

1 STATE OF ILLINOIS)

2)

3 COUNTY OF McHENRY)

4 IN THE TWENTY-SECOND JUDICIAL CIRCUIT

5 McHENRY COUNTY, ILLINOIS

6 PAUL DULBERG,)

7 Plaintiff,)

8 vs.) No. 17 LA 377

9 THE LAW OFFICES OF THOMAS J.)

10 POPOVICH, P.C., and HANS MAST,)

11 Defendants.)

12 ELECTRONICALLY RECORDED REPORT OF

13 PROCEEDINGS had in the above-entitled cause before
14 the Honorable THOMAS A. MEYER, Judge of said Court
15 of McHenry County, Illinois, on the 10th day of
16 September, 2020, at the McHenry County Government
17 Center, Woodstock, Illinois.

18 APPEARANCES:

19 THE CLINTON LAW FIRM, by

20 MS. JULIA C. WILLIAMS (via Zoom),

21 On behalf of the Plaintiff;

22 KARBAL COHEN ECONOMOU SILK DUNNE, LLC, by

23 MR. GEORGE K. FLYNN,

24 On behalf of the Defendants.

1 THE COURT: Good morning.

2 MS. WILLIAMS: Good morning, your Honor.

3 THE COURT: We've got Julia Williams.

4 Ms. Williams, are you on Dulberg?

5 MS. WILLIAMS: Yes, that's correct, your Honor.

6 THE COURT: And forgive my ignorance, are you
7 with the Plaintiff?

8 MS. WILLIAMS: I am, your Honor. I represent
9 the Plaintiff.

10 THE COURT: Okay.

11 MS. WILLIAMS: And counsel for Defendant should
12 either be present in court or on the phone.

13 THE COURT: Not on the phone. Ms. Wong, can you
14 hear me? Are you on Dulberg?

15 MS. WONG: No, I'm here for Hill.

16 THE COURT: Okay. Then I'm going to pass.
17 Mr. Dulberg is here in court. I'm going to wait,
18 then, you know, because we're up for status anyway.
19 So I'll wait a few minutes see if defense counsel
20 shows.

21 MS. WILLIAMS: Your Honor, defense counsel will
22 not be on the call. I did speak with him, though,
23 yesterday.

24 THE COURT: Okay. Okay. All right. Then let

1 me deal with Hill. Pass.

2 (Whereupon the afore-captioned
3 cause was recalled.)

4 THE COURT: Okay. You're going to have to come
5 closer because the mic is on my computer.

6 Counsel, for the record, your name is?

7 MR. FLYNN: George Flynn, F-L-Y-N-N.

8 THE COURT: Counsel, can you hear him?

9 MS. WILLIAMS: Yes, I can, your Honor.

10 THE COURT: Okay. And your name, for the
11 record?

12 MR. DULBERG: Paul Dulberg.

13 THE COURT: Did you hear that?

14 MS. WILLIAMS: Yes, your Honor.

15 THE COURT: Okay. Counsel, on Zoom, it's your
16 motion.

17 MS. WILLIAMS: Julia Williams for Paul Dulberg.
18 This is my motion to withdraw as counsel for
19 Mr. Dulberg.

20 Mr. Dulberg is present in court and has
21 been served with the motion, so we would just like
22 the right to -- the opportunity to withdraw today,
23 if it pleases the Court.

24 THE COURT: Okay. Any comment, Mr. Dulberg? I

1 don't want to get into the nature of your
2 relationship, but do you have anything to say, an
3 objection to the motion?

4 MR. DULBERG: No, Judge.

5 THE COURT: Okay. Counsel, do you have anything
6 to add?

7 MR. FLYNN: I have some comments. I don't have
8 a specific objection, but I would like to make a
9 little bit of a record, if I may.

10 THE COURT: Okay.

11 MR. FLYNN: Judge, this is a legal malpractice
12 case. This is Mr. Dulberg's second set of attorneys
13 that have withdrawn from the case. The first one
14 was Tom Gooch.

15 The legal malpractice case was filed more
16 than two years after my client --

17 THE COURT: If you're going to ask me to do
18 something substantive --

19 MR. FLYNN: I'm not. But maybe housekeeping.

20 THE COURT: Okay.

21 MR. FLYNN: So the case was filed more than two
22 years after the withdrawal. There's a statute of
23 limitations issue it was raised on the motion to
24 dismiss. It's alive in the case. I propose

1 Mr. Dulberg -- the discovery rule that he is relying
2 on, the information that he's relying on, actually
3 came from Mr. Gooch.

4 So communications that gave rise to his
5 knowledge of the malpractice case and the damages
6 came from his communications with Mr. Gooch.

7 THE COURT: Okay. So what are you asking me to
8 do? I don't need background but just --

9 MR. FLYNN: Sure. Well, I served supplemental
10 discovery after the deposition. Ms. Williams asked
11 me for an extension a month ago, and I agreed to it,
12 but then I got the motion to withdraw.

13 So my concern is is that I'm not going to
14 get this discovery.

15 THE COURT: Not within 21 days.

16 MR. FLYNN: Okay. I just wanted to lay the
17 record because I probably will have to file a motion
18 to compel, and I want the record -- the documents to
19 be preserved but then the answers obviously to be
20 preserved as well.

21 THE COURT: Okay. Did you hear that,
22 Ms. Williams?

23 MS. WILLIAMS: Right. I just wanted to clarify
24 one thing. There was a motion to dismiss filed

1 early in the case. I did not brief that. I was not
2 involved in that motion. It was denied. But then
3 there's, I think, an affirmative defense for statute
4 of limitations. So that's how it's alive in the
5 case. The motion to dismiss has been ruled on. I
6 don't think that was entirely clear, so just to
7 clarify.

8 THE COURT: Okay. Well, I will wait for the
9 motion to compel. I'm not going to do anything.
10 That's why I cut you off because -- I'm speaking to
11 Mr. Dulberg -- we're not going to address it further
12 today.

13 So I will grant your motion to withdraw. I
14 will give Mr. Dulberg 21 days in which to retain new
15 counsel.

16 Who is going to do the order?

17 MR. FLYNN: I've got the draft.

18 THE COURT: Okay. Defense counsel has agreed to
19 draft the order.

20 So, Mr. Dulberg, you will have until
21 October 1st to retain new counsel. That's 21 days
22 from today. And let's come back October 8th. Does
23 that work?

24 MR. DULBERG: I would ask one thing.

1 THE COURT: I'm sorry?

2 MR. DULBERG: I would ask one thing. In today's
3 COVID, it's hard to get in-person appointments with
4 attorneys to hire them right now. Some of them are
5 not doing it. 21 days is -- is really --

6 THE COURT: 21 days is what the rule says. I'm
7 going to follow the rule. If it turns out that
8 there is a problem -- all this requires is that
9 somebody files an appearance. So you are going to
10 have to file an appearance if you don't have an
11 attorney. I don't know if you have already filed
12 one on your own, but if you -- have you filed an
13 appearance already?

14 MR. DULBERG: I don't believe so.

15 THE COURT: I'm sorry?

16 MR. DULBERG: I don't believe so.

17 THE COURT: Okay. It's not going to cost you
18 anything because it's already been paid for, but all
19 you have to do is file an appearance within 21 days,
20 and that doesn't mean are you prevented from
21 retaining counsel later on.

22 So file it in 21 days, if you don't have an
23 attorney. If you have an attorney, great. He'll
24 file it or she'll file it, and then we'll see you on

1 October 8th.

2 MR. FLYNN: I do have a conflict that day.

3 THE COURT: Okay.

4 MR. FLYNN: I can do the 9th. I don't know if
5 that works.

6 THE COURT: For some reason I thought that was
7 bad. Yeah, I'm potentially not here. I can go the
8 15th or the 7th. What is your preference?

9 MR. FLYNN: On the 15th I have a deposition that
10 morning. The 7th will work.

11 THE COURT: Okay. We'll see you on the 7th.

12 Counsel will draft the order and send you a
13 copy as well, Ms. Williams.

14 Is there anything else?

15 MR. FLYNN: I think we're all secure on status
16 on (f)1 depositions. I guess I can just report that
17 Mr. Dulberg's been deposed. No other (f)1s have
18 gone.

19 THE COURT: Okay. We'll resume monitoring
20 discovery status when we come back.

21 MR. FLYNN: Fair enough. Thanks, Judge.

22 (Which were all the proceedings
23 had in the above-entitled cause
24 this date.)

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF McHENRY)
4

5 I, KATHLEEN STROMBACH, an official
6 Court Reporter for the Circuit Court of McHenry
7 County, Twenty-Second Judicial Circuit of Illinois,
8 transcribed the electronic recording of the
9 proceeding in the above-entitled cause to the best
10 of my ability and based on the quality of the
11 recording, and I hereby certify the foregoing to be
12 a true and accurate transcript of said electronic
13 recording.

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17 Official Court Reporter
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