

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

UNOPPOSED MOTION TO EXTEND DISCOVERY

Defendants Mayer Brown Rowe & Maw LLP and Ronald B. Given (together, the “Defendants”), by their attorneys, hereby move to extend the time for discovery regarding the “unclean hands,” “unjust result” or “fraud on the court” defenses (the “Defenses”). In support of their motion, Defendants state as follows:

1. By Order dated December 13, 2007, this Court set a March 3, 2008 deadline to complete discovery regarding the Defenses. Pursuant to that same Order, the Court referred this case to Magistrate Judge Denlow for resolution of Plaintiff’s privilege objections raised in response to Defendants’ written discovery requests regarding the Defenses.

2. On January 17, 2008, the parties appeared before Magistrate Judge Denlow to, among other things, discuss Plaintiff’s privilege objections. At that time, Magistrate Judge Denlow set the following briefing and oral argument schedule regarding Plaintiff’s privilege objections:

- February 20, 2008 -- Plaintiff’s opening brief due;
- March 26, 2008 -- Defendants’ response brief due;

- April 9, 2008 -- Plaintiff's reply brief due; and
- April 23, 2008 -- Oral argument.

3. Accordingly, privilege issues as to written discovery regarding the Defenses will not be resolved until April 23, 2008 at the earliest.

4. In addition, the parties agree that at least some of the depositions relating to the Defenses should not occur until after privilege issues are resolved and written discovery concerning the Defenses is complete. Among other things, it would waste resources for the parties to take certain depositions and then have to repeat them because relevant documents were incorrectly held back, or instructions not to answer were incorrectly given, on privilege grounds.

5. Accordingly, at least some of the depositions regarding the Defenses will not take place until after April 23, 2008.

6. When the foregoing schedule regarding the privilege issues was set, the parties advised Magistrate Judge Denlow that this Court had previously set a March 3, 2008 discovery deadline. In response, Magistrate Judge Denlow stated that he could not resolve the privilege issues before that date. Therefore, he suggested that the parties ask this Court for additional time to complete discovery regarding the Defenses.

7. For these reasons, Defendants hereby request that the Court reset the deadline for discovery regarding the Defenses to July 31, 2008. Assuming Magistrate Judge Denlow resolves the privilege issues within about one month of the argument date (that is, by the end of May, 2008), this will give the parties approximately two months to complete the depositions that cannot be conducted before written discovery is complete.

8. Plaintiff does not object to the relief sought by this Motion.

WHEREFORE, Defendants respectfully request the Court: (a) reset the deadline for discovery regarding the Defenses to July 31, 2008; (b) strike the current status date of March 26, 2008 and reset the matter for status shortly after July 31, 2008; and (c) grant such other and further relief as is appropriate.

Respectfully submitted by,

MAYER BROWN ROWE & MAW LLP and
RONALD B. GIVEN

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

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