted that he initiated the bankruptcy proceeding for the express purpose of collecting the \$17 million default judgment from Mayer Brown through a legal malpractice action. (Op. at 7.) The bankruptcy court, at random, appointed Grochocinski, a long-time member of the bankruptcy court’s panel of private trustees who had no professional expertise in the area of professional liability claims, as bankruptcy trustee for CMGT’s Chapter 7 bankruptcy estate. (Op. at 8; Doc. 236, Ex. A ¶¶ 3-4.) As trustee, Grochocinski was responsible for marshaling and liquidating the assets of the CMGT estate and he had the capacity to

¹Throughout this Opinion, the Court will abbreviate its March 31, 2010 Memorandum Opinion and Order granting summary judgment in favor of the Defendants as “(Op. at ____).”

sue parties on behalf of the estate. (*Id.* ¶¶ 4-5.) He received very little information about CMGT beyond the name of the bankruptcy petitioner when he was appointed. (*Id.* ¶ 7.)

Soon after Grochocinski's appointment, Spehar's counsel, Judson Todhunter ("Todhunter"), an attorney Grochocinski knew from law school, contacted Grochocinski about filing a legal malpractice action against Mayer Brown. (Op. at 8; Doc. 236, Ex. A ¶ 12.) Todhunter informed Grochocinski that SC, a secured creditor, was willing to provide post-petition financing and carve out funds for the unsecured creditors so that Grochocinski could investigate and bring the legal malpractice claim. (Op. at 8; Doc. 236, Ex. A ¶ 12.) Grochocinski negotiated and received approval from the bankruptcy court for a financing agreement that granted SC the majority of any proceeds recovered from the Mayer Brown. (Op. at 8; Doc. 236, Ex. A ¶ 13; Doc. 235, Ex. B.) In exchange, SC agreed to loan the estate \$17,500 for bankruptcy administration costs. (Op. at 8.) Because he had no experience investigating and bringing legal malpractice and professional liability claims, Grochocinski also retained special counsel to evaluate and prosecute the legal malpractice claim. (Doc. 236, Ex. A ¶¶ 12, 17.) Spehar recommended Edward Joyce, the principal of Joyce, and an attorney experienced in legal malpractice matters. (Op. at 8; Doc. 236, Ex. A ¶¶ 15-16.) Joyce's appointment as special counsel was approved by the bankruptcy court on November 18, 2005. (*Id.*) Joyce agreed to represent CMGT and to prosecute any malpractice claims against the Defendants on a contingency fee. (Op. at 8; Doc. 236, Ex. A ¶ 17.)

Once Joyce was appointed as special counsel, Grochocinski took little part in the investigation and prosecution of the legal malpractice claim against the Defendants. (Op. at 9-13; Doc. 236, Ex. A ¶ 18.) According to Grochocinski, "[o]ther than providing [Joyce] with information from my file, I took no part in investigating the salient facts pertaining to the legal malpractice

claim.” (*Id.*) This is true despite the fact that many CMGT shareholders contacted him with information contrary to what Spehar had told him and Joyce. (Op. at 9; Doc. 236, Ex. A ¶ 28.) Grochocinski did little research on vacating the California state court judgment and made no attempt to vacate it. (Op. at 8-9; Doc. 236, Ex. A ¶ 10.)

Before filing this lawsuit, Joyce reviewed “contemporaneous documents,” many of which were written by a Mayer Brown attorney and CMGT shareholders. (Doc. 235 at 2, 29.) He also sent CMGT shareholders letters requesting interviews and threatening litigation if they refused to sign the attached tolling agreements. (Op. at 13; Doc. 235 at 28.) Joyce did not, however, interview any CMGT shareholders, officers, or directors, or anyone from Mayer Brown before deciding to bring this case. (*Id.* at 28-29.) In contrast, Joyce was well-versed in Spehar’s version of events, and Joyce knew from the beginning of its appointment that Spehar wanted to collect SC’s \$17 million judgment through the malpractice lawsuit. (*Id.* at 29.)

On August 10, 2006, Grochocinski participated in a conference call with, among others, Joyce, Spehar, and Todhunter. (Doc. 236, Ex. A ¶ 19.) At the call, Joyce informed the parties that there was sufficient factual and legal basis for bringing a legal malpractice claim against the Defendants. (*Id.*) Relying on this information, Grochocinski approved the filing of this case. (*Id.*) He also reviewed the complaint drafted by Joyce, but, according to Grochocinski, because he was “not involved in the events described in the complaint nor did [he] personally conduct the investigation, nor [is he] versed in the law of legal professional liability, [he] had no basis to question the content of the complaint and the advice that the lawsuit be filed.” (*Id.* ¶ 20.)

B. These Proceedings

In late August of 2006, Joyce filed a two-count Complaint against the Defendants in the Circuit Court of Cook County, Illinois, which Mayer Brown removed to this Court. In Count I, Grochocinski alleged that Mayer Brown provided negligent advice to CMGT. Among other things, Count I alleged that Mayer Brown failed to advise CMGT to settle its dispute with SC before the dispute escalated to litigation and, as a result, CMGT lost any hope of obtaining financing for its operations. In Count II, Grochocinski alleged that Mayer Brown failed to defend CMGT, and advised CMGT not to appear in the California lawsuit, and as a result, the California court entered a \$17 million default judgment against CMGT.

The Court granted in part and denied in part Mayer Brown's motion to dismiss. First, the Court determined that Grochocinski could not recover for Mayer Brown's alleged failure to advise CMGT that SC would sue and Mayer Brown's alleged failure to provide legal advice to CMGT's shareholders. Nevertheless, the Court denied the motion as to all other grounds. Specifically, the Court found Mayer Brown's "unclean hands" argument premature. It concluded that SC, who is not a party to this action, was the entity that Mayer Brown alleged perpetrated a fraud on the judicial system, and that, at that point, Mayer Brown had not shown that the plaintiff in this case, Grochocinski, had done anything wrong. The Court later denied a motion to reconsider from Mayer Brown, finding that there were factual issues that needed to be resolved and that the case could not be disposed of on a motion to dismiss. The Court, however, ordered the parties to engage in discovery on only the "unclean hands" issue and, if appropriate, move for summary judgment based on that issue.

Mayer Brown chose to move for summary judgment on the “unclean hands” issue, and the Court granted that motion on March 31, 2010. Mayer Brown argued that the instant case, if successful, would yield an absurd result. Specifically, Mayer Brown pointed out that in order for Grochocinski to win, he had to prove that SC’s claim in the California litigation had no merit. But then, if Grochocinski succeeded in proving malpractice, he would have to turn over “the lion’s share of any recovery” to SC “whom he would have just proved had no right to recovery in the first place.” (Doc. 136 at 9.) The Court found that the crux of the Mayer Brown’s argument was that Grochocinski, standing in the shoes of SC, should be judicially estopped from taking a position in this case that is contrary to the prevailing position SC took in the California litigation. (Op. at 16.)

When it granted summary judgment to Mayer Brown, the Court made the following findings, among others: (1) Spehar secured an artificially-inflated judgment in the California litigation because of misrepresentations he made to the California court as to CMGT’s worth; (2) at all times during this litigation, Grochocinski acted as a proxy for SC; (3) as such, Grochocinski could be judicially estopped from taking a position in this litigation against Mayer Brown that is contrary to the position previously taken by SC against CMGT; and (4) because Grochocinski was barred from arguing in this case that but for the Mayer Brown’s negligence, CMGT would have succeeded in the California litigation, Grochocinski’s legal malpractice claim failed as a matter of law.

C. The Sanctions Motion

Mayer Brown now moves for sanctions against Grochocinski and Joyce pursuant to the Court’s inherent authority and, as to Joyce, § 1927 as well. Mayer Brown contends that sanctions are appropriate against Grochocinski under the Court’s inherent authority because: (1) the “entire lawsuit was an attack on the integrity of the judicial system”; (2) the “case was not filed in good faith

by [Grochocinski], who is required to . . . pursu[e] the interests of the entire estate”; and (3) Grochocinski “conducted no pre-filing investigation and does not even know the bases for the allegations in his Complaint.” (Doc.177 at 9-10.) Specifically against Joyce, Mayer Brown argues that sanctions are warranted pursuant to § 1927 because: (1) there was no factual or legal basis for this lawsuit; (2) that Joyce would pursue such a claim demonstrates a “lack of respect for this Court and recklessness or gross indifference to the integrity of the judicial system as a whole,” (Doc. 177 at 12); (3) Joyce persisted in this lawsuit even after Mayer Brown “brought the scam to light in their motion to dismiss,” after the Court stated that Mayer Brown’s “unclean hands” defense was “very persuasive,” and after Mayer Brown moved for summary judgment with evidence supporting this defense (Doc. 177 at 13); and (4) Joyce engaged in unprofessional and improper tactics during Grochocinski’s deposition.

Grochocinski and Joyce responded to the Mayer Brown’s motion separately. Grochocinski makes two arguments in his response. First, he argues that the Court’s inherent authority does not extend to a party’s pre-litigation conduct and, as such, the Court has no authority to punish the parties in this case for conduct that occurred before Mayer Brown removed the case to this Court. Second, Grochocinski contends that he cannot be personally liable for sanctions unless the Court finds that he is guilty of the “willful and deliberate violation of his fiduciary duties.” *See In re Chicago Pac. Corp.*, 773 F.2d 909, 915 (7th Cir. 1985). In his response, Joyce argues that sanctions are not appropriate against him in here because: (1) Grochocinski’s malpractice claims had a reasonable basis in fact and law; (2) a reasonable attorney could have believed that Spehar did not lie during the California prove-up hearing; (3) a reasonable attorney could have believed that Grochocinski did not file the case solely for Spehar’s benefit; (4) the Court’s findings in its March

31, 2010 Opinion are not sufficient to support sanctions; and (5) Joyce's responses to the Mayer Brown's "unclean hands" arguments had a reasonable basis in fact and law. The Court will separately address the claims against Grochocinski and Joyce.

II. DISCUSSION

A. Grochocinski

In its motion, Mayer Brown ask the Court to grant sanctions against Grochocinski pursuant to its inherent authority. A district court has the inherent power "to address a full range of litigation abuses." *Manez v. Bridgestone Firestone N. Am. Tire LLC*, 533 F.3d 578, 585 (7th Cir. 2008) (quoting *Chambers v. NASCO, Inc.*, 501 U.S. 32, 46 (1991)). This includes the power to assess attorney's fees in certain circumstances, such as "when a party has 'acted in bad faith, vexatiously, wantonly, or for oppressive reasons.'" *Chambers*, 501 U.S. at 45-46 (quoting *Alyeski Pipeline Serv. Co. v. Wilderness Soc'y*, 421 U.S. 240, 258-59 (1975)); *see also Salmeron v. Enter. Recovery Sys.*, 579 F.3d 787, 793 (7th Cir. 2009) ("Sanctions meted out pursuant to the court's inherent power are appropriate where the offender has willfully abuse the judicial process or otherwise conducted litigation in bad faith."). Accordingly, "if a court finds that fraud has been practiced upon it, or that the very temple of justice has been defiled, it may assess attorney's fees against the responsible party, as it may when a party shows bad faith by delaying or disrupting the litigation or by hampering enforcement of a court order." *Chambers*, 501 U.S. at 46 (quotations omitted).

What constitutes "bad faith" is a matter of some conflict, but the Seventh Circuit has "used phrases such as harassment, unnecessary delay, needless increase in the cost of litigation, willful disobedience, and recklessly making a frivolous claim." *Mach v. Will County Sheriff*, 580 F.3d 495, 501 (7th Cir. 2009) (citing *Stive v. United States*, 366 F.3d 520, 521-22 (7th Cir. 2004) (collecting

cases)). The term also “has both a subjective and objective meaning, and [the Seventh Circuit] often treat[s] reckless and intentional conduct equally.” *Mach*, 580 F.3d at 501. Mere negligence, however, is not enough; the imposition of sanctions under a federal court’s inherent authority requires fraudulent or dilatory conduct, or a showing of bad faith. *See Kovilic Constr. Co. v. Missbrenner*, 106 F.3d 768, 773-74 (7th Cir. 1997) (concluding that the defendant’s attorney was negligent, but that, because there was no evidence that his actions were fraudulent, dilatory, or taken in bad faith, sanctions were not appropriate).

Grochocinski first argues that the Court has no authority to sanction him for conduct that occurred before the Defendants removed the case to this Court because the Court’s inherent authority does not extend to pre-litigation conduct. For this proposition, Grochocinski cites to *Zapata Hermanos Sucesores v. Hearthside Baking Co.*, 313 F.3d 385, 391 (7th Cir. 2002). Grochocinski, however, misreads the holding of *Zapata*. The federal courts’ inherent authority may only be used to punish misconduct “occurring in the litigation itself, not in the events giving rise to the litigation (for then the punishment would be a product of substantive law—designed, for example, to deter breaches of contract).” *Zapata*, 313 F.3d at 391; *see also United States v. Fid. and Deposit Co. of Md.*, 986 F.2d 1110, 1120 (7th Cir. 1993) (citing *Chambers*, 501 U.S. at 53 and finding “[w]hile a court has the authority to preserve the integrity and, indeed the viability, of the judicial process, it does not have the prerogative to create substantive law by adding remedies not otherwise provided by law.”). But the phrase “the events giving rise to the litigation” in this context means the underlying conduct that sparked the litigation, not the parties’ investigation into the claims and the decision to file suit. Thus, the Court cannot sanction SC or Spehar, if they were parties, for their conduct in the California lawsuit or even their decision to file the bankruptcy petition against

CMGT, just as the Court could not sanction a defendant in a breach of contract case for breaching the contract. The Court's inherent power does extend, however, to Grochocinski's investigation into Mayer Brown's actions and his decision to file this lawsuit. *See Carr v. Tillery*, 591 F.3d 909, 919-20 (7th Cir. 2010) (citation omitted) (while § 1927 "is inapplicable to 'misconduct that occurs before the case appears on the federal court's docket,'" the limitations of § 1927 do not apply to the court's exercise of its inherent power); *c.f. Mach*, 580 F.3d at 501 (quotations omitted) ("[B]ad faith may occur beyond the filing of the case and may be found not only in the actions that led to the lawsuit, but also in the conduct of the litigation."); *Manez*, 533 F.3d at 585 ("The fact that some of the conduct that ultimately gave rise to the filing in the U.S. court took place outside the United States . . . does not deprive the court of its competence to adjudicate this matter."). Accordingly, the Court rejects Grochocinski's argument that it could not use its inherent power to sanction the conduct at issue here.

Because Grochocinski's conduct was merely negligent, he cannot be personally liable for sanctions in this case. "A trustee may be held personally liable only for a willful and deliberate violation of his fiduciary duties." *Chicago Pac.*, 773 F.2d at 915 (7th Cir. 1985); *see also Maxwell v. KPMG LLP*, No. 07-2819, 2008 WL 6140730, at *4 (7th Cir. Aug. 19, 2008) (citing *Chicago Pacific* and concluding that, because the bankruptcy trustee had not engaged in willful or deliberate misconduct, he could not be personally liable for sanctions). In *Maxwell*, the court addressed whether bankruptcy trustee could be personally liable for sanctions for filing a frivolous appeal pursuant to Federal Rule of Appellate Procedure 38. *Id.* at *1. The court found it persuasive that the trustee retained counsel to investigate and, if appropriate, pursue legal claims against the defendants in that case. *Id.* at *4. It noted that the trustee did not have any "professional expertise

in the areas of accounting or auditing malpractice, and so—though he regularly consulted with counsel and the experts they recommended and monitored the litigation—he ultimately relied upon counsel’s judgment that th[e] lawsuit and the subsequent appeal were in the best interests of [the estate’s] creditors.” *Id.* Citing *Chicago Pacific*, the court ultimately concluded even though sanctions would be appropriate, the trustee himself could not be personally liable because he had not willfully violated his fiduciary duties. *Id.*

Similarly, Grochocinski cannot be personally liable for sanctions here because he did not willfully violate his fiduciary duties. To be sure, from the time he was appointed trustee—at random—for the CMGT estate, the majority of Grochocinski’s work was done solely for the benefit of SC, not CMGT’s other creditors. After he received very little information about the possible assets of CMGT at the time he was appointed, Grochocinski was immediately contacted by Spehar about filing a legal malpractice action against Mayer Brown so that SC, in turn, could collect on the default judgment. Instead of seeking to have the California judgment vacated, Grochocinski bought Spehar’s story, accepted Spehar’s money to help pay for the administrative costs, and had Joyce—Spehar’s hand-picked malpractice attorney—appointed as special counsel. Grochocinski admits that once Joyce was appointed, he turned over his limited notes on the case and made no further efforts to investigate the malpractice claim against Mayer Brown. Lacking knowledge of the factual and legal bases for the lawsuit, Grochocinski nonetheless approved Joyce’s draft complaint and allowed him to file this case. Grochocinski was content to rely on Joyce’s advice on all matters relating to this lawsuit.

While Grochocinski’s work was sloppy and negligent, it did not cross the line into willful or deliberate breach of his fiduciary duties. The Bankruptcy Code specifically provides for the

employment of special counsel, with the court's approval, "to represent or assist the trustee in carrying out the trustee's duties under [the Code]." *See* 11 U.S.C. § 327(a). Like the trustee in *Maxwell*, Grochocinski, who lacked any professional expertise in malpractice lawsuits, ultimately relied on Joyce's counsel that this lawsuit was in the best interest of CMGT's creditors. Grochocinski's reliance on special counsel to investigate and prosecute the case with little oversight is evidence that he was negligent in his fiduciary duties, not that he acted willfully and deliberately. Accordingly, he is not personally liable for sanctions here.²

II. Joyce

Mayer Brown seeks sanctions against Joyce pursuant to both the Court's inherent authority and § 1927. Although a court's inherent power may be limited by statute or rule, such rules do not "displace[] the inherent power to impose sanctions for . . . bad-faith conduct" *Chambers*, 501 U.S. at 46; *see also Mach*, 580 F.3d at 501 (quoting *Method Elecs., Inc. v. Adam Techs., Inc.*, 371 F.3d 923, 927 (7th Cir. 2004)) (noting that the Federal Rules have not "robbed" courts of their inherent power to impose sanctions). Nevertheless, because "the inherent power of the court 'is a residual authority, to be exercised sparingly,' and only when other rules do not provide sufficient basis for sanctions," the Court will first determine whether Joyce's conduct is sanctionable under § 1927. *See Dal Pozzo v. Basic Mach. Co., Inc.*, 463 F.3d 609, 614 (7th Cir. 2006) (citation omitted); *Kovilic Const. Co.*, 106 F.3d at 772-73 (a court's inherent power must be invoked with caution, particularly where the matter "is governed by other procedural rules, lest . . . the restrictions in those rules become meaningless").

²Alternatively, the Court notes that it need not rely on *Maxwell* in this case because Grochocinski's conduct, while negligent, is also not enough to warrant sanctions under the Court's inherent authority. *See Kovilic Const. Co.*, 106 F.3d at 773 (appellate courts have upheld exercise of a court's inherent authority where the conduct was in bad faith or fraud, but rejecting it when the conduct was "questionable, but not egregious, unduly dilatory, or contumacious.").

Section 1927 provides that an attorney “who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys’ fees reasonably incurred because of such conduct.” 28 U.S.C. § 1927. Section 1927 sanctions are appropriate in situations in which “counsel acted recklessly, counsel raised baseless claims despite notice of the frivolous nature of these claims, or counsel otherwise showed indifference to statutes, rules, or court orders.” *Kotsilieris v. Chalmers*, 966 F.2d 1181, 1184-85 (7th Cir. 1992) (collecting cases).

While more than a showing of ordinary negligence is necessary to support an award of sanctions under § 1927, “the bad faith standard has an objective component, and extremely negligent conduct, like reckless and indifferent conduct, satisfies this standard.” *Id.* at 1185. Accordingly, a finding of subjective bad faith is only necessary “if the conduct under consideration had an objectively colorable basis.” *Dal Pozzo*, 463 F.3d at 614. Otherwise, objective bad faith will suffice. Objective bad faith “does not require a finding of malice or ill will; reckless indifference to the law will qualify.” *Id.* “‘If a lawyer pursues a path that a reasonably careful attorney would have known, after appropriate inquiry, to be unsound, the conduct is objectively unreasonable and vexatious.’” *Id.* (quoting *Riddle & Assocs. P.C. v. Kelly*, 414 F.3d 832, 835 (7th Cir. 2005)); *see also Walter v. Fiorenzo*, 840 F.2d 427, 433 (7th Cir. 1988) (quotations and emphasis omitted) (a court may impose sanctions under this section where an attorney “has acted in an objectively unreasonable manner by engaging in a serious and studied disregard for the orderly process of justice, or where a claim is without a plausible legal or factual basis and lacking in justification.”). When determining whether an attorney’s actions were objectively reasonable, the “may infer intent from a total lack of factual or legal basis for a suit.” *Id.* (quotation omitted).

As alluded to above, § 1927 does not apply to “‘misconduct that occurs before the case appears on the federal court’s docket,’ or in other words to ‘improper conduct in the run up to litigation.’” *Carr*, 591 F.3d at 919 (quoting *Bender v. Freed*, 436 F.3d 747, 751 (7th Cir. 2006)). Accordingly, the Court may only sanction Joyce under this statute for conduct that occurred after the Mayer Brown removed this case to federal court. In other words, sanctions are only available for Joyce’s decision to persist in this lawsuit after Mayer Brown raised its “unclean hands” defense and for Edward Joyce’s unprofessional behavior during Grochocinski’s deposition.

The Court, in its discretion, declines to exercise its discretion to impose § 1927 sanctions on Joyce for continuing the suit after Mayer Brown raised its “unclean hands” defense. Joyce’s responses to Mayer Brown’s motions to dismiss and for summary judgment were not frivolous. The Court declined to dismiss the case, finding that discovery was necessary to determine if the “unclean hands” defense had merit. The Court ultimately granted Mayer Brown’s motion for summary judgment under the doctrine of judicial estoppel, without passing judgment on whether, in fact, Mayer Brown committed malpractice. Judicial estoppel, while tailor-made for a case like this, is not a commonly used doctrine.

Edward Joyce’s conduct in Grochocinski’s deposition is another matter. As the Court found in its March 31, 2010 Opinion, during that key deposition Joyce repeatedly obstructed questioning with improper interruptions, objections, insults (“You’re either hard of hearing or dumb”), and accusations that Mayer Brown’s motions were “a fraud.” His unprofessional and childish behavior culminated with a threat to Mayer Brown’s counsel: “Could you imagine if [another lawyer] was defending this dep? There would be a footprint on your head right now.” (Op. at 23-24.) Joyce’s behavior cannot be excused as zealously defending his client - it is obvious he was improperly trying


to make it harder for Mayer Brown's counsel to reach the truth. In his opposition to Mayer Brown's motion, Joyce does not defend Joyce's behavior at the deposition; it notes only that it ultimately won the only discovery dispute fully adjudicated on the merits. In short, attorneys that behave unprofessionally during depositions make litigation harder on lawyers, parties, and courts and—most importantly—may prevent the truth from coming out. *See In re Rimsat, Ltd.*, 212 F.3d 1039, 1043 (7th Cir. 2000) (upholding sanctions for improper conduct during depositions and collecting cases finding the same). Pursuant to § 1927, and recognizing that Mayer Brown would have taken Grochocinski's deposition in any event, the Court finds that the excess amount of attorneys' fees and costs that resulted from Joyce's conduct is one-half of the legal fees Mayer Brown paid for its counsel to prepare for and take Grochocinski's deposition. Joyce must also pay one-half the costs of the deposition. In addition, to ensure Mayer Brown is not worse off for bringing a successful sanctions motion, he must pay one-half of the legal fees Mayer Brown incurred in bringing and briefing this motion (the other half of the fees were presumably spent on Grochocinski).

A court's inherent power to impose sanctions for bad-faith conduct is broader than § 1927 as it "extends to a full range of litigation abuses." *Chambers*, 501 U.S. at 46; *see also Carr*, 591 F.3d at 920 (the court's interpretation of § 1927 "does not leave victims of unreasonable and vexatious litigation remediless The limitations of section 1927 do not apply to the exercise of that [inherent] power."). Thus, the Court must determine whether Joyce acted in bad faith, vexatiously, wantonly, or for oppressive reasons during the investigation and filing of this malpractice lawsuit. *See Chambers*, 501 U.S. at 45-46. For similar reasons as above, and recognizing that the Court's inherent power should be used sparingly, the Court declines to enter sanctions beyond those outlined above. Even if the malpractice claims against Mayer Brown were

destined to fail, the Court has not found they are frivolous. The Court expects that tangible and intangible costs imposed by this order will be sufficient to deter such improper conduct in the future. *See Kapco v. C & O Enters.*, 886 F.2d 1485, 1496 (7th Cir. 1989) (finding that “the amount of the sanction must be a carefully measured response to the sanctioned conduct,” upholding the district court’s imposition of sanctions to punish an attorney, and recognizing that “the imposition of sanctions carries intangible costs for the punished lawyer.”).

III. CONCLUSION

For the reasons set forth above, and pursuant to both § 1927 and its inherent power to enter sanctions, the Court denies the Mayer Brown’s motion for sanctions as to Grochocinski, and grants in part Mayer Brown’s motion as to Joyce. By July 8, 2011, Mayer Brown must file its fee petition detailing: (1) one-half the attorneys’ fees and costs it incurred in preparing for and taking Grochocinski’s deposition; (2) one-half of the Grochocinski deposition costs; and (3) one-half the attorney’s fees and costs it incurred to bring the sanctions motion. Any response to the bill of costs is due July 22, 2011.



Virginia M. Kendall
United States District Judge
Northern District of Illinois

Date: June 30, 2011

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Virginia M. Kendall	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	06 C 5486	DATE	10/17/2011
CASE TITLE	David Grochocinski vs. Mayer Brown Rowe & Maw LLP et al		

DOCKET ENTRY TEXT

For these reasons, the Court orders Joyce to pay Mayer Brown \$10,712.34 in attorneys' fees and \$1,438.58 in costs connection with the Grochocinski deposition, as well as \$24,984.90 in attorneys' fees to brief the motion for sanctions, for a total of \$37,135.82.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

On June 30, 2010, the Court entered an order sanctioning Edward T. Joyce & Associates ("Joyce"), counsel to David Grochocinski in his capacity as Chapter 7 trustee, bankruptcy estate of CMGT, Inc., for obstructive and childish tactics during Grochocinski's deposition. (*See* Doc. 247.) Specifically, the Court ordered Joyce to pay one half of the attorneys' fees and costs defendants Mayer Brown LLP and Ronald Given (together "Mayer Brown") paid to have their attorneys prepare for and taking Grochocinski's deposition, as well as one half of the fees Mayer Brown incurred to bring the sanctions motion and its accompanying briefing.

Mayer Brown submitted a fee petition indicating that it spent \$21,424.68 in attorneys' fees to take the Grochocinski deposition, \$2,877.17 in costs related to the deposition, and \$49,969.80 in attorneys' fees in connection with the briefing on the sanctions motion. Joyce does not dispute that it owes \$10,712.34 for the first category and \$1,438.58 for the second category, as directed by the Court's June 30 order. However, Joyce asserts that it should not have to pay one half of the briefing costs (\$24,984.90) because only a limited portion of Mayer Browns' sanctions briefing dealt with Joyce's conduct at the deposition.

One half of the briefing fees appropriately reflects how Joyce's tactics multiplied the proceedings by precipitating Mayer Brown's sanctions motion holding him to account for those tactics. *See* 28 U.S.C. § 1927 (authorizing sanctions against an attorney "who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct."); *Kotsilieris v. Chalmers*, 966 F.2d 1181, 1184-85 (7th Cir. 1992) (finding Section 1927 sanctions are appropriate in situations in which "counsel acted recklessly, counsel raised baseless claims despite notice of the frivolous nature of these claims, or counsel otherwise showed indifference to statutes, rules, or court orders.") As the Court recognized in its June 30 order, Mayer Brown should not be penalized for bringing a successful sanctions motion, and the Court only required Joyce

STATEMENT

to pay one half of the briefing fees because Mayer Brown sought, as part of the same motion, sanctions against Grochocinski as well as Joyce. As for the argument that only one of Mayer Brown's grounds for sanctions against Joyce was ultimately successful, Mayer Brown's motion was not frivolous and Mayer Brown should also not be penalized for presenting alternative grounds for sanctions.

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
Internal Use Only

Grochocinski v. Mayer Brown Rowe & Maw LLP et al
Assigned to: Honorable Virginia M. Kendall
Case in other court: 10-02057
11-01393
Cause: 28:1441 Petition for Removal

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

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

Ronald B Given

represented by **Stephen Novack**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Charles W Trautner
TERMINATED: 06/12/2007

Movant

Gerard Spehar

represented by **Gerard Spehar**
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 (818) 247-0616
 PRO SE

Movant**Ronald Holman**

represented by **Ronald Holman**
 4516 Baden Avenue
 Chatsworth, CA 9134
 (818) 298-6100
 PRO SE

Date Filed	#	Docket Text
10/10/2006	<u>1</u>	NOTICE of Removal from Circuit Court of Cook County, IL, County Department, Law Division, case number (2006 L 8944) filed by Mayer Brown Rowe & Maw LLP with copies of summons and complaint. (vmj,) (Entered: 10/12/2006)
10/10/2006	<u>2</u>	CIVIL Cover Sheet (vmj,) (Entered: 10/12/2006)
10/10/2006	<u>3</u>	ATTORNEY Appearance for Defendant Mayer Brown Rowe & Maw LLP by Mitchell L. Marinello (vmj,) (Entered: 10/12/2006)
10/10/2006	<u>4</u>	ATTORNEY Appearance for Defendant Mayer Brown Rowe & Maw LLP by Steven J. Ciszewski (vmj,) (Entered: 10/12/2006)
10/10/2006	<u>5</u>	(Court only) RECEIPT regarding payment of filing fee paid on 10/10/2006 in the amount of \$350.00, receipt number 10644027 (vmj,) (Entered: 10/12/2006)
10/12/2006		MAILED Letter regarding notice of removal with an attorney appearance form to Edward T. Joyce, plaintiff's counsel. (vmj,) (Entered: 10/12/2006)
10/17/2006	<u>6</u>	ATTORNEY Appearance for Plaintiff David Grochocinski by Robert D Carroll (Carroll, Robert) (Entered: 10/17/2006)
10/17/2006	<u>7</u>	ATTORNEY Appearance for Plaintiff David Grochocinski by Arthur W. Aufmann (Aufmann, Arthur) (Entered: 10/17/2006)
10/17/2006	<u>8</u>	ATTORNEY Appearance for Plaintiff David Grochocinski by Edward T. Joyce (Joyce, Edward) (Entered: 10/17/2006)
10/20/2006	<u>9</u>	2 SUMMONS and 2 copies Issued as to Defendants Ronald B Given, Charles W Trautner (vmj,) (Entered: 10/23/2006)
11/21/2006	<u>10</u>	MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for leave to file excess pages <i>Unopposed Motion for Leave to File Twenty-Page Brief</i> (Marinello, Mitchell) (Entered: 11/21/2006)
11/21/2006	<u>11</u>	NOTICE of Motion by Mitchell L. Marinello for presentment of motion for leave to file excess pages <u>10</u> before Honorable Virginia M. Kendall on

		11/28/2006 at 09:00 AM. (Marinello, Mitchell) (Entered: 11/21/2006)
11/21/2006	12	<i>Amended</i> NOTICE of Motion by Mitchell L. Marinello for presentment of motion for leave to file excess pages 10 before Honorable Virginia M. Kendall on 11/28/2006 at 09:00 AM. (Marinello, Mitchell) (Entered: 11/21/2006)
11/27/2006	13	MINUTE entry before Judge Virginia M. Kendall : Unopposed motion for leave to file twenty-page brief 10 is granted. The presentment date of 11/28/2006 for said motion is hereby stricken. Mailed notice (gmr,) (Entered: 11/27/2006)
11/30/2006	14	ATTORNEY Appearance for Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given by Stephen Novack (Novack, Stephen) (Entered: 11/30/2006)
11/30/2006	15	MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given to dismiss (Novack, Stephen) (Entered: 11/30/2006)
11/30/2006	16	MEMORANDUM by Mayer Brown Rowe & Maw LLP, Ronald B Given in Support of motion to dismiss 15 (Attachments: # 1 Exhibit A-B# 2 Exhibit C-E)(Novack, Stephen) (Entered: 11/30/2006)
11/30/2006	17	NOTICE of Motion by Stephen Novack for presentment of motion to dismiss 15 before Honorable Virginia M. Kendall on 12/5/2006 at 09:00 AM. (Novack, Stephen) (Entered: 11/30/2006)
12/04/2006	18	MINUTE entry before Judge Virginia M. Kendall : Briefing schedule as to motion to dismiss 15 set as follows: Responses due by 12/19/2006. Replies due by 12/29/2006. The Court will rule by mail. The presentment date of 12/5/2006 for said motion is hereby stricken. Status hearing set for 1/30/2007 at 9:00 AM. Mailed notice (gmr,) (Entered: 12/04/2006)
12/04/2006		Set/Reset Hearings Status hearing set for 1/30/2007 at 09:00 AM. (gmr,) (Entered: 12/04/2006)
12/15/2006	19	MOTION by Plaintiff David Grochocinski for extension of time to file response/reply to <i>Defendant's Motion to Dismiss</i> (Carroll, Robert) (Entered: 12/15/2006)
12/15/2006	20	NOTICE of Motion by Robert D Carroll for presentment of motion for extension of time to file response/reply 19 before Honorable Virginia M. Kendall on 12/21/2006 at 09:00 AM. (Carroll, Robert) (Entered: 12/15/2006)
12/19/2006	21	MINUTE entry before Judge Virginia M. Kendall :Motion for extension of time to file response/reply regarding MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given to dismiss 15 19 is granted as follows: Responses due by 1/5/2007. Replies due by 1/24/2007. The Court will rule by mail. Status hearing set for 1/30/2007 is stricken and reset to 2/22/2007 at 9:00 AM.Mailed notice (gmr,) (Entered: 12/19/2006)
12/19/2006		(Court only) Set/Reset Hearings: Status hearing set for 2/22/2007 at 09:00 AM. (gmr,) (Entered: 12/19/2006)

01/05/2007	<u>22</u>	RESPONSE by David Grochocinski to MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given to dismiss <u>15</u> (Attachments: # <u>1</u> Exhibit 1)(Carroll, Robert) (Entered: 01/05/2007)
01/05/2007	<u>23</u>	MOTION by Plaintiff David Grochocinski for leave to file excess pages (Carroll, Robert) (Entered: 01/05/2007)
01/05/2007	<u>24</u>	NOTICE of Motion by Robert D Carroll for presentment of motion for leave to file excess pages <u>23</u> before Honorable Virginia M. Kendall on 1/11/2007 at 09:00 AM. (Carroll, Robert) (Entered: 01/05/2007)
01/05/2007	<u>25</u>	RESPONSE by David Grochocinski to MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given to dismiss <u>15</u> (Attachments: # <u>1</u> Exhibit 1)(Carroll, Robert) (Entered: 01/05/2007)
01/10/2007	<u>26</u>	MINUTE entry before Judge Virginia M. Kendall :Motion for leave to file excess pages <u>23</u> is granted to 26 pages. The presentment date of 1/11/2007 for said motion is hereby stricken.Mailed notice (gmr,) (Entered: 01/10/2007)
01/16/2007	<u>27</u>	MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for extension of time to file <i>Reply Brief</i> , MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for leave to file excess pages <i>with Reply Brief</i> (Ciszewski, Steven) (Entered: 01/16/2007)
01/16/2007	<u>28</u>	NOTICE of Motion by Steven J. Ciszewski for presentment of motion for extension of time to file, motion for leave to file excess pages,, <u>27</u> before Honorable Virginia M. Kendall on 1/22/2007 at 09:00 AM. (Ciszewski, Steven) (Entered: 01/16/2007)
01/19/2007	<u>29</u>	MINUTE entry before Judge Virginia M. Kendall :Motion for extension of time to file reply brief <u>27</u> is granted to and including 2/7/2007. Motion for leave to file excess pages <u>27</u> is granted to 26 pages. Status hearing set for 2/22/2007 is stricken and reset to 3/14/2007 at 9:00 AM.Mailed notice (gmr,) (Entered: 01/19/2007)
01/19/2007		(Court only) Set/Reset Hearings: Status hearing set for 3/14/2007 at 09:00 AM. (gmr,) (Entered: 01/19/2007)
02/02/2007	<u>30</u>	MOTION by Plaintiff David Grochocinski for extension of time <i>to Serve Defendant Charles W. Trautner</i> (Attachments: # <u>1</u> Exhibit A-D)(Carroll, Robert) (Entered: 02/02/2007)
02/02/2007	<u>31</u>	NOTICE of Motion by Robert D Carroll for presentment of extension of time <u>30</u> before Honorable Virginia M. Kendall on 2/8/2007 at 09:00 AM. (Carroll, Robert) (Entered: 02/02/2007)
02/07/2007	<u>32</u>	REPLY by Mayer Brown Rowe & Maw LLP, Ronald B Given to MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given to dismiss <u>15</u> (Novack, Stephen) (Entered: 02/07/2007)
02/08/2007	<u>33</u>	MINUTE entry before Judge Virginia M. Kendall :Motion hearing held. Motion for extension of time to serve Defendant Charles W. Trautner <u>30</u> is granted to and including 4/9/2007.Mailed notice (gmr,) (Entered: 02/08/2007)

03/07/2007	34	MINUTE entry before Judge Virginia M. Kendall :At the Court's direction, status hearing set for 3/14/2007 is stricken and reset to 3/28/2007 at 09:00 AM.Mailed notice (gmr,) (Entered: 03/07/2007)
03/14/2007	35	ALIAS Summons Issued as to Charles W Trautner. (td,) (Entered: 03/15/2007)
03/28/2007	36	MINUTE entry before Judge Virginia M. Kendall :Status hearing held and continued to 5/16/2007 at 09:00 AM. Counsel shall file position papers as discussed on the record by 4/18/2007.Mailed notice (gmr,) (Entered: 03/28/2007)
04/09/2007	37	MOTION by Plaintiff David Grochocinski for extension of time (<i>Second</i>) to Serve Defendant Charles W. Trautner (Carroll, Robert) (Entered: 04/09/2007)
04/09/2007	38	NOTICE of Motion by Robert D Carroll for presentment of extension of time 37 before Honorable Virginia M. Kendall on 4/17/2007 at 09:00 AM. (Carroll, Robert) (Entered: 04/09/2007)
04/17/2007	39	MINUTE entry before Judge Virginia M. Kendall :Motion hearing held. Motion for extension of time to Serve Defendant Charles W. Trautner 37 is granted to and including 6/8/2007. Final Extension. Status hearing set for 5/16/2007 is stricken and reset to 6/11/2007 at 09:00 AM.Mailed notice (gmr,) (Entered: 04/17/2007)
04/17/2007	40	ALIAS Summons one Original and one copy on Issued as to Charles W. Trautner. (hp,) (Entered: 04/18/2007)
04/18/2007	41	Plaintiff's Position Paper Regarding Referral to the Bankruptcy Court by David Grochocinski (Carroll, Robert) (Entered: 04/18/2007)
04/18/2007	42	Lawyer Defendants' Position Statement Regarding Possible Referral to Bankruptcy Judge STATEMENT by Mayer Brown Rowe & Maw LLP, Ronald B Given (Attachments: # 1 Exhibit A)(Novack, Stephen) (Entered: 04/18/2007)
05/11/2007	43	MINUTE entry before Judge Virginia M. Kendall :At the Court's direction, status hearing set for 6/11/2007 is stricken and reset to 6/18/2007 at 09:00 AM.Mailed notice (gmr,) (Entered: 05/11/2007)
06/08/2007	44	NOTICE of Voluntary Dismissal by David Grochocinski (Carroll, Robert) (Entered: 06/08/2007)
06/12/2007	45	MINUTE entry before Judge Virginia M. Kendall : Pursuant to the Notice of Rule 41(a)(1)(I) Voluntary Dismissal Without Prejudice, Defendant Charles W.Trautner is hereby dismissed without prejudice. Mailed notice (hp,) (Entered: 06/12/2007)
06/13/2007	46	MINUTE entry before Judge Virginia M. Kendall :At the Court's direction, status hearing set for 6/18/2007 is stricken and reset to 6/25/2007 at 09:00 AM.Mailed notice (gmr,) (Entered: 06/13/2007)
06/25/2007	47	MINUTE entry before Judge Virginia M. Kendall :Status hearing held and continued to 12/31/2007 at 09:00 AM. Fact Discovery ordered closed by

		12/21/2007. Expert Discovery ordered closed by 2/7/2008. Any dispositive motions shall be filed by 3/7/2008. Responses due by 4/7/2008. Replies due by 4/21/2008. The Court will rule by mail.Mailed notice (gmr,) (Entered: 06/28/2007)
06/28/2007	48	MINUTE entry before Judge Virginia M. Kendall :For the reasons set out in the Memorandum Opinion and Order, the Lawyer Defendants' Motion to Dismiss 15 is granted in part and denied in part.Mailed notice (gmr,) (Entered: 06/28/2007)
06/28/2007	49	MEMORANDUM Opinion and Order Signed by Judge Virginia M. Kendall on 6/28/2007:Mailed notice(gmr,) (Entered: 06/28/2007)
07/13/2007	50	MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for reconsideration regarding order on motion to dismiss, text entry 48 , memorandum opinion and order 49 and/or for other relief (Novack, Stephen) (Entered: 07/13/2007)
07/13/2007	51	NOTICE of Motion by Stephen Novack for presentment of motion for reconsideration, motion for relief,, 50 before Honorable Virginia M. Kendall on 7/19/2007 at 09:00 AM. (Novack, Stephen) (Entered: 07/13/2007)
07/19/2007	52	MINUTE entry before Judge Virginia M. Kendall :Motion hearing held. Briefing schedule regarding motion for reconsideration and motion for relief 50 set as follows: Responses due by 8/9/2007. Replies due by 8/23/2007. The Court will rule by mail.Mailed notice (gmr,) (Entered: 07/19/2007)
08/09/2007	53	RESPONSE by David Grochocinski in Opposition to MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for reconsideration regarding order on motion to dismiss, text entry 48 , memorandum opinion and order 49 and/or for other relief 50 (Carroll, Robert) (Entered: 08/09/2007)
08/23/2007	54	REPLY by Mayer Brown Rowe & Maw LLP, Ronald B Given to response in opposition to motion, 53 , MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for reconsideration regarding order on motion to dismiss, text entry 48 , memorandum opinion and order 49 and/or for other relief 50 (Novack, Stephen) (Entered: 08/23/2007)
08/30/2007	55	MOTION by Plaintiff David Grochocinski to strike <i>Portions of Defendants Reply in Support of Their Motion to Reconsider</i> (Carroll, Robert) (Entered: 08/30/2007)
08/30/2007	56	NOTICE of Motion by Robert D Carroll for presentment of motion to strike 55 before Honorable Virginia M. Kendall on 9/6/2007 at 09:00 AM. (Carroll, Robert) (Entered: 08/30/2007)
09/05/2007	57	RESPONSE by Mayer Brown Rowe & Maw LLP, Ronald B Given in Opposition to MOTION by Plaintiff David Grochocinski to strike <i>Portions of Defendants Reply in Support of Their Motion to Reconsider</i> 55 (Novack, Stephen) (Entered: 09/05/2007)
09/05/2007	58	MINUTE entry before Judge Virginia M. Kendall :Motion to strike 55 is denied. The presentment date of 9/6/2007 for said motion is hereby stricken.

		Oral argument set for 9/13/2007 at 10:00 AM. Said hearing is set for 30 minutes (15 minutes per side). Mailed notice (gmr,) (Entered: 09/05/2007)
09/06/2007	59	MINUTE entry before Judge Virginia M. Kendall :By agreement of counsel, Oral Argument set for 9/13/2007 is stricken and reset to 9/26/2007 at 10:00 AM. Mailed notice (gmr,) (Entered: 09/06/2007)
09/18/2007	60	MOTION by Plaintiff David Grochocinski for leave to file <i>Cite Additional Authority, Previously Unavailable Authority During Oral Argument</i> (Attachments: # 1 Exhibit A)(Carroll, Robert) (Entered: 09/18/2007)
09/18/2007	61	NOTICE of Motion by Robert D Carroll for presentment of motion for leave to file 60 before Honorable Virginia M. Kendall on 9/26/2007 at 10:00 AM. (Carroll, Robert) (Entered: 09/18/2007)
09/21/2007	62	MINUTE entry before Judge Virginia M. Kendall :Plaintiff's motion for leave to cite additional previously unavailable authority during oral argument 60 is granted. Mailed notice (gmr,) (Entered: 09/21/2007)
09/26/2007	63	MINUTE entry before Judge Virginia M. Kendall :Oral argument held on 9/26/2007. Motion for reconsideration 50 is taken under advisement. Mailed notice (gmr,) (Entered: 09/26/2007)
10/09/2007	64	MINUTE entry before Judge Virginia M. Kendall :Status hearing set for 10/16/2007 at 09:00 AM. Mailed notice (gmr,) (Entered: 10/10/2007)
10/16/2007	65	MINUTE entry before Judge Virginia M. Kendall :Status hearing held on 10/16/2007. Mailed notice (gmr,) (Entered: 10/18/2007)
10/25/2007	66	MINUTE entry before Judge Virginia M. Kendall :Status hearing set for 10/30/2007 at 09:00 AM. Mailed notice (gmr,) (Entered: 10/25/2007)
10/30/2007	67	MINUTE entry before Judge Virginia M. Kendall :Status hearing held. For the reasons stated on the record in open court, motion for reconsideration 50 is denied. Discovery regarding "unclean hands" ordered closed by 1/28/2008. Any motion for summary judgment shall be filed by 2/28/2008. Responses due by 3/28/2008. Replies due by 4/11/2008. Mailed notice (gmr,) (Entered: 10/30/2007)
10/30/2007		(Court only) Set eadlines as to Responses due by 3/28/2008 Replies due by 4/11/2008. (hp,) (Entered: 10/31/2007)
11/06/2007	68	Plaintiff's Request to Admit to Defendant Mayer Brown Rowe & Maw LLP by David Grochocinski (Carroll, Robert) (Entered: 11/06/2007)
11/06/2007	69	Plaintiff's Request to Admit to Defendant Ronald B. Given by David Grochocinski (Carroll, Robert) (Entered: 11/06/2007)
12/03/2007	70	RESPONSE by Defendant Ronald B Given <i>to Plaintiff's Request to Admit</i> (Marinello, Mitchell) (Entered: 12/03/2007)
12/03/2007	71	RESPONSE by Defendant Mayer Brown Rowe & Maw LLP <i>to Plaintiff's Request to Admit</i> (Marinello, Mitchell) (Entered: 12/03/2007)
12/07/2007	72	MOTION by Plaintiff David Grochocinski for protective order (Attachments:

		# 1 Exhibit A)(Carroll, Robert) (Entered: 12/07/2007)
12/07/2007	73	NOTICE of Motion by Robert D Carroll for presentment of motion for protective order 72 before Honorable Virginia M. Kendall on 12/13/2007 at 09:00 AM. (Carroll, Robert) (Entered: 12/07/2007)
12/11/2007	74	RESPONSE by Mayer Brown Rowe & Maw LLP, Ronald B Givenin Opposition to MOTION by Plaintiff David Grochocinski for protective order 72 (Novack, Stephen) (Entered: 12/11/2007)
12/12/2007	75	REPLY by Plaintiff David Grochocinski to motion for protective order 72 in <i>Support of</i> (Attachments: # 1 Exhibit A)(Carroll, Robert) (Entered: 12/12/2007)
12/13/2007	76	MINUTE entry before Judge Virginia M. Kendall : Hearing held re motion for a protective order 72 . Deadline to complete discovery is extended to 03/3/08. Case is referred to Magistrate Judge Denlow for issues relating to discovery on this motion. Parties are to produce a privilege log to Judge Denlow no later than 3/10/08. Case set for Further Status hearing before Judge Kendall on 3/19/2008 at 09:00 AM. Mailed notice. (kw,) (Entered: 12/13/2007)
12/13/2007	77	Pursuant to Local Rule 72.1, this case is hereby referred to the calendar of Magistrate Judge Morton Denlow for the purpose of holding proceedings related to: discovery supervision.(kw,)Mailed notice. (Entered: 12/13/2007)
12/13/2007		(Court only) MOTIONS REFERRED: MOTION by Plaintiff David Grochocinski for protective order 72 . (rp,) (Entered: 03/13/2008)
12/17/2007	78	MINUTE entry before Judge Virginia M. Kendall : To clarify minute entry # 76 from the hearing regarding Plaintiff's motion for a protective order, the expedited referral to Magistrate Judge Denlow for all discovery 77 includes a referral to Magistrate Judge Denlow for determination of Plaintiff's Motion for a protective order 72 . Mailed notice. (kw,) (Entered: 12/17/2007)
12/17/2007	79	MINUTE entry before Judge Morton Denlow :This case has been referred to Judge Denlow to conduct a settlement conference. The parties are directed to review and to comply with Judge Denlow's Standing Order Setting Settlement Conference. Copies are available in chambers or through Judge Denlow's web page at www.ilnd.uscourts.gov. Judge Denlow requires full compliance with this standing order before conducting a settlement conference. Failure to comply with the provisions of the Court's Standing Order Setting Settlement Conference may result in the unilateral cancellation of the settlement conference by the Court. The parties shall jointly contact the courtroom deputy, Donna Kuempel at 312/435-5857, with mutually agreeable dates or appear at 10:00 a.m. on 1/15/08 to set a settlement conference date. Because of the volume of settlement conferences conducted by Judge Denlow, once a settlement conference date has been agreed upon, no continuance will be granted without a motion showing extreme hardship. Parties are required to deliver to chambers or fax to chambers (312/554-8547) copies of their most recent settlement demands and offers at least three (3) business days prior to the settlement conference.Mailed notice (dmk,) (Entered: 12/17/2007)

12/18/2007	80	MINUTE entry before Judge Morton Denlow :Status hearing reset to 1/17/2008 at 10:00 AM. on request of the parties in Courtroom 1350. Parties shall deliver a copy of an initial status report to chambers, Room 1356, five business days before the initial status hearing. If the parties have recently prepared and filed an initial status report, the submission of the previously filed initial status report is sufficient. The parties are directed to review and to comply with Judge Denlow's standing order setting initial status report. Copies are available in chambers or through Judge Denlow's web page at www.ilnd.uscourts.gov . Status hearing set for 1/15/08 is stricken.Mailed notice (dmk,) (Entered: 12/18/2007)
01/09/2008	81	MINUTE entry before Judge Virginia M. Kendall : On the Court's own motion, the Status hearing currently set for 3/19 is stricken and reset to Wednesday, 3/26/2008 at 09:00 AM. Mailed notice. (kw,) (Entered: 01/09/2008)
01/10/2008	82	STATUS Report by Mayer Brown Rowe & Maw LLP, Ronald B Given (Attachments: # 1 Exhibit Exhibits 1-5)(Marinello, Mitchell) (Entered: 01/10/2008)
01/17/2008	83	MINUTE entry before Judge Morton Denlow :Magistrate Judge Status hearing held on 1/17/2008. Plaintiff's brief concerning privilege log due by 2/20/08. Defendants brief due by 3/26/08. Plaintiff's reply due 4/9/08. Oral argument set for 4/23/2008 at 10:00 AM. regarding privilege log.Mailed notice (dmk,) (Entered: 01/17/2008)
02/13/2008	84	MOTION by Plaintiff David Grochocinski for leave to file excess pages of 15 of Plaintiff's Memorandum in Support of His Privilege Log Assertions (Carroll, Robert) (Entered: 02/13/2008)
02/13/2008	85	NOTICE of Motion by Robert D Carroll for presentment of motion for leave to file excess pages 84 before Honorable Morton Denlow on 2/20/2008 at 09:15 AM. (Carroll, Robert) (Entered: 02/13/2008)
02/14/2008	86	MINUTE entry before Judge Morton Denlow :Motion for leave to file excess pages 84 is granted. Motion hearing set for 2/20/08 is stricken. Motions terminated: Mailed notice (dmk,) (Entered: 02/14/2008)
02/18/2008	87	MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for extension of time to complete discovery regarding "unclean hands," "unjust result" or "fraud on the court" defenses (Ciszewski, Steven) (Entered: 02/18/2008)
02/18/2008	88	NOTICE of Motion by Steven J. Ciszewski for presentment of motion for extension of time to complete discovery 87 before Honorable Virginia M. Kendall on 2/26/2008 at 09:00 AM. (Ciszewski, Steven) (Entered: 02/18/2008)
02/19/2008	89	MINUTE entry before Judge Virginia M. Kendall : The Unopposed Motion for extension of time to complete discovery 87 is granted. Discovery regarding the Defenses shall be completed by 7/31/2008. The status hearing previously set for 3/26/08 is stricken and reset for 8/5/2008 at 09:00 AM. The 2/26/08 presentment date for said motion is stricken; no appearance is

		required. Mailed notice. (kw,) (Entered: 02/19/2008)
02/20/2008	90	Plaintiff's Memorandum in Support of His Privilege Log Assertions by David Grochocinski (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5# 6 Exhibit 6# 7 Exhibit 7# 8 Exhibit 8# 9 Exhibit 9# 10 Exhibit 10)(Carroll, Robert) (Entered: 02/20/2008)
03/24/2008	91	MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for leave to file excess pages <i>and to reset oral argument date</i> (Ciszewski, Steven) (Entered: 03/24/2008)
03/24/2008	92	NOTICE of Motion by Steven J. Ciszewski for presentment of motion for leave to file excess pages 91 before Honorable Morton Denlow on 3/26/2008 at 09:15 AM. (Ciszewski, Steven) (Entered: 03/24/2008)
03/25/2008	93	MINUTE entry before Judge Honorable Morton Denlow:Unopposed Motion for leave to file 26-page brief and reset oral argument date 91 is granted. Oral argument reset to 5/14/08 at 10:00 AM. regarding privilege log. Oral argument set for 4/23/08 is stricken. Motion hearing set for 3/26/08 is stricken. Motions terminated: Mailed notice (dmk,) (Entered: 03/25/2008)
03/26/2008	94	RESPONSE by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given to other, 90 <i>Plaintiff's privilege log assertions</i> (Attachments: # 1 Exhibit A-C, # 2 Exhibit D-F)(Novack, Stephen) (Entered: 03/26/2008)
04/09/2008	95	REPLY by Plaintiff David Grochocinski to other, 90 <i>in Support of His Memorandum in Support of His Privilege Log Assertions</i> (Attachments: # 1 Exhibit 1, # 2 Certificate of Service)(Carroll, Robert) (Entered: 04/09/2008)
05/14/2008	96	MINUTE entry before Judge Honorable Morton Denlow:Oral argument held on 5/14/2008 regarding privilege log. Motion taken under advisement. Ruling by mail on or by 6/4/08.Mailed notice (dmk,) (Entered: 05/14/2008)
05/19/2008	97	Plaintiff's Submission Regarding Dexia Credit Local v. Rogan by David Grochocinski (Attachments: # 1 Certificate of Service)(Carroll, Robert) (Entered: 05/19/2008)
05/20/2008	98	MEMORANDUM Response 94 by Mayer Brown Rowe & Maw LLP, Ronald B Given <i>Supplemental Memorandum Regarding 2005 Dexia Credit Opinion</i> (Novack, Stephen) (Entered: 05/20/2008)
06/04/2008	99	MINUTE entry before the Honorable Morton Denlow:On the Court's request, the ruling regarding privilege log is due on or by 6/11/08. Ruling date of 6/4/08 is stricken.Mailed notice (dmk,) (Entered: 06/04/2008)
06/09/2008	100	MINUTE entry before the Honorable Morton Denlow:Plaintiff's Motion for protective order 72 is granted in part and denied in part. Enter Memorandum Opinions and Order. All matters relating to the referral of this action having been resolved, the case is returned to the assigned judge.Case no longer referred to Honorable Morton Denlow.; Motions terminated: ; JMailed notice (dmk,) (Entered: 06/09/2008)
06/09/2008	101	MEMORANDUM Opinion and Order Signed by the Honorable Morton Denlow on 6/9/2008:Mailed notice(dmk,) (Entered: 06/09/2008)

06/23/2008	102	MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for extension of time (Ciszewski, Steven) (Entered: 06/23/2008)
06/23/2008	103	NOTICE of Motion by Steven J. Ciszewski for presentment of extension of time 102 before Honorable Virginia M. Kendall on 6/26/2008 at 09:00 AM. (Ciszewski, Steven) (Entered: 06/23/2008)
06/23/2008	104	Plaintiff's Objection to Magistrate Denlow's Memorandum Opinion and Order Dated June 9, 2008 by David Grochocinski (Attachments: # 1 Errata Exhibit 1, # 2 Exhibit Exhibit 2, # 3 Exhibit Exhibit 3, # 4 Exhibit Exhibit 4, # 5 Exhibit Exhibit 5, # 6 Exhibit Exhibit 6, # 7 Exhibit Exhibit 7, # 8 Exhibit Exhibit 8, # 9 Exhibit Exhibit 9, # 10 Exhibit Exhibit 10)(Carroll, Robert) (Entered: 06/23/2008)
06/23/2008	105	<i>Notice of Objection</i> NOTICE of Motion by Robert D Carroll for presentment of before Honorable Virginia M. Kendall on 6/26/2008 at 09:00 AM. (Carroll, Robert) (Entered: 06/23/2008)
06/24/2008	106	MINUTE entry before the Honorable Virginia M. Kendall:Plaintiff's objections to the magistrate judge's memorandum opinion and order dated 6/9/2008 are taken under advisement. Any responses are to be filed by 7/11/2008. No reply is necessary. Court will rule by mail.Mailed notice (jms,) (Entered: 06/24/2008)
06/26/2008	107	MINUTE entry before the Honorable Virginia M. Kendall:Defendant's telephonic request for an extension of time to 7/18/2008 to file a response to plaintiff's objections to the magistrate's memorandum opinion and order dated 6/9/2008 is granted. Court will rule by mail.Mailed notice (jms,) (Entered: 06/26/2008)
06/26/2008	108	MINUTE entry before the Honorable Virginia M. Kendall:Defendant's motion for an extension of time to file objections to the magistrate judge's alternative ruling in the memorandum opinion and order dated 6/9/2008 is taken under advisement. Court will rule on the motion when it rules on the objections to the magistrate judge's memorandum opinion and order dated 6/9/2008.Mailed notice (jms,) (Entered: 06/26/2008)
07/07/2008		(Court only) ***Motions terminated: MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for extension of time 102 (jms,) (Entered: 07/07/2008)
07/11/2008	109	MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given to reset Discovery Deadline <i>regarding the Defenses</i> (Ciszewski, Steven) (Entered: 07/11/2008)
07/11/2008	110	NOTICE of Motion by Steven J. Ciszewski for presentment of motion to reset 109 before Honorable Virginia M. Kendall on 7/17/2008 at 09:00 AM. (Ciszewski, Steven) (Entered: 07/11/2008)
07/14/2008	111	MINUTE entry before the Honorable Virginia M. Kendall:Defendants' unopposed motion to reset discovery deadline 109 is granted. Discovery regarding the defenses shall be completed by 10/31/2008. Status hearing date of 8/5/2008 is reset for 11/4/2008 at 09:00 AM.Mailed notice (jms,)

		(Entered: 07/14/2008)
07/18/2008	112	RESPONSE by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given to other, 104 (Attachments: # 1 Exhibit A-B)(Novack, Stephen) (Entered: 07/18/2008)
07/24/2008	113	Plaintiff's Objection to Defendants' Previously Unopposed Motion for Extension of Time by David Grochocinski (Carroll, Robert) (Entered: 07/24/2008)
07/24/2008	114	<i>Notice of Objection</i> NOTICE of Motion by Robert D Carroll for presentment of before Honorable Virginia M. Kendall on 7/31/2008 at 09:00 AM. (Carroll, Robert) (Entered: 07/24/2008)
07/28/2008	115	RESPONSE by Defendants Mayer Brown Rowe & Maw LLP, Ronald B. Given to plaintiff's objection to defendants' previously unopposed motion for extension of time 113 (Attachments: # 1 Exhibit A-B)(Ciszewski, Steven) (Text Modified by Clerk's Office on 7/29/2008) (hp,). (Entered: 07/28/2008)
07/30/2008	116	MINUTE entry before the Honorable Virginia M. Kendall:Plaintiff's objection to defendant's previously unopposed motion for extension of time and defendant's response are taken under advisement. Mailed notice (jms,) (Entered: 07/30/2008)
10/22/2008	117	MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for extension of time to complete discovery <i>regarding the "Defenses"</i> (Ciszewski, Steven) (Entered: 10/22/2008)
10/22/2008	118	NOTICE of Motion by Steven J. Ciszewski for presentment of motion for extension of time to complete discovery 117 before Honorable Virginia M. Kendall on 10/28/2008 at 09:00 AM. (Ciszewski, Steven) (Entered: 10/22/2008)
10/28/2008	119	MINUTE entry before the Honorable Virginia M. Kendall: Defendants are given to 11/12/2008 to file objections to the alternative ruling. In addition, Defendants unopposed motion to reset the discovery deadline is granted so that discovery may be completed pending the resolution of these privilege issues. Discovery is ordered closed January 31, 2009. Status hearing date of 11/4/2008 is reset for 2/3/2009 at 09:00 AM.Mailed notice (jms,) (Entered: 10/28/2008)
11/12/2008	120	MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B GivenObjection to Alternative Ruling <i>in Magistrate Denlow's June 9, 2008 Memorandum Opinion and Order</i> (Attachments: # 1 Exhibit A-C)(Novack, Stephen) (Entered: 11/12/2008)
11/12/2008	121	NOTICE of Motion by Steven J. Ciszewski for presentment of motion for miscellaneous relief 120 before Honorable Virginia M. Kendall on 11/18/2008 at 09:00 AM. (Ciszewski, Steven) (Entered: 11/12/2008)
11/13/2008	122	MINUTE entry before the Honorable Virginia M. Kendall: Defendants' objection to the alternative ruling in Magistrate Judge Denlow's 6/9/2008 memorandum opinion and order is taken under advisement. Court will rule by mail.Mailed notice (jms,) (Entered: 11/13/2008)

01/22/2009	123	MINUTE entry before the Honorable Virginia M. Kendall:Sua sponte, status hearing date of 2/3/2009 is reset for 2/12/2009 at 09:00 AM.Mailed notice (jms,) (Entered: 01/22/2009)
01/30/2009	124	MINUTE entry before the Honorable Virginia M. Kendall: This Court intends to adopt Judge Denlows alternative ruling. Defendants are given two weeks from the date of this order to file objections to the alternative ruling. In addition, Defendants Unopposed Motion to Reset the Discovery Deadline is granted so that discovery may be completed pending the resolution of these privilege issues. Discovery is ordered closed March 31, 2009.Mailed notice (jms,) (Entered: 01/30/2009)
01/30/2009		(Court only) Set/Reset Deadlines: Discovery ordered closed by 3/31/2009. (jms,) (Entered: 01/30/2009)
02/02/2009	125	MINUTE entry before the Honorable Virginia M. Kendall: Sua sponte, status hearing date of 2/12/2009 is reset for 3/31/2009 at 09:00 AM.Mailed notice (jms,) (Entered: 02/02/2009)
02/13/2009	126	MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B GivenObjection to Alternative Ruling (Attachments: # 1 Exhibit A-C, # 2 Exhibit C contd., # 3 Exhibit D-G, # 4 Exhibit H, # 5 Exhibit I)(Novack, Stephen) (Entered: 02/13/2009)
02/17/2009	127	MOTION by Plaintiff David Grochocinski to strike MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B GivenObjection to Alternative Ruling 126 <i>Supplemental Objection</i> (Joyce, Edward) (Entered: 02/17/2009)
02/17/2009	128	NOTICE of Motion by Edward T. Joyce for presentment of motion to strike, motion for relief 127 before Honorable Virginia M. Kendall on 2/23/2009 at 09:00 AM. (Joyce, Edward) (Entered: 02/17/2009)
02/20/2009	129	MINUTE entry before the Honorable Virginia M. Kendall: Having been entered in error, this courts order dated January 30, 2009 [doc # 124] is vacated. This Court therefore adopts Judge Denlows alternative ruling. Mailed notice (jms,) (Entered: 02/20/2009)
02/20/2009	130	MINUTE entry before the Honorable Virginia M. Kendall: Plaintiffs Motion to Strike Defendants Supplemental Objections to Judge Denlows alternative ruling [#127]is granted.. Discovery remains open until March 31, 2009. Mailed notice (jms,) (Entered: 02/20/2009)
03/31/2009	131	MINUTE entry before the Honorable Virginia M. Kendall:Status hearing held on 3/31/2009. Defendants oral motion for an extension of fact discovery cut-off date is granted. Fact discovery ordered closed by 5/1/2009. Dispositive motions with supporting memoranda due by 6/1/2009; Response due by 6/29/2009; Reply due by 7/20/2009.Mailed notice (tlp,) (Entered: 03/31/2009)
05/08/2009	132	MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for leave to file excess pages (Novack, Stephen) (Entered: 05/08/2009)
05/08/2009	133	NOTICE of Motion by Stephen Novack for presentment of motion for leave to file excess pages 132 before Honorable Virginia M. Kendall on 5/14/2009

		at 09:00 AM. (Novack, Stephen) (Entered: 05/08/2009)
05/12/2009	134	MINUTE entry before the Honorable Virginia M. Kendall:Defendants' unopposed motion for leave to file its summary judgment brief in excess of 15 pages and limited to 30 pages and for leave to file a Rule 56.1 statement with 150 paragraphs 132 is granted. Mailed notice (jms,) (Entered: 05/12/2009)
05/29/2009	135	MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for summary judgment <i>On Their Unclean Hands Defenses</i> (Novack, Stephen) (Entered: 05/29/2009)
05/29/2009	136	MEMORANDUM by Mayer Brown Rowe & Maw LLP, Ronald B Given in support of motion for summary judgment 135 <i>On Their Unclean Hands Defenses</i> (Attachments: # 1 Exhibit 1 - Transcript of Proceedings)(Novack, Stephen) (Entered: 05/29/2009)
05/29/2009	137	RULE 56.1(a) Statement by Mayer Brown Rowe & Maw LLP, Ronald B Given regarding motion for summary judgment 135 <i>On Their Unclean Hands Defenses</i> (Novack, Stephen) (Entered: 05/29/2009)
05/29/2009	138	APPENDIX Rule 56 statement 137 to Local Rule 56.1(a) Statement of Undisputed Facts in Support of Defendants' Motion for Summary Judgment Based on Their Unclean Hands Defenses (Attachments: # 1 Exhibit A, # 2 Exhibit Exhibits B-F, # 3 Exhibit Exhibits G-I, # 4 Exhibit J Part 1, # 5 Exhibit J Part 2, # 6 Exhibit J Part 3, # 7 Exhibit J Part 4, # 8 Exhibit J Part 5, # 9 Exhibit J Part 6, # 10 Exhibit J Part 7, # 11 Exhibit J Part 8, # 12 Exhibit J Part 9, # 13 Exhibit J Part 10, # 14 Exhibit J Part 11, # 15 Exhibit J Part 12, # 16 Exhibit J Part 13, # 17 Exhibit J Part 14, # 18 Exhibit J Part 15, # 19 Exhibit J Part 16, # 20 Exhibit J Part 17, # 21 Exhibit K Part 1, # 22 Exhibit K Part 2, # 23 Exhibit K Part 3, # 24 Exhibit K Part 4, # 25 Exhibit K Part 5) (Novack, Stephen) (Entered: 05/29/2009)
06/19/2009	139	MOTION by Plaintiff David Grochocinski to compel <i>Production of Documents</i> (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4)(Joyce, Edward) (Entered: 06/19/2009)
06/19/2009	140	NOTICE of Motion by Edward T. Joyce for presentment of motion to compel 139 before Honorable Virginia M. Kendall on 6/25/2009 at 09:00 AM. (Joyce, Edward) (Entered: 06/19/2009)
06/19/2009	141	MOTION by Plaintiff David Grochocinski for extension of time to file response/reply <i>Response to Motion for Summary Judgment</i> (Attachments: # 1 Exhibit 1)(Joyce, Edward) (Entered: 06/19/2009)
06/19/2009	142	NOTICE of Motion by Edward T. Joyce for presentment of motion for extension of time to file response/reply 141 before Honorable Virginia M. Kendall on 6/25/2009 at 09:00 AM. (Joyce, Edward) (Entered: 06/19/2009)
06/19/2009	143	MOTION by Plaintiff David Grochocinski for leave to file excess pages in <i>Response to Defendants' Motion for Summary Judgment and Local Rule 56.1(b)(3)(C)</i> (Joyce, Edward) (Entered: 06/19/2009)
06/19/2009	144	NOTICE of Motion by Edward T. Joyce for presentment of motion for leave

		to file excess pages 143 before Honorable Virginia M. Kendall on 6/25/2009 at 09:00 AM. (Joyce, Edward) (Entered: 06/19/2009)
06/23/2009	145	MINUTE entry before the Honorable Virginia M. Kendall: Motion for extension of time 141 to file response regarding motion by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for summary judgment 135 is granted. Response due by 7/13/2009. Plaintiff's unopposed motion for leave to file brief in excess pages 143 is granted. Mailed notice (tlp,) (Entered: 06/23/2009)
06/24/2009	146	RESPONSE by Mayer Brown Rowe & Maw LLP, Ronald B Given to MOTION by Plaintiff David Grochocinski to compel <i>Production of Documents</i> 139 (Novack, Stephen) (Entered: 06/24/2009)
06/24/2009		(Court only) ***Deadlines terminated. (hp,) (Entered: 06/26/2009)
06/24/2009		(Court only) ***Deadlines terminated. (hp,) (Entered: 06/26/2009)
06/24/2009	147	EXECUTIVE COMMITTEE ORDER: Case referred to the Honorable Morton Denlow. (See order for detail). Signed by Honorable Virginia M. Kendall on 6/23/2009. (hp,) (Entered: 06/26/2009)
06/29/2009	148	MINUTE entry before the Honorable Morton Denlow: This matter has been referred to Judge Denlow for ruling on a pending motion. If no briefing schedule has been set or if no briefing is desired, the parties are to notice the motion up on Mondays or Wednesdays at 9:15 a.m. Judge Denlow does not desire briefs on discovery disputes. Otherwise, the parties are to appear for status or argument at 10:00 a.m. on 7/28/2009. Mailed notice (dmk,) (Entered: 06/29/2009)
07/06/2009	149	MINUTE entry before the Honorable Morton Denlow: Motion to compel 139 is withdrawn by agreement of the parties. All matters relating to the referral of this action having been resolved, the case is returned to the assigned judge. Case no longer referred to Honorable Morton Denlow. Status hearing set for 7/28/09 is stricken. Mailed notice (dmk,) (Entered: 07/06/2009)
07/13/2009	150	RESPONSE by David Grochocinski in Opposition to MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for summary judgment <i>On Their Unclean Hands Defenses</i> 135 (Joyce, Edward) (Entered: 07/13/2009)
07/13/2009	151	RULE 56 1(b)(3)(A)-(B) Statement <i>Plaintiff's Response to Defendants' Local Rule 56.1(a) Statement of Undisputed Facts in Support of Their Motion for Summary Judgment Based on Their Unclean Hands Defenses</i> (Joyce, Edward) (Entered: 07/13/2009)
07/13/2009	152	RULE 56 (b)(3)(C) Statement <i>in Support of His Response to Defendants' Motion for Summary Judgment</i> (Joyce, Edward) (Entered: 07/13/2009)
07/13/2009	153	APPENDIX response in opposition to motion 150 <i>Volume 1 of 3</i> (Attachments: # 1 Exhibit 1-9, # 2 Exhibit 10-20, # 3 Exhibit 21-32, # 4 Exhibit 33-50) (Joyce, Edward) (Entered: 07/13/2009)
07/13/2009	154	APPENDIX response in opposition to motion 150 <i>Volume 2</i> (Attachments: #

		1 Exhibit 51-63, # 2 Exhibit 64-66, # 3 Exhibit 67-78, # 4 Exhibit 79-84, # 5 Exhibit 85-87)(Joyce, Edward) (Entered: 07/13/2009)
07/13/2009	155	APPENDIX response in opposition to motion 150 <i>Volume 3</i> (Attachments: # 1 Exhibit 88-93, # 2 Exhibit 94, # 3 Exhibit 95-98, # 4 Exhibit 99-102, # 5 Exhibit 103-109)(Joyce, Edward) (Entered: 07/13/2009)
07/17/2009	156	MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for extension of time to file response/reply as to response in opposition to motion 150 , motion for summary judgment 135 and for <i>Leave to file Oversize Reply</i> (Novack, Stephen) (Entered: 07/17/2009)
07/17/2009	157	MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for extension of time to file response/reply as to response in opposition to motion 150 , motion for summary judgment 135 and for <i>Leave to File Oversize Reply -- Amended</i> (Novack, Stephen) (Entered: 07/17/2009)
07/17/2009	158	NOTICE of Motion by Stephen Novack for presentment of motion for extension of time to file response/reply., motion for relief.,, 157 before Honorable Virginia M. Kendall on 8/3/2009 at 09:00 AM. (Novack, Stephen) (Entered: 07/17/2009)
07/17/2009	159	RESPONSE by Plaintiff David Grochocinski to <i>Defendants Amended Unopposed Motion for Extension of Time</i> (Joyce, Edward) (Entered: 07/17/2009)
07/20/2009	160	MINUTE entry before the Honorable Virginia M. Kendall:Defendants' unopposed motions for an extension of time to 8/19/2009 to file a reply to their motion for summary judgment and for leave to file a brief in excess of 15 pages are granted. The reply brief is limited to 20 pages.Mailed notice (jms,) (Entered: 07/20/2009)
08/04/2009	161	MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for leave to file excess pages (<i>second</i>) (Novack, Stephen) (Entered: 08/04/2009)
08/04/2009	162	NOTICE of Motion by Stephen Novack for presentment of motion for leave to file excess pages 161 before Honorable Virginia M. Kendall on 8/11/2009 at 09:00 AM. (Novack, Stephen) (Entered: 08/04/2009)
08/05/2009	163	MINUTE entry before the Honorable Virginia M. Kendall:Defendants' motion for leave to file a 25 page reply brief 161 is granted.Mailed notice (jms,) (Entered: 08/05/2009)
08/19/2009	164	REPLY by Mayer Brown Rowe & Maw LLP, Ronald B Given to MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B Given for summary judgment <i>On Their Unclean Hands Defenses</i> 135 (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Novack, Stephen) (Entered: 08/19/2009)
08/19/2009	165	RULE 56 56.1(a) Statement by Mayer Brown Rowe & Maw LLP, Ronald B Given regarding motion for summary judgment 135 <i>Reply to Plaintiff's Rule 56.1(b)(3)(C) Statement in Support of His Response to Defendants' Motion for Summary Judgment</i> (Novack, Stephen) (Entered: 08/19/2009)

08/25/2009	166	MOTION by Plaintiff David Grochocinski for leave to file <i>Sur-Reply to Defendants' Three New Arguments or, Alternatively, to Open Merits Discovery for a Limited Purpose</i> (Joyce, Edward) (Entered: 08/25/2009)
08/25/2009	167	NOTICE of Motion by Edward T. Joyce for presentment of motion for leave to file 166 before Honorable Virginia M. Kendall on 9/3/2009 at 09:00 AM. (Joyce, Edward) (Entered: 08/25/2009)
08/27/2009	168	RESPONSE by Mayer Brown Rowe & Maw LLP, Ronald B Givenin Opposition to MOTION by Plaintiff David Grochocinski for leave to file <i>Sur-Reply to Defendants' Three New Arguments or, Alternatively, to Open Merits Discovery for a Limited Purpose</i> 166 (Novack, Stephen) (Entered: 08/27/2009)
08/31/2009	169	MINUTE entry before the Honorable Virginia M. Kendall:The Court has sufficient briefing from the parties on the motion and no further briefing is permitted. Plaintiff's motion for leave to file a sur-reply 166 is denied. Mailed notice (jms,) (Entered: 08/31/2009)
03/31/2010	170	MINUTE entry before Honorable Virginia M. Kendall:Pursuant to Memorandum Opinion and Order entered this day, defendants' motion for summary judgment 135 is granted. Civil case terminated. Mailed notice (jms,) (Entered: 03/31/2010)
03/31/2010	171	MEMORANDUM Opinion and Order Signed by the Honorable Virginia M. Kendall on 3/31/2010:Mailed notice(jms,) (Entered: 03/31/2010)
03/31/2010	172	ENTERED JUDGMENT on 3/31/2010:Mailed notice(jms,) (Entered: 03/31/2010)
04/28/2010	173	MOTION by Movant Gerard Spehar to Intervene (hp,) (Entered: 04/29/2010)
04/28/2010	174	MOTION by Movant Gerard Spehar to alter judgment or amend by Movant Gerard Spehar (Attachments: # 1 Attachment 1 - Exhibits 1 thru E, # 2 Attachment 2 - Affidavit F thru Decl. B, # 3 Attachment 3 - Decl. C thru Exhibit 2 Motion, # 4 Attachment 4 - Exhibit 3 Motion thru 4 Motion, # 5 Attachment 5 - Exhibit 4 Motion - Part 2, # 6 Attachment 6 - Exhibit J & OL) (Poor Quality Original - Paper Document on File). (hp,) (Entered: 04/29/2010)
04/29/2010	175	NOTICE of appeal by David Grochocinski regarding orders 171 , 172 Filing fee \$ 455, receipt number 0752-4767406. (Joyce, Edward) (Entered: 04/29/2010)
04/29/2010	176	MOTION by Defendants Ronald B Given, Mayer Brown Rowe & Maw LLP for sanctions (Novack, Stephen) (Entered: 04/29/2010)
04/29/2010	177	MEMORANDUM by Ronald B Given, Mayer Brown Rowe & Maw LLP in support of motion for sanctions 176 (Novack, Stephen) (Entered: 04/29/2010)
04/29/2010	178	NOTICE of Motion by Stephen Novack for presentment of motion for sanctions 176 before Honorable Virginia M. Kendall on 5/6/2010 at 09:00 AM. (Novack, Stephen) (Entered: 04/29/2010)

04/30/2010	179	NOTICE of Appeal Due letter sent to counsel of record. (gej,) (Entered: 04/30/2010)
04/30/2010	180	TRANSMITTED to the 7th Circuit the short record on notice of appeal 175 . Notified counsel (gej,) (Entered: 04/30/2010)
04/30/2010	181	ACKNOWLEDGEMENT of receipt of short record on appeal regarding notice of appeal 175 ; USCA Case No. 10-2057 (hp,) (Entered: 05/03/2010)
05/04/2010	182	MOTION by Plaintiff David Grochocinski for leave to file <i>Appearance</i> (Attachments: # 1 Appearance)(Morgans, David) (Entered: 05/04/2010)
05/04/2010	183	NOTICE of Motion by David Edward Morgans for presentment of motion for leave to file 182 before Honorable Virginia M. Kendall on 5/10/2010 at 09:00 AM. (Morgans, David) (Entered: 05/04/2010)
05/04/2010	184	LIMITED RATIFICATION of Ronald Holman. (hp,) (Entered: 05/05/2010)
05/06/2010		(Court only) ***Deadlines terminated. (hp,) (Entered: 05/13/2010)
05/07/2010	185	ATTORNEY Appearance for Plaintiff David Grochocinski by David Edward Morgans (Morgans, David) (Entered: 05/07/2010)
05/07/2010	186	NOTICE by David Grochocinski <i>OF FILING</i> re 185 (Morgans, David) Modified on 5/10/2010 (vmj,). (Entered: 05/07/2010)
05/07/2010	187	MINUTE entry before Honorable Virginia M. Kendall:Motion hearing held. Motion of attorney David E. Morgans for leave to file his appearance on behalf of plaintiff 182 is granted. Briefing as to motion by movant Gerard Spehar to intervene 173 is set as follows: Response due by 5/27/2010; reply due by 6/10/2010. Briefing as to motion by defendants Ronald B. Given, Mayer Brown Rowe & Maw LLP for sanctions 176 is set as follows: Response due by 6/3/2010; reply due by 6/24/2010. Leave is granted to file response and reply briefs in excess of that page limit, up to 20 pages. Rulings by mail. Motion by movant Gerard Spehar to alter judgment [174] is entered and continued until the Court determines whether he will be allowed to intervene. Mailed (vmj,) (Entered: 05/10/2010)
05/07/2010		(Court only) Set Deadlines as to MOTION by Defendants Ronald B Given, Mayer Brown Rowe & Maw LLP for sanctions 176 . Responses due by 6/3/2010 Replies due by 6/24/2010. (vmj,) (Entered: 05/10/2010)
05/12/2010	188	REQUEST by Plaintiff to Clerk of the District Court for Inclusion of Certain Briefs and Memoranda in Record on Appeal Pursuant to Circuit Rule 10(a) by David Grochocinski (Joyce, Edward) (Test Modified on by the Clerk's Office 5/13/2010). (hp,). (Entered: 05/12/2010)
05/12/2010	190	SEVENTH CIRCUIT transcript information sheet by David Grochocinski (Poor Quality Original - Paper Document on File.) (hp,) Modified on 6/16/2010 (hp,). (Entered: 05/14/2010)
05/12/2010	191	SEVENTH CIRCUIT transcript information sheet, for Magistrate Denlow by David Grochocinski (hp,) (Poor Quality Original - Paper Document on File.) Modified on 6/16/2010 (hp,). (Entered: 05/14/2010)

05/13/2010	189	DESIGNATION by Ronald B Given, Mayer Brown Rowe & Maw LLP of record on appeal : USCA Case No. 10-2057 (Novack, Stephen) (Entered: 05/13/2010)
05/13/2010	192	COPY of order dated 5/13/2010 from the USCA for the Seventh Circuit regarding notice of appeal 175 ; Appellate case no. : 10-2057. Upon consideration of the Appellant's Motion to stay appeal, filed on May 10, 2010, by counsel for the appellant, IT IS ORDERED that the motion is GRANTED. Proceedings in this appeal shall be held in abeyance pending resolution by the district court of the pending motion to intervene. Appellant is ORDERED to file a status report with this court by July 9, 2010 or within 10 days of the district courts resolution of the motion to intervene. (hp,) (Entered: 05/14/2010)
05/17/2010	193	MOTION by Plaintiff David Grochocinski to dismiss for lack of jurisdiction (Morgans, David) (Entered: 05/17/2010)
05/17/2010	194	NOTICE of Motion by David Edward Morgans for presentment of motion to dismiss/lack of jurisdiction 193 before Honorable Virginia M. Kendall on 5/20/2010 at 09:00 AM. (Morgans, David) (Entered: 05/17/2010)
05/17/2010	195	MEMORANDUM OF LAW IN SUPPORT OF DAVID GROCHOCINSKI'S MOTION TO DISMISS DEFENDANT'S MOTION FOR SANCTIONS (Morgans, David) (Entered: 05/17/2010)
05/17/2010	196	NOTICE by David Grochocinski OF FILING (Morgans, David) (Entered: 05/17/2010)
05/18/2010	197	TRANSMITTED to the USCA for the 7th Circuit the long record on appeal 175 (USCA no. 10-2057). (gej,) (Entered: 05/18/2010)
05/18/2010	198	USCA RECEIVED on 5/18/2010 the long record regarding notice of appeal 175 . (gej,) (Entered: 05/20/2010)
05/20/2010	199	MINUTE entry before Honorable Virginia M. Kendall: Motion hearing held. Plaintiff's motion to dismiss/lack of jurisdiction 193 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	200	RESPONSE by Defendants in Opposition to R. Gerard Spehar Motion to intervene 173 (hp,) (Entered: 05/28/2010)
06/03/2010	201	RESPONSE by Ronald B Given, Mayer Brown Rowe & Maw LLP in Opposition to MOTION by Plaintiff David Grochocinski to dismiss for lack of jurisdiction 193 (Novack, Stephen) (Entered: 06/03/2010)
06/10/2010	202	REPLY Memorandum of Law in Support of Motion to Dismiss defendants' motion for sanctions by David Grochocinski 193 (Morgans, David) Modified on 6/11/2010 (vmj,). (Entered: 06/10/2010)
06/10/2010	203	NOTICE of filing by David Grochocinski re 202 (Morgans, David) Modified on 6/11/2010 (vmj,). (Entered: 06/10/2010)

06/10/2010	204	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	205	REPLY by Movant Gerard Spehar in support of his motion to intervene 173 (Exhibits). (hp,) (Entered: 06/14/2010)
06/14/2010	206	LETTER to Judge Kendall dated 6/14/2010 by Ronald B Given, Mayer Brown Rowe & Maw LLP (Attachments: # 1 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	208	LETTER to Judge Kendall dated 6/24/2010 from pro se movant R. Gerard Spehar (Exhibits) re 173 , 193 . (hp,) (Entered: 06/29/2010)
06/28/2010	207	Letter by Ronald B Given, Mayer Brown Rowe & Maw LLP (Novack, Stephen) (Entered: 06/28/2010)
07/26/2010	209	AFFIDAVIT of Ronald Holman to Supplement Previously filed Limited Ratification (Exhibit). (hp,) (Entered: 07/27/2010)
08/13/2010	210	LETTER from R. Gerard Spehar dated 8/13/2010. (vmj,) (Entered: 08/17/2010)
08/18/2010	211	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	212	LETTER to Judge Kendall from Pro Se Movant R. Gerard Spehar dated 8/20/2010. (hp,) (Entered: 08/26/2010)
02/03/2011	213	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	214	MEMORANDUM Opinion and Order Signed by the Honorable Virginia M. Kendall on 2/3/2011.(tsa,) (Entered: 02/03/2011)
02/14/2011	215	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	216	MOTION by Plaintiff David Grochocinski for extension of time to file response/reply (Morgans, David) (Entered: 02/16/2011)
02/16/2011	217	NOTICE of Motion by David Edward Morgans for presentment of motion for extension of time to file response/reply 216 before Honorable Virginia M. Kendall on 2/22/2011 at 09:00 AM. (Morgans, David) (Entered: 02/16/2011)
02/16/2011	218	NOTICE of appeal by Gerard Spehar regarding orders 214 , 213 . (Fee Due) (gel,) (Entered: 02/17/2011)

02/17/2011	219	NOTICE of Appeal Due letter sent to counsel of record. (gel,) (Entered: 02/17/2011)
02/17/2011	220	TRANSMITTED to the 7th Circuit the short record on notice of appeal 218 . Notified counsel (gel,) (Entered: 02/17/2011)
02/17/2011	221	MINUTE entry before Honorable Virginia M. Kendall:Respondent Grochocinski's motion for extension of time to respond to defendants' motion for sanctions 216 is granted. Response by 3/14/2011. Reply by 3/28/2011. Ruling will be made by mail. The motion for sanctions 176 is taken under advisement. Mailed notice (tsa,) (Entered: 02/17/2011)
02/17/2011	222	(Court only) RECEIPT regarding payment of appeal fee paid on 2/17/2011 in the amount of \$455.00, receipt number 4624055277 (hp,) (Entered: 02/18/2011)
02/17/2011	223	ACKNOWLEDGMENT of receipt of short record on appeal regarding notice of appeal 218 ; USCA Case No. 11-1393. (hp,) (Entered: 02/18/2011)
02/17/2011	224	CIRCUIT Rule 3(b) Notice to plaintiff (hp,) (Entered: 02/18/2011)
02/18/2011		(Court only) FORWARDED to USCA for the Seventh Circuit copy of receipt regarding payment of appeal fee paid on 2/17/2011 in the amount of \$455.00, receipt number 4624055277 with copy of docket sheet. (hp,) (Entered: 02/18/2011)
02/23/2011	225	<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	226	<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>

		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)
02/23/2011	227	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. 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. 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)
02/25/2011	228	DESIGNATION by Movant Gerard Spehar of record on appeal : USCA Case No. 11-1393 (Exhibit). (hp,) (Entered: 03/01/2011)
03/01/2011	229	DESIGNATION by Ronald B Given, Mayer Brown Rowe & Maw LLP of record on appeal : USCA Case No. 11-1393 (Novack, Stephen) (Entered: 03/01/2011)
03/09/2011	230	MOTION by Plaintiff David Grochocinski for leave to file <i>35 Page Response Brief to Defendants' Motion for Sanctions</i> (Joyce, Edward) (Entered: 03/09/2011)
03/09/2011	231	NOTICE of Motion by Edward T. Joyce for presentment of motion for leave to file 230 before Honorable Virginia M. Kendall on 3/15/2011 at 09:00 AM. (Joyce, Edward) (Entered: 03/09/2011)
03/10/2011	232	TRANSMITTED to the USCA for the 7th Circuit the long record on appeal 218 (USCA no. 11-1393). (gel,) (Entered: 03/10/2011)
03/10/2011	233	MINUTE entry before Honorable Virginia M. Kendall: MOTION by Plaintiff David Grochocinski for leave to file 35 Page Response Brief to Defendants' Motion for Sanctions 230 is granted.Mailed notice (tsa,) (Entered: 03/10/2011)
03/10/2011	234	USCA RECEIVED on 3/10/2011 the original record record regarding notice of appeal 218 . (hp,) (Entered: 03/14/2011)
03/14/2011	235	RESPONSE by David Grochocinskiin Opposition to MOTION by Defendants Ronald B Given, Mayer Brown Rowe & Maw LLP for sanctions 176 (Attachments: # 1 Exhibit A-C, # 2 Exhibit D-H)(Joyce, Edward) (Entered: 03/14/2011)
03/14/2011	236	RESPONSE by David Grochocinskiin Opposition to MOTION by Defendants Ronald B Given, Mayer Brown Rowe & Maw LLP for sanctions

		176 (Attachments: # 1 Exhibit A, # 2 Exhibit 1)(Morgans, David) (Entered: 03/14/2011)
03/14/2011	237	NOTICE by David Grochocinski re response in opposition to motion 236 (Morgans, David) (Entered: 03/14/2011)
03/18/2011	238	MOTION by Defendants Ronald B Given, Mayer Brown Rowe & Maw LLP for extension of time to file response/reply <i>in support of motion for sanctions</i> (Novack, Stephen) (Entered: 03/18/2011)
03/18/2011	239	NOTICE of Motion by Stephen Novack for presentment of motion for extension of time to file response/reply 238 before Honorable Virginia M. Kendall on 3/24/2011 at 09:00 AM. (Novack, Stephen) (Entered: 03/18/2011)
03/22/2011	240	MINUTE entry before Honorable Virginia M. Kendall:Motion by Defendants Ronald B Given, Mayer Brown Rowe & Maw LLP for extension of time to file reply in support of motion for sanctions 176 , 238 is granted. Reply due by 4/18/2011. The motion will not be heard on 3/24/2011 as noticed.Mailed notice (tlp,) (Entered: 03/22/2011)
04/18/2011	241	REPLY by Defendants Ronald B Given, Mayer Brown Rowe & Maw LLP to memorandum in support of motion 177 , motion for sanctions 176 <i>Against Edward T. Joyce & Associates, P.C.</i> (Novack, Stephen) (Entered: 04/18/2011)
04/18/2011	242	REPLY by Defendants Ronald B Given, Mayer Brown Rowe & Maw LLP to memorandum in support of motion 177 , motion for sanctions 176 <i>Against David Grochocinski, Bankruptcy Trustee for CMGT, Inc.</i> (Novack, Stephen) (Entered: 04/18/2011)
06/15/2011	243	CERTIFIED copy of order dated 06/15/2011 from the Seventh regarding notice of appeal 175 , notice of appeal 218 ; Appellate case no. : 10-2057 & 11-1393. Upon consideration of the MOTION TO INCLUDE SPEHAR OR TERMINATE SETTLEMENT DISCUSSIONS, filed on June 13, 2011, by pro se party R. Gerard Spehar, IT IS ORDERED that the motion is DENIED. (hp,) (Entered: 06/16/2011)
06/30/2011	244	MOTION by Defendants Ronald B Given, Mayer Brown Rowe & Maw LLP, Plaintiff David Grochocinski to stay <i>sanctions motion as it relates to Grochocinski only</i> (Ciszewski, Steven) (Entered: 06/30/2011)
06/30/2011	245	NOTICE of Motion by Steven J. Ciszewski for presentment of motion to stay 244 before Honorable Virginia M. Kendall on 7/11/2011 at 09:00 AM. (Ciszewski, Steven) (Entered: 06/30/2011)
06/30/2011	246	MINUTE entry before Honorable Virginia M. Kendall:Enter MEMORANDUM, OPINION AND ORDER: For the reasons set forth above, and pursuant to both § 1927 and its inherent power to enter sanctions, the Court denies the Mayer Browns motion for sanctions as to Grochocinski, and grants in part Mayer Browns motion as to Joyce. By July 8, 2011, Mayer Brown must file its fee petition detailing: (1) one-half the attorneys fees and costs it incurred in preparing for and taking Grochocinskis deposition; (2) one-half of the Grochocinski deposition costs; and (3) one-half the attorneys

		fees and costs it incurred to bring the sanctions motion. Any response to the bill of costs is due July 22, 2011. Mailed notice (tsa,) (Entered: 06/30/2011)
06/30/2011	247	MEMORANDUM Opinion and Order Signed by the Honorable Virginia M. Kendall on 6/30/2011.(tsa,) (Entered: 06/30/2011)
07/07/2011	248	MINUTE entry before Honorable Virginia M. Kendall:Per telephonic request, MOTION by Defendants Ronald B Given, Mayer Brown Rowe & Maw LLP, Plaintiff David Grochocinski to stay <i>sanctions motion as it relates to Grochocinski only</i> 244 is withdrawn. Motion hearing set for 7/11/2011 is stricken.Telephone notice (tsa,) (Entered: 07/07/2011)
07/08/2011	249	PETITION by Defendants for Attorneys' Fees and Costs (Attachments: # 1 Exhibit A)(Ciszewski, Steven) (Entered: 07/08/2011)
07/22/2011	250	RESPONSE by Plaintiff David Grochocinski <i>Joyce's Response to Defendants' Petition for Attorneys' Fees and Costs</i> 249 (Joyce, Edward) (Entered: 07/22/2011)
10/03/2011	251	MOTION by Plaintiff David Grochocinski to supplement <i>record on appeal pursuant to F.R.A.P. 10(e) and Circuit Court Rule 10(b)</i> (Joyce, Edward) (Entered: 10/03/2011)
10/03/2011	252	NOTICE of Motion by Edward T. Joyce for presentment of motion to supplement 251 before Honorable Virginia M. Kendall on 10/11/2011 at 09:00 AM. (Joyce, Edward) (Entered: 10/03/2011)
10/05/2011	253	MINUTE entry before Honorable Virginia M. Kendall: MOTION by Plaintiff David Grochocinski to supplement <i>record on appeal pursuant to F.R.A.P. 10(e) and Circuit Court Rule 10(b)</i> 251 is granted. Motion hearing set for 10/11/2011 on this motion is stricken. Mailed notice (tsa,) (Entered: 10/05/2011)
10/06/2011	254	TRANSMITTED to the USCA for the 7th Circuit supplemental record on appeal 218 (USCA no. 11-1393) consisting of One Electronic volume of of proceedings. (hp,) (Entered: 10/06/2011)
10/17/2011	255	WRITTEN Opinion entered by the Honorable Virginia M. Kendall on 10/17/2011: For these reasons, the Court orders Joyce to pay Mayer Brown \$10,712.34 in attorneys' fees and \$1,438.58 in costs connection with the Grochocinski deposition, as well as \$24,984.90 in attorneys' fees to brief the motion for sanctions, for a total of \$37,135.82. [For further details see written opinion.] Mailed notice (hp,) (Entered: 10/17/2011)
11/15/2011	256	NOTICE of appeal by Ronald B Given, Mayer Brown Rowe & Maw LLP regarding orders 247 , 246 , 255 Filing fee \$ 455, receipt number 0752-6570521. (Novack, Stephen) (Entered: 11/15/2011)
11/17/2011	257	NOTICE of Appeal Due letter sent to counsel of record. (gel,) (Entered: 11/17/2011)