

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

FIFTH THIRD BANK (CHICAGO), Plaintiff	)	
	)	Case No. 03C 4926
vs.	)	
	)	
ATTORNEYS’ TITLE GUARANTY FUND, INC., et al, Defendants.	)	Honorable Judge Wayne Anderson
	)	

**ATG’S MOTION UNDER RULES 52, 56 AND 54 FOR JUDGMENT ON COUNT II OF  
ITS AMENDED COUNTERCLAIM FOR ATTORNEYS’ FEES AND COSTS**

Defendant, Attorneys’ Title Guaranty Fund, Inc. (“ATG”), by its attorneys, William J. Holloway, Robert E. Ellis, and Timothy G. Shelton, moves this Honorable Court for Summary Judgment on Count II of its Amended Counterclaim pursuant to Fed. R. Civ. P. 56(a), or, in the alternative, for Judgment on Count II of the Amended Counterclaim on Partial Findings pursuant to Fed. R. Civ. P. 52(c) or Judgment on Count II of its Amended Counterclaim for Attorneys’ Fees pursuant to Fed. R. Civ. P. 54 (d)(2)(A). In support of this motion, ATG files herewith its Memorandum of Law and Fact in Support of Motion and Statement of Uncontested Facts/Proposed Findings of Fact in support of this motion.

WHEREFORE, Attorneys’ Title Guaranty Fund, Inc. moves that judgment in its favor and against Fifth Third Bank be entered for ATG’s attorneys’ fees and costs incurred in defense of itself and Western United Assurance Company in this action, together with prejudgment interest, and also to defend itself in any appeal by Fifth Third Bank of the judgment against Fifth Third Bank on its Second Amended Complaint and/or against Fifth Third Bank on Count II of ATG’s Amended Counterclaim.

Respectfully submitted,

Attorneys' Title Guaranty Fund, Inc.

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By: HINSHAW & CULBERTSON LLP

/s/ William J. Holloway  
William J. Holloway  
One of Its Attorneys

Certificate of Service

I hereby certify that on June 14, 2007, I electronically filed the foregoing ATG's Motion Under Rules 52, 56 and 54 for Judgment on Count II of Its Amended Counterclaim for Attorneys' Fees and Costs, using the CM/ECF system which sent notification of such filing to opposing counsel of record.

/s/ William J. Holloway