

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

Marcus & Millichap Real Estate Investment
Services Inc. and Marcus & Millichap Real
Estate Investment Services of Chicago, Inc.,

Plaintiffs,

v.

Tony Sekulovski,

Defendant.

Case No. 07-C-5369

Judge Harry D. Leinenweber

Magistrate Judge Arlander Keyes

**DEFENDANT/COUNTER-PLAINTIFF TONY SEKULOVSKI'S MOTION FOR
JUDGMENT AS A MATTER OF LAW AND REQUEST FOR NEW TRIAL**

Defendant/Counter-Plaintiff Tony Sekulovski ("Sekulovski"), pursuant to Rule 50(b) of the Federal Rules of Civil Procedure, respectfully requests that the Court enter judgment as a matter of law in his favor on Plaintiff/Counter-Defendant Marcus & Millichap Real Estate Investment Services of Chicago, Inc.'s claims for breach of contract, fraud, conversion, and tortious interference with contract and on Sekulovski's claims for breach of contract and tortious interference with contract. Alternatively, Sekulovski requests a new trial on these claims pursuant to Rule 59. An affidavit and memorandum in support of this Motion is attached.

Respectfully Submitted,

s/David B. Goodman

David B. Goodman (ARDC #6201242)
SHAW GUSSIS FISHMAN GLANTZ
WOLFSON & TOWBIN LLC
321 North Clark Street, Suite 800
Chicago, Illinois 60654

and

Kevin L. Murch (Ohio Bar No. 0066833)
SCHOTTENSTEIN, ZOY
& DUNN CO., L.P.A.

250 West Street
Columbus, Ohio 43215
Attorneys for Tony Sekulovski

CERTIFICATE OF SERVICE

I, David B. Goodman, an attorney, certify that on October 23, 2009, I electronically filed, on behalf of Defendant/Counter-Plaintiff Tony Sekulovski, **DEFENDANT/COUNTER-PLAINTIFF TONY SEKULOVSKI'S MOTION FOR JUDGMENT AS A MATTER OF LAW AND REQUEST FOR NEW TRIAL**, with the Clerk of Court using the CM/ECF system, which will send notification of such filings to all attorneys of record.

s/David B. Goodman

One of His Attorneys