

1 STATE OF ILLINOIS)
2 COUNTY OF McHENRY) SS.

3 IN THE TWENTY-SECOND JUDICIAL DISTRICT
4 McHENRY COUNTY, ILLINOIS

5
6 PAUL DULBERG,

7 Plaintiff,

8 vs.

No. 17 LA 377

9 THE LAW OFFICES OF THOMAS
10 J. POPVICH, P.C. and HANS
MAST,

11 Defendants.

12 ELECTRONICALLY RECORDED Report of
13 Proceedings in the above-entitled cause before the
14 Honorable THOMAS A. MEYER, Judge of said Court of
15 McHenry County, Illinois, on the 5th day of
16 September, 2019, in the McHenry County Government
17 Center, Woodstock, Illinois.

18 APPEARANCES:

19 MS. JULIA WILLIAMS
20 ATTORNEY AT LAW

21 On behalf of the Plaintiff;

22 MR. GEORGE K. FLYNN
23 ATTORNEY AT LAW

24 On behalf of the Defendants.

1 THE COURT: Okay. Agreed or uncontested?
2 Failing that, I'll start with my call. Dulberg
3 versus Mast.

4 MS. WILLIAMS: Good morning, your Honor. Julia
5 Williams on behalf of the plaintiff. I'm waiting
6 for defendant. He said he'd be about five minutes
7 late.

8 THE COURT: All right. We'll pass.
9 (Whereupon the afore-captioned
10 cause was recalled.)

11 THE COURT: Anybody else ready?

12 MS. WILLIAMS: Good morning, your Honor.

13 THE COURT: Okay.

14 MS. WILLIAMS: On Dulberg, the first -- first
15 line on your call. Julia Williams on behalf of Paul
16 Dulberg.

17 THE COURT: Morning.

18 MR. FLYNN: Good morning, your Honor. George
19 Flynn on behalf of defendants.

20 MS. WILLIAMS: So we're here on status of
21 discovery. We've done written discovery. We've got
22 some -- kind of 201(k) issues. It's not adversarial
23 201(k), but we need to do some 201(k) --

24 THE COURT: Okay.

1 MS. WILLIAMS: -- conferences. We were actually
2 going to meet after this today and take some time.
3 We have -- we have asserted some privilege, some
4 attorney-client privilege to some of the documents.
5 We are likely going to waive that privilege, so we
6 need to produce some additional documents from
7 subsequent counsel. It's a legal malpractice case.
8 Counsel subsequent to Popovich's firm.

9 THE COURT: All right.

10 MS. WILLIAMS: So why don't we take some time to
11 do that. If it's okay with the Court, maybe 60 days
12 to resolve all these issues, get the new
13 supplemental, and then move into (f)(1)s.

14 THE COURT: Okay. What date did you have in
15 mind? That puts us into November.

16 MS. WILLIAMS: Early, mid -- early to
17 mid-November, I guess, would be --

18 THE COURT: What day?

19 MS. WILLIAMS: I would like to avoid the last
20 week.

21 MR. FLYNN: Any date in November is fine with
22 me, your Honor. I would like to have a resolution
23 of the privilege issue, though. It sounds like the
24 decision hasn't been made, so --

1 MS. WILLIAMS: I think we're waiving privilege.
2 I'll say it on the record, we're going to waive
3 privilege.

4 MR. FLYNN: Okay.

5 THE COURT: Okay.

6 MR. FLYNN: The only other issue that was
7 raised -- I just reviewed the written discovery
8 yesterday and you had (indiscernible) 201(k) that
9 there was a bankruptcy that was mentioned kind of
10 vaguely in one of the answers. It sounds or appears
11 that either the bankruptcy judge or the trustee had
12 enforced or required a mediation and a high-low
13 agreement. To the extent that those documents are
14 responsive to any of the requests -- and I'll have
15 to go through them to see if they are. Otherwise
16 I'll just issue a supplemental, but I think the
17 bankruptcy file and communications with the trustee
18 are probably responsive to our discovery, so I would
19 just request that those be included in our --

20 MS. WILLIAMS: I think we produced a number of
21 the bankruptcy issues, but we can talk about it
22 today and definitely try to work out -- there's
23 definitely -- there was a bankruptcy. We're not
24 trying to hide that bankruptcy, so. And the trustee

1 did resolve -- there was an arbitration based on the
2 trustee's recommendation in the bankruptcy for the
3 individual.

4 THE COURT: How's November 4th, Monday?

5 MS. WILLIAMS: That works for me, your Honor.

6 THE COURT: Okay. Then we will see you then,
7 status (f)(1).

8 MR. FLYNN: Thank you, your Honor.

9 THE COURT: Thank you.

10 (Which were all the proceedings
11 had in the above-entitled cause
12 this date.)
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1 STATE OF ILLINOIS }
2 COUNTY OF McHENRY } SS:
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4 I, CRISTIN M. KELLY, an official Court
5 Reporter for the Circuit Court of McHenry County,
6 Twenty-Second Judicial Circuit of Illinois,
7 transcribed the electronic recording of the
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