

EXHIBIT 1

Plaintiff's Reply in Support of His
Memorandum in Support of His
Privilege Log Assertions

**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.)	

**MAYER BROWN LLP'S ANSWERS TO
TRUSTEE'S FIRST SET OF INTERROGATORIES**

Defendant, Mayer Brown LLP ("Mayer Brown"), by and through its attorneys, Novack and Macey LLP, pursuant to Fed. R. Civ. P. 33, hereby answers Plaintiff's First Set of Interrogatories as follows:

INTERROGATORIES

1. In your response to Plaintiff's motion for protective order, you state that "Defendants have moved to dismiss the Complaint for reasons that included defenses that the parties and the Court have at various times referred to as the 'unjust result,' 'unclean hands' or 'fraud on the court' defense." Describe how you define the defense(s) that, as you assert, the parties and the Court have at various times referred to as the "unclean hands," "unjust result" and "fraud on the court" defense.

ANSWER:

Mayer Brown objects to this interrogatory on the grounds that the information it seeks is not relevant and because it calls for a legal conclusion. In particular, how Mayer Brown "defines" the referenced defenses (or how Mayer Brown believes the Court or Plaintiff "defines" them) is not relevant to any issue in this case. Furthermore, to the extent that this interrogatory asks Mayer

Brown to explain the law, it is improper because it calls for a legal conclusion and asks a question that Plaintiff and its counsel can and should answer for themselves.

Subject to the foregoing objections, and without waiving them, Mayer Brown cannot at this time fully “define” the referenced defenses because they are expected to develop and be supplemented as this case moves forward, discovery is undertaken, evidence is uncovered and the facts are revealed. At the present time, however, Mayer Brown “defines” the foregoing defenses to include at least the following: after being appointed by the Bankruptcy Court, Plaintiff did not seek to vacate or challenge the validity of Spehar’s California default judgment or otherwise properly respond thereto. Moreover, Plaintiff did not conduct an appropriate investigation to determine the actual cause of CMGT’s downfall and the entry of a default judgment against it. Plaintiff did not even discuss the circumstances with, or attempt to ascertain the facts from, CMGT’s management, including Louis Franco and others. Instead, Plaintiff partnered with Spehar to file this malpractice action, which was based upon Plaintiff’s one-sided and incomplete investigation and which, if successful, would reward the ultimate wrong-doer and cause of CMGT’s bankruptcy (i.e., Spehar) with the lion’s share of any recovery herein.

In addition, the aforementioned defenses are “defined,” in part, in the memoranda that Defendants filed in support of their motion to dismiss the Complaint and their motion to reconsider the Court’s decision granting in part and denying in part their motion to dismiss. These consist of docket numbers: 16, 32, 50 and 54. In addition, Defendants and the Court further described these defenses during hearings with respect to the motion for reconsideration, and those additional descriptions can be found in the transcripts of those proceedings. The transcripts are dated September 26, 2007 and October 30, 2007. Investigation continues.

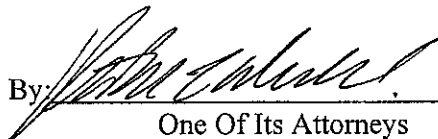
2. Identify all facts that you contend support your “unjust result,” “unclean hands” and “fraud on the court” defenses(s).

ANSWER:

Mayer Brown objects to this interrogatory as premature because discovery has just begun. Fed. R. Civ. P. 33(a)(2). See also, Ziemack v. Centel Corp., No. 92 C 3551, 1995 WL 729295, at *2 (N.D. Ill., Dec. 7, 1995) (“general policy is to defer contention interrogatories until discovery is near an end”). Among other things, facts relevant to the referenced defenses may be contained in the documents recently produced by Plaintiff and Spehar, the review of which has not yet been completed; documents currently being withheld from production by Plaintiff and Spehar; and deposition testimony to be obtained in the coming months. Mayer Brown objects to this interrogatory for the additional reason that it is unduly burdensome and seeks information protected from disclosure by the attorney-client privilege, work-product doctrine or other applicable privilege or immunity.

Subject to the foregoing objections, and without waiving them, Mayer Brown states that certain facts relating to the referenced defenses known to Mayer Brown at this time are set forth in the foregoing answer to Interrogatory No. 1 and the filed memoranda and court transcripts referenced therein. Investigation continues.

MAYER BROWN, LLP

By: 
One Of Its Attorneys

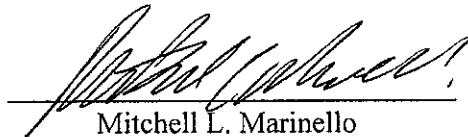
Stephen Novack
Mitchell L. Marinello
Steven J. Ciszewski
NOVACK AND MACEY LLP
100 N. Riverside Plaza
Chicago, IL 60606
(312) 419-6900

CERTIFICATE OF SERVICE

Mitchell L. Marinello, an attorney, hereby certifies that he caused a true and correct copy of the foregoing **Mayer Brown LLP's Answers to Trustee's First Set of Interrogatories** to be served by email and first class mail to:

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

on this 13th day of February, 2008.



Mitchell L. Marinello

**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.)	

**RONALD B. GIVEN'S ANSWERS TO
TRUSTEE'S FIRST SET OF INTERROGATORIES**

Defendant, Ronald B. Given ("Given"), by and through his attorneys, Novack and Macey LLP, pursuant to Fed. R. Civ. P. 33, hereby answers Plaintiff's First Set of Interrogatories states as follows:

INTERROGATORIES

1. In your response to Plaintiff's motion for protective order, you state that "Defendants have moved to dismiss the Complaint for reasons that included defenses that the parties and the Court have at various times referred to as the 'unjust result,' 'unclean hands' or 'fraud on the court' defense." Describe how you define the defense(s) that, as you assert, the parties and the Court have at various times referred to as the "unclean hands," "unjust result" and "fraud on the court" defense.

ANSWER:

Given objects to this interrogatory on the grounds that the information it seeks is not relevant and because it calls for a legal conclusion. In particular, how Given "defines" the referenced defenses (or how Given believes the Court or Plaintiff "defines" them) is not relevant to any issue in this case. Furthermore, to the extent that this interrogatory asks Given to explain the law, it is improper

because it calls for a legal conclusion and asks a question that Plaintiff and its counsel can and should answer for themselves.

Subject to the foregoing objections, and without waiving them, Given cannot at this time fully “define” the referenced defenses because they are expected to develop and be supplemented as this case moves forward, discovery is undertaken, evidence is uncovered and the facts are revealed. At the present time, however, Given “defines” the foregoing defenses to include at least the following: after being appointed by the Bankruptcy Court, Plaintiff did not seek to vacate or challenge the validity of Spehar’s California default judgment or otherwise properly respond thereto. Moreover, Plaintiff did not conduct an appropriate investigation to determine the actual cause of CMGT’s downfall and the entry of a default judgment against it. Plaintiff did not even discuss the circumstances with, or attempt to ascertain the facts from, CMGT’s management, including Louis Franco and others. Instead, Plaintiff partnered with Spehar to file this malpractice action, which was based upon Plaintiff’s one-sided and incomplete investigation and which, if successful, would reward the ultimate wrong-doer and cause of CMGT’s bankruptcy (i.e., Spehar) with the lion’s share of any recovery herein.

In addition, the aforementioned defenses are “defined,” in part, in the memoranda that Defendants filed in support of their motion to dismiss the Complaint and their motion to reconsider the Court’s decision granting in part and denying in part their motion to dismiss. These consist of docket numbers: 16, 32, 50 and 54. In addition, Defendants and the Court further described these defenses during hearings with respect to the motion for reconsideration, and those additional descriptions can be found in the transcripts of those proceedings. The transcripts are dated September 26, 2007 and October 30, 2007. Investigation continues.

2. Identify all facts that you contend support your “unjust result,” “unclean hands” and “fraud on the court” defenses(s).

ANSWER:

Given objects to this interrogatory as premature because discovery has just begun. Fed. R. Civ. P. 33(a)(2). See also, Ziemack v. Centel Corp., No. 92 C 3551, 1995 WL 729295, at *2 (N.D. Ill., Dec. 7, 1995) (“general policy is to defer contention interrogatories until discovery is near an end”). Among other things, facts relevant to the referenced defenses may be contained in the documents recently produced by Plaintiff and Spehar, the review of which has not yet been completed; documents currently being withheld from production by Plaintiff and Spehar; and deposition testimony to be obtained in the coming months. Given objects to this interrogatory for the additional reason that it is unduly burdensome and seeks information protected from disclosure by the attorney-client privilege, work-product doctrine or other applicable privilege or immunity.

Subject to the foregoing objections, and without waiving them, Given states that certain facts relating to the referenced defenses known to him at this time are set forth in the foregoing answer to Interrogatory No. 1 and the filed memoranda and court transcripts referenced therein. Investigation continues.

RONALD B. GIVEN

By: 

One Of His Attorneys

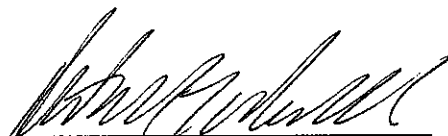
Stephen Novack
Mitchell L. Marinello
Steven J. Ciszewski
Novack and Macey LLP
100 N. Riverside Plaza
Chicago, IL 60606
(312) 419-6900

CERTIFICATE OF SERVICE

Mitchell L. Marinello, an attorney, hereby certifies that he caused a true and correct copy of the foregoing **Ronald Given's Answers to Trustee's First Set of Interrogatories** to be served by email and first class mail:

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

on this 13th day of February, 2008.



Mitchell L. Marinello