

# EXHIBIT 1

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

DAVID GROCHOCINSKI, not individually,	)	
but solely in his capacity as the Chapter 7	)	
Trustee for the bankruptcy estate of	)	
CMGT, INC.	)	
Plaintiff,	)	No. 06 C 5486
	)	
v.	)	Judge Virginia M. Kendall
	)	
MAYER BROWN ROWE & MAW LLP,	)	
RONALD B. GIVEN, and CHARLES W.	)	
TRAUTNER,	)	
	)	
Defendants.	)	

**PLAINTIFF'S REQUEST TO CLERK OF THE DISTRICT COURT FOR INCLUSION  
OF CERTAIN BRIEFS AND MEMORANDA IN RECORD ON APPEAL PURSUANT  
TO CIRCUIT RULE 10(a)**

Plaintiff David Grochocinski, not individually but solely in his capacity as the Chapter 7 Trustee for the bankruptcy estate of CMGT, Inc. hereby requests pursuant to Circuit Court Rule 10(a) that the Clerk of the District Court include the following documents in the record on appeal:

<u>Date Filed</u>	<u>Description</u>	<u>Docket Number</u>
November 30, 2006	Motion by Mayer Brown Rowe & Maw LLP and Ronald B Given to dismiss	15
November 30, 2006	Memorandum by Mayer Brown Rowe & Maw LLP and Ronald B. Given in support of motion to dismiss	16
January 5, 2007	Response by David Grochocinski to Mayer Brown Rowe & Maw LLP's and Ronald B. Given's motion to dismiss	22
February 7, 2007	Reply by Mayer Brown Rowe & Maw LLP and Ronald B. Given in support of motion to dismiss	32
April 18, 2007	Plaintiff's Position Paper Regarding Referral to the Bankruptcy Court	41
April 18, 2007	Lawyer Defendants' Position Statement Regarding Possible Referral to Bankruptcy Judge	42
June 28, 2007	Memorandum Opinion and Order	49
July 13,	Motion by Mayer Brown Rowe & Maw LLP and Ronald B Give for	50

<u>Date Filed</u>	<u>Description</u>	<u>Docket Number</u>
2007	reconsideration regarding order on motion to dismiss	
August 9, 2007	Response by David Grochocinski in opposition to Mayer Brown Rowe & Maw LLP's and Ronald B. Given's motion for reconsideration regarding order on motion to dismiss	53
August 23, 2007	Reply by Mayer Brown Rowe & Maw LLP and Ronald B. Given in support of motion for reconsideration	54
October 30, 2007	Minute Entry	67
December 7, 2007	Motion by David Grochocinski for protective order	72
December 11, 2007	Response by Mayer Brown Rowe & Maw LLP and Ronald B. Given to David Grochocinski's motion for protective order	74
December 12, 2007	Reply by David Grochocinski in support of motion for protective order	75
December 13, 2007	Minute entry	76
December 17, 2007	Minute entry	78
February 20, 2008	Plaintiff's Memorandum in Support of His Privilege Log Assertions	90
March 26, 2008	Response by Mayer Brown Rowe & Maw LLP and Ronald B. Given to Plaintiff's memorandum in support of his privilege log assertions	94
April 9, 2008	Reply by David Grochocinski in support of his memorandum in support of his privilege log assertions	95
June 9, 2008	Minute entry	100
June 9, 2008	Memorandum Opinion and Order	101
June 23, 2008	Plaintiff's Objection to Magistrate Denlow's Memorandum Opinion and Order dated June 9, 2008	104
July 18, 2008	Response by Mayer Brown Rowe & Maw LLP and Ronald B. Given to Plaintiff's objection to Magistrate Denlow's Memorandum Opinion and Order dated June 9, 2008	112
October 28, 2008	Minute entry	119
November 12, 2008	Motion by Mayer Brown Rowe & Maw LLP and Ronald B Given, Objection to Alternative Ruling in Magistrate Denlow's June 9, 2008 Memorandum Opinion and Order	120
February 20, 2009	Minute entry	129
May 29, 2009	Motion by Mayer Brown Rowe & Maw LLP and Ronald B Given for summary judgment on their unclean hands defense	135
May 29, 2009	Memorandum by Mayer Brown Rowe & Maw LLP and Ronald B. Given in support of motion for summary judgment on their unclean hands defenses	136
May 29, 2009	Mayer Brown Rowe & Maw LLP's and Ronald B Given's Rule	137

<u>Date Filed</u>	<u>Description</u>	<u>Docket Number</u>
2009	56.1(a) Statement of Facts	
May 29, 2009	Mayer Brown Rowe & Maw LLP's and Ronald B Given's Appendix to their Rule 56.1 Statement	138
July 13, 2009	Response by David Grochocinski in opposition to Mayer Brown Rowe & Maw LLP's and Ronald B. Given's motion for summary judgment on their unclean hands defenses	150
July 13, 2009	David Grochocinski's Rule 56.1(b)(3)(A)-(B) Statement	151
July 13, 2009	David Grochocinski's Rule 56(b)(3)(C) Statement	152
July 13, 2009	David Grochocinski's Appendix, volume 1 of 3, to his Rule 56(b)(3)(C) Statement	153
July 13, 2009	David Grochocinski's Appendix, volume 2 of 3, to his Rule 56(b)(3)(C) Statement	154
July 13, 2009	David Grochocinski's Appendix, volume 3 of 3, to his Rule 56(b)(3)(C) Statement	155
August 19, 2009	Reply by Mayer Brown Rowe & Maw LLP and Ronald B. Given in support of motion for summary judgment on unclean hands defense	164
August 19, 2009	Mayer Brown Rowe & Maw LLP's and Ronald B Given's Rule 56.1 Statement	165
August 25, 2009	David Grochocinski's motion for leave to file sur-reply to Defendants' three new arguments or, alternatively, to open merits discovery for a limited purpose	167
August 27, 2009	Response by Mayer Brown Rowe & Maw LLP and Ronald B. Given in opposition to David Grochocinski's motion for leave to file sur-reply to Defendants' three new arguments or, alternatively, to open merits discovery for a limited purpose	168
August 31, 2009	Minute entry	169
March 31, 2010	Minute entry	170
March 31, 2010	Memorandum Opinion and Order	171
March 31, 2010	Judgment	172

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

BY: /s/ Edward T. Joyce  
 Plaintiff's attorney

Edward T. Joyce  
EDWARD T. JOYCE & ASSOC., P.C.  
135 South LaSalle Street, Ste., 2200  
Chicago, Illinois 60603

**CERTIFICATE OF SERVICE**

The undersigned attorney, certifies that on May 12, 2010, he caused the attached **Plaintiff's Request to Clerk of the District Court for Inclusion of Certain Briefs and Memoranda in Record on Appeal Pursuant To Circuit Rule 10(a)** to be served upon

Stephen Novack  
Mitchell L. Marinello  
Steven J. Ciszewski  
Novack and Macey LLP  
100 N. Riverside Plaza  
Chicago, IL 60606

by electronically delivering a copy through the Court's CM/ECF filing system.

/s/ Edward T. Joyce

**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 CV 05486
	)	
MAYER BROWN ROWE & MAW LLP and	)	District Judge Virginia M. Kendall
RONALD B. GIVEN	)	
	)	
Defendants.	)	

**DESIGNATION OF RECORD ON APPEAL**

Defendants, by their attorneys, Novack and Macey LLP, hereby submit their designation of the Record on Appeal pursuant to Federal Rule of Appellate Procedure 10 and Circuit Rule 10 of the United States Court of Appeals for the Seventh Circuit. To the extent that the following pleadings are not included in the Record on Appeal, and were not designated to be included in the Record on Appeal by Plaintiff David Grochocinski in his Request to Clerk of the District Court for Inclusion of Certain Briefs and Memoranda in Record on Appeal Pursuant to Circuit Rule 10(a), Defendants respectfully request that the Clerk of the United States District Court for the Northern District of Illinois include them:

<u>Date Filed</u>	<u>Docket Number</u>	<u>Docket Text</u>
10/10/2006	1	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.

01/05/2007	25	RESPONSE by David Grochocinski to MOTION by Defendants Mayer Brown Rowe & Maw LLP, Ronald B. Given to dismiss <u>15</u> (Attachments: # 1 Exhibit 1).
06/08/2007	44	NOTICE of Voluntary Dismissal by David Grochocinski.
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.
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 <u>15</u> is granted in part and denied in part.
09/26/2007	63	MINUTE entry before Judge Virginia M. Kendall: Oral argument held on 9/26/2007. Motion for reconsideration <u>50</u> is taken under advisement.
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.
04/29/2010	175	NOTICE of appeal by David Grochocinski regarding orders <u>171</u> , <u>172</u> Filing fee \$ 455, receipt number 0752-4767406.

Respectfully submitted,

MAYER BROWN LLP and RONALD B. GIVEN

By:                                 /s/ Stephen Novack                                  
One Of Their Attorneys

Stephen Novack  
Mitchell L. Marinello  
Steven J. Ciszewski  
Novack and Macey LLP  
100 N. Riverside Plaza  
Chicago, IL 60606  
(312) 419-6900  
Doc. #356401



**CERTIFICATE OF SERVICE**

Stephen Novack, an attorney, hereby certifies that he caused a true and correct copy of the foregoing Designation of Record on Appeal to be served through the ECF system upon the following:

Edward T. Joyce  
Arthur W. Aufmann  
Robert D. Carroll  
Edward T. Joyce & Assoc., P.C.  
11 South LaSalle Street  
Chicago, IL 60603

David Edward Morgans  
Myers & Miller, LLC  
Thirty North LaSalle Street  
Suite 2200  
Chicago, Il 60602

and by U.S. Mail, proper postage prepaid, upon the following:

Gerard Spehar  
1625 Grandview Avenue  
Glendale, CA 91201

on this 13th day of May, 2010.

/s/ Stephen Novack

ACE

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

**FILED**

FEB 25 2011

FEB 25 2011

MH

**MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT**

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

Plaintiff, )

v. )

MAYER BROWN ROWE & MAW LLP, )  
RONALD B. GIVEN, and CHARLES W. )  
TRAUTNER, )

Defendants, )

R. GERARD SPEHAR, )

Movant. )

No. 06 C 5486

Judge Virginia M. Kendall

**DESIGNATION OF RECORD ON APPEAL**

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

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

Respectfully submitted,

R. Gerard Spehar

By: 

R. Gerard Spehar, acting *Pro Se*

R. Gerard Spehar  
1625 Grandview Ave.  
Glendale, CA 91201  
Telephone: (818) 247-5558  
Fax: (818) 247-0616

APPEAL, DENLOW, TERMED

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

Grochocinski v. Mayer Brown Rowe & Maw LLP et al  
Assigned to: Honorable Virginia M. Kendall  
Case in other court: 10-02057  
11-01393  
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**  
Myers Carden & Sax, LLC  
Thirty North LaSalle Street  
Suite 2200  
Chicago, IL 60602  
(312) 345-7250  
Fax: 312/345-7251  
Email: [dmorgans@mcstrial.com](mailto:dmorgans@mcstrial.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Arthur W. Aufmann**  
Edward T. Joyce & Associates P.C.  
135 S. LaSalle Street  
Suite 2200  
Chicago, IL 60603  
(312) 641-2600  
Email: [gaufmann@joycelaw.com](mailto:gaufmann@joycelaw.com)  
**ATTORNEY TO BE NOTICED**

**Edward T. Joyce**  
Edward T. Joyce & Associates P.C.  
135 S. LaSalle Street  
Suite 2200  
Chicago, IL 60603  
(312) 641-2600  
Fax: (312) 641-0360  
Email: [ejoyce@joycelaw.com](mailto:ejoyce@joycelaw.com)  
**ATTORNEY TO BE NOTICED**

**Robert D Carroll**  
Edward T. Joyce & Associates P.C.  
135 S. LaSalle Street  
Suite 2200  
Chicago, IL 60603  
(312) 641-2600  
Fax: (312) 641-0360  
Email: [rcarroll@joycelaw.com](mailto:rcarroll@joycelaw.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Mayer Brown Rowe & Maw LLP**

represented by **Mitchell L. Marinello**  
Novack & Macey  
100 North Riverside Plaza  
Suite 1500  
Chicago, IL 60606  
(312) 419-6900  
Email: [mmarinello@novackandmacey.com](mailto:mmarinello@novackandmacey.com)

**LEAD ATTORNEY  
ATTORNEY TO BE NOTICED**

**Stephen Novack**  
Novack & Macey LLP  
100 North Riverside Plaza  
Chicago, IL 60606  
(312) 419-6900  
Email: [sn@novackandmacey.com](mailto:sn@novackandmacey.com)  
**LEAD ATTORNEY  
ATTORNEY TO BE NOTICED**

**Steven J. Ciszewski**  
Novack & Macey  
100 North Riverside Plaza  
Suite 1500  
Chicago, IL 60606  
(312) 419-6900  
Email: [stevec@novackandmacey.com](mailto:stevec@novackandmacey.com)  
**ATTORNEY TO BE NOTICED**

**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**  
1625 Grandview Avenue  
Glendale, CA 91201  
(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
05/18/2010	<u>197</u>	TRANSMITTED to the USCA for the 7th Circuit the long record on appeal <u>175</u> (USCA no. 10-2057). (gej, ) (Entered: 05/18/2010)
05/18/2010	<u>198</u>	USCA RECEIVED on 5/18/2010 the long record regarding notice of appeal <u>175</u> . (gej, ) (Entered: 05/20/2010)
05/20/2010	<u>199</u>	MINUTE entry before Honorable Virginia M. Kendall: Motion hearing held. Plaintiff's motion to dismiss/lack of jurisdiction <u>193</u> is taken under advisement. Responses are to be filed by 6/3/2010. Replies are to be filed by 6/10/2010. Court will by mail. Briefing on the motion for sanctions is stayed pending disposition of plaintiff's motion to dismiss. Advised in open court (jms, ) (Entered: 05/20/2010)
05/27/2010	<u>200</u>	RESPONSE by Defendants in Opposition to R. Gerard Spehar Motion to intervene <u>173</u> (hp, ) (Entered: 05/28/2010)

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

02/17/2011	<u>221</u>	MINUTE entry before Honorable Virginia M. Kendall: Respondent Grochocinski's motion for extension of time to respond to defendants' motion for sanctions <u>216</u> is granted. Response by 3/14/2011. Reply by 3/28/2011. Ruling will be made by mail. The motion for sanctions <u>176</u> is taken under advisement. Mailed notice (tsa, ) (Entered: 02/17/2011)
02/17/2011	<u>223</u>	ACKNOWLEDGMENT of receipt of short record on appeal regarding notice of appeal <u>218</u> ; USCA Case No. 11-1393. (hp, ) (Entered: 02/18/2011)
02/17/2011	<u>224</u>	CIRCUIT Rule 3(b) Notice to plaintiff (hp, ) (Entered: 02/18/2011)
02/23/2011	<u>225</u>	TRANSCRIPT OF PROCEEDINGS held on 9/26/2007 before the Honorable Virginia M. Kendall. Oral Argument. <b>Court Reporter Contact Information: APRIL METZLER, 312-408-5154, April_Metzler@ilnd.uscourts.gov.</b>  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)
02/23/2011	<u>226</u>	TRANSCRIPT OF PROCEEDINGS held on 10/30/2007 before the Honorable Virginia M. Kendall. Status Conference. <b>Court Reporter Contact Information: APRIL METZLER, 312-408-5154, April_Metzler@ilnd.uscourts.gov.</b>  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)
02/23/2011	<u>227</u>	TRANSCRIPT OF PROCEEDINGS held on 12/13/2007 before the Honorable Virginia M. Kendall. Motion Hearing. <b>Court Reporter Contact Information: APRIL METZLER, 312-408-5154, April_Metzler@ilnd.uscourts.gov.</b>  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)

**CERTIFICATE OF SERVICE**

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

**PLAINTIFF**

Edward T. Joyce  
Arthur W. Aufmann  
Robert D. Carroll  
THE LAW OFFICES OF EDWARD T. JOYCE & ASSOC., P.C.  
135 South LaSalle Street, Ste., 2200  
Chicago, Illinois 60603  
Telephone: (312) 641-2600  
Fax: (312) 641-0360

David Edward Morgans  
MYERS CARDEN & SAX LLC  
Thirty North LaSalle Street, Suite 2200  
Chicago, IL 60602  
Telephone: (312) 345-7250  
Fax: (312) 345-7251

**DEFENDANTS**

Stephen Novack  
Mitchell L. Marinello  
Steven J. Ciszewski  
NOVACK AND MACEY LLP  
100 N. Riverside Plaza  
Chicago, IL 60606  
Telephone: (312) 419-6900  
Fax: (312) 419-6928

**MOVANT**

Ronald Holman  
4516 Baden Avenue  
Chatsworth, CA 9134  
Telephone: (818) 298-6100  
Fax: (818) 704-0295

  
R. Gerard Spohar



**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 CV 05486
	)	
MAYER BROWN ROWE & MAW LLP and	)	District Judge Virginia M. Kendall
RONALD B. GIVEN	)	
	)	
Defendants.	)	

**DESIGNATION OF RECORD ON APPEAL**

Defendants, by their attorneys, Novack and Macey LLP, hereby submit their designation of the Record on Appeal pursuant to Federal Rule of Appellate Procedure 10 and Circuit Rule 10 of the United States Court of Appeals for the Seventh Circuit in connection with the appeal taken by R. Gerard Spehar (“Spehar”) in this matter, designated Seventh Circuit No. 11-1393.

To the extent the following pleadings are not included in the Record on Appeal, and were not designated to be included in the Record on Appeal by Spehar, Defendants respectfully request that the Clerk of the United States District Court for the Northern District of Illinois include them therein:

<b><u>Date Filed</u></b>	<b><u>Docket Number</u></b>	<b><u>Docket Text</u></b>
04/28/2010	173	MOTION by Movant Gerard Spehar to Intervene
04/28/2010	174	MOTION by Movant Gerard Spehar to alter judgment or amend
05/27/2010	200	RESPONSE by Defendants in Opposition to R. Gerard Spehar Motion to intervene

06/10/2010	204	SUPPLEMENT to Spehar motion to alter or amend by Gerry Spehar
06/10/2010	205	REPLY by Movant Gerard Spehar in support of his motion to intervene
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 Spehar's Motion to Intervene and Dismisses his Motion to Alter or Amend as moot.
02/03/2011	214	MEMORANDUM Opinion and Order Signed by the Honorable Virginia M. Kendall on 2/3/2011.
02/16/2011	218	NOTICE of appeal by Gerard Spehar regarding orders 214, 213.

Respectfully submitted,

MAYER BROWN LLP and RONALD B. GIVEN

By:                   /s/ Stephen Novack                    
One Of Their Attorneys

Stephen Novack  
Mitchell L. Marinello  
Steven J. Ciszewski  
Novack and Macey LLP  
100 N. Riverside Plaza  
Chicago, IL 60606  
(312) 419-6900  
Doc. #417610

**CERTIFICATE OF SERVICE**

Stephen Novack, an attorney, hereby certifies that he caused a true and correct copy of the foregoing Designation of Record on Appeal to be served through the ECF system upon the following:

Edward T. Joyce  
Arthur W. Aufmann  
Robert D. Carroll  
Edward T. Joyce & Assoc., P.C.  
11 South LaSalle Street  
Chicago, IL 60603

David Edward Morgans  
Myers & Miller, LLC  
Thirty North LaSalle Street  
Suite 2200  
Chicago, IL 60602

and by U.S. Mail, proper postage prepaid, upon the following:

Gerard Spehar  
1625 Grandview Avenue  
Glendale, CA 91201

on this 1st day of March, 2011.

/s/ Stephen Novack

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

DAVID GROCHOCINSKI, not individually,	)	
but solely in his capacity as the Chapter 7	)	
Trustee for the bankruptcy estate of	)	
CMGT, INC.	)	
Plaintiff,	)	No. 06 C 5486
	)	
v.	)	Judge Virginia M. Kendall
	)	
MAYER BROWN ROWE & MAW LLP,	)	
RONALD B. GIVEN, and CHARLES W.	)	
TRAUTNER,	)	
	)	
Defendants.	)	

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

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

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

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

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

Respectfully submitted,

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

By:           /s/ Edward T. Joyce          

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

**CERTIFICATE OF SERVICE**

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

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

and

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

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

/s/ Edward T. Joyce

**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.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Wednesday, October 5, 2011:

MINUTE entry before Honorable Virginia M. Kendall: MOTION by Plaintiff David Grochocinski to supplement *record on appeal pursuant to F.R.A.P. 10(e) and Circuit Court Rule 10(b)[251]* is granted. Motion hearing set for 10/11/2011 on this motion is stricken. 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.

For scheduled events, motion practices, recent opinions and other information, visit our web site at [www.ilnd.uscourts.gov](http://www.ilnd.uscourts.gov).