1. On July 2, 2020 Flynn filed a Supplemental Request for Production of Documents.[1]

2. On July 2, 2020, at 12:10 PM Williams sent a forwarded email to Dulberg stating:[2]

> "Opposing Counsel has tendered a supplemental request for production. Please review. A response is due by July 30, 2020. You can begin gathering responsive documents. Some of the document may be subject to attorney-client privilege. Best Regards,"

3. Most of the documents Dulberg would need to gather to answer the supplemental production request were still being suppressed by Williams and were released by Williams for the first time one week later on July 9, 2020 (hidden behind thousands of pages of previously released documents). The more than 6000 pages of documents contained all the previously suppressed emails of Balke, Saul Ferris, the letter from Saul Ferris to Dulberg among other suppressed documents.[3]

4. On July 27, 2020 at 2:24 PM Ed Clinton sent an email to Dulberg stating:

> "... Please see the attached letter. Best Regards ..."[4]

In the attached letter Clinton and Williams resigned as Dulberg's attorneys.

5. From July, 2020 (just after Clinton and Williams resigned) until November, 2021 Flynn maintained the following 3 forms of pressure on Dulberg and his new attorney:

1) Demand for detailed supplimental production responses (from the 2020-07-09 flood of over 6000 documents)

2) Demand to be given Dulberg's privileged attorney-client communications with Gooch

3) Pressure Dulberg to admit receiving in the mail a partially forged declination letter from attorney Saul Ferris. (The letter was actually addressed to Flynn's own client Popovich.

How opposing counsel maintained pressure is described in "Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation", Chapter 1 and Chapter 2, Section 2B THE EXAMPLE OF SAUL FERRIS. The following paragraphs 155 to 171 further supplement the record of how the opposing counsel maintained pressure on Dulberg.

6. The following graphic shows over how many months these 3 forms of pressure were applied to Dulberg by Flynn.

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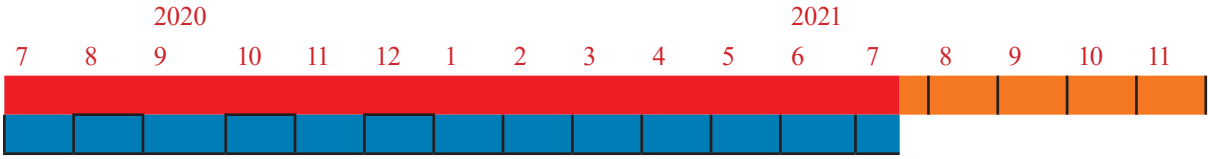
1 Exhibit 136_2020-07-02_1211 PM_RECV_Fwd PAUL DULBERG v THE LAW OFFICES OF THOMAS J POPOVICH PC et al Circuit Court of McHenry County IL No No 17 LA 377_ATTACHMENTS.pdf, (page 6-8)

2 Exhibit 136, (page 1)

3 Exhibit 5_"Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation", Chapter 1, starting paragraph 35 and Chapter 2, Section 2B

4 Exhibit 137_2020-07-27_1424 PM_RECV_Dulberg v Popovich 2017 L 377_ATTACHMENTS.pdf



The **demand for detailed supplemental discovery answers** (shown in red above) lasted until July 19, 2021 (about 12 months). The **demand for access to Dulberg's attorney-client privileged communication** (shown in blue above) lasted until July, 2021 also (about 12 months). This is when **pressure for Dulberg to admit untrue statements about an alleged letter from Saul Ferris** (which was actually addressed to Popovich, shown in orange above) began and lasted for 4 more months.

7. Pressure was applied to Dulberg as pro-se and to Dulberg's new attorney (since Clinton and Williams had already made secret plans to withdraw as Dulberg's counsel by late June, 2020).[1]

8. On July 29, 2020 at 1:56 PM Dulberg sent an email to Ed Clinton and Julia Williams with the subject "Need clarification on outstanding issues before your departure" stating:[2]

> "... Outstanding questions on open issues for Clinton firm before departure:
> ...
> 2. What happened with the objections raised during Dulberg's deposition when Dulberg was questioned about conversations with Dulberg's former counsel Gooch? Did you get a ruling or does that still need to be argued before judge Meyer? ..."

Williams answered:

> "... There has been no motion practice on the issue and thus, there is no ruling. Your future counsel will need to bring that before the Judge at some point. ..."[3]

Dulberg also asked:

> "... 3. Similar to the last question, Have the objections in the Mast deposition been worked out or ruled on by judge Meyer? ..."

Williams answered:

> "... There has been no motion practice on the issue and thus, there is no ruling. Your future counsel will need to bring that before the Judge at some point. ..."

9. On July 30, 2020 at 10:21 AM Williams sent an email to Dulberg stating:[4]

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1 Exhibit 5_"Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation", Chapter 1, starting paragraph 31 and Chapter 2, Section 2E
2 Exhibit 138_Need clarification on outstanding issues before your departure.pdf (page 1)
3 Exhibit 138_Need clarification on outstanding issues before your departure.pdf (page 2)
4 Exhibit 139_Fwd PAUL DULBERG v THE LAW OFFICES OF THOMAS J POPOVICH PC et al Circuit Court of McHenry County IL No No 17 LA 377.pdf, Page 11

"These document requests are due today. We have obtained a 28 day extension so the responses are now due August 27, 2020. We anticipate filing our motion to withdraw. Thus, you will need your new counsel to respond or prepare your own response. Best Regards"

10. On July 30, 2020 at 1:50 PM Dulberg sent an email to Williams stating:[1]

"Thank you for getting this extended. I'm pulling from memory here because I had a Dr's appointment today and am away from my desk I just took your July 2 email and reviewed it. I didn't collect the documents because I thought I had already turned over all the gooch files and emails to you and I thought we waived privilege for Boudin and you have all of that as well. I suppose other than the last request asking for "documents" relating to a conversation between Baudin and myself when we were leaving the ADR the rest of this would be contingent on Judge Meyers decision of the objections over Gooch questioning that were raised during my deposition. I'm still not sure how I'm supposed to have documents from a verbal conversation with Baudin. I will look at all this again when I get home."

11. Clinton and Williams filed a Motion to Withdraw[2] on August 18, 2020. This left Dulberg without an attorney and with the series of incorrect and contradictory statements listed in TABLE 4A and TABLE 4B which is assumed to represent Dulberg's own statements on when he "first discovered" his "injury".

12. On August 18, 2020 at 2:13 PM Flynn sent an email to Williams stating:[3]

"This correspondence is being forwarded pursuant to Illinois Supreme Court Rule 201(k). I just received your firm's motion to withdraw. If you could please pass along to Mr. Dulberg or his new counsel, that we must insist on the outstanding written discovery being answered by August 27, 2020 per our agreement below, it would be appreciated. I think we have been very patient with Mr. Dulberg in responding to discovery which has been directed at his assertion of the discovery rule in this case, where he is attempting to overcome a statute of limitations defense (issues which are evident from the face of the pleadings and the applicable statutes involved). The supplemental discovery we served merely clarified and more specifically identified communications and documents which were the subject of prior discovery requests, and some of which were identified at Mr. Dulberg's discovery deposition taken on February 19, 2020. Please feel free to contact me if you would like to discuss this matter."

13. On August 18, 2020 at 2:42 PM Williams sent an email to Dulberg stating:[4]

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1 Exhibit 139_Fwd PAUL DULBERG v THE LAW OFFICES OF THOMAS J POPOVICH PC et al Circuit Court of McHenry County IL No No 17 LA 377.pdf, (page 13)
2 Exhibit 140_2020-08-18_Motion to Withdraw.pdf
3 Exhibit 139_Fwd PAUL DULBERG v THE LAW OFFICES OF THOMAS J POPOVICH PC et al Circuit Court of McHenry County IL No No 17 LA 377.pdf, (page 31)
4 Exhibit 139_Fwd PAUL DULBERG v THE LAW OFFICES OF THOMAS J POPOVICH PC et al Circuit Court of McHenry County IL No No 17 LA 377.pdf, (page 34)

"We previously obtained an extension info time to respond to document discovery in your case—see below—to August 27. Opposing counsel is insisting on the August 27 response date. As we are withdrawing, it is likely more appropriate for your new counsel to respond to the discovery. lternatively, you could seek more time when the matter is before the Judge on Sept 10. Best Regards,"

14. On August 18, 2020 at 2:49 PM Dulberg sent an email to Williams stating:[1]

"Please remind me,

Was this the emails and communications with Gooch that they are after or something else?"

15. On August 18, 2020 at 2:56 PM Williams sent an email to Dulberg stating:[2]

"The requests are attached again here so you can see what they are seeking. Again, they were issued on July 2, 2020. We sent them to you that same day. They were originally due on July 30, 2020. We obtained an extension to August 27, 2020. Best regards,"

16. On August 18, 2020 at 3:11 PM Dulberg sent an email to Williams stating:[3]

"Thanks again for resending those requests from George Flynn. At this point I will not be meeting their deadline of August 27th until I have new council and/or the Judge rules that I must divulge communications with my attorney Gooch from the current case. I'm not an attorney but I believe its common knowledge that what George Flynn is asking for is wrong and strikes at the heart of attorney/client privilege. Kindly let Mr Flynn know he will not be receiving those answers or files until I have new counsel or the Judge rules on our objection at my deposition and orders me to turn over privileged communications."

17. On September 10, 2020 Clinton and Williams withdrew as Dulberg's counsel.[4] [5]

18. On Oct 16, 2020, at 10:38 AM, Paul Dulberg sent an email to Williams stating:[6]

"... It looks like everything in the "Dulberg Documents to Be Produced 2020 June 25" is in the "Dulberg Docs Produced by Dulberg to OC" with the exception of "Dulberg JCW Notes re Discovery 2020 June 26.docx", which is your notes, and the "Dulberg Paul's Notes on Deposition and handwritten notes 2020 July 1" which is nothing more than a color duplicate of the black and white PDFs produced in the "Dulberg 7893-8551 .pdf"

1 Exhibit 139_Fwd PAUL DULBERG v THE LAW OFFICES OF THOMAS J POPOVICH PC et al Circuit Court of McHenry County IL No No 17 LA 377.pdf, (page 37)
2 Exhibit 139_Fwd PAUL DULBERG v THE LAW OFFICES OF THOMAS J POPOVICH PC et al Circuit Court of McHenry County IL No No 17 LA 377.pdf, (page 41)
3 Exhibit 139_Fwd PAUL DULBERG v THE LAW OFFICES OF THOMAS J POPOVICH PC et al Circuit Court of McHenry County IL No No 17 LA 377.pdf, (page 45)
4 Exhibit 223_2020-09-10_Order Clinton withdrawl.pdf
5 Exhibit 224_2020-09-10 ROP 17LA377.pdf
6 Exhibit 141_2020-10-16_1038 AM_SENT_PLEASE HELP WITH CASE FILE.pdf, (page 1)

Is it safe for me to assume that opposing counsel has been given all documents with the exception of the privileged gooch emails? [Emphasis Added]

Also, I see in the "Dulberg JCW Notes re Discovery 2020 June 26.docx" that you were worried about the waiver issue for Gooch. I don't agree, I answered those questions in the deposition under an objection and certainly didn't waive privilege.

It appears the defense counsel is confused over when I should have known of an injury vs when I learned from an attorney that I had a case in an attempt to pry into privileged communications that cannot change the outcome for their stated goal of reopening the statute of limitations and deposing Gooch and myself for a second time.

It seems to me to be simple math when calculating the statute of limitations

1. The malpractice happened between October 2013 and February 2014 in the underlying case
2. The earliest I could or should have known of the injury was December 12th, 2016 from the award in the underlying case
3. This case was filed on November 28, 2017
4. There is no conversation that could take place between myself and Gooch that could change the first two dates even in the slightest and the third date, the date we filed suit was the culmination of our work product in the current case, not the underlying case.

One more question, Where do I find all the final answers we sent to opposing counsel for the interrogatories and supplemental interrogatories? ..."

19. On February 10, 2021 in court the following exchange took place. Note that opposing counsel Flynn uses the logic of focusing entirely on (a) while ignoring (b) throughout. Mr Talerico (Dulberg's new attorney) and and Dulberg tell both Flynn and Judge Meyer that they are ignoring (b), yet Judge Meyer doesn't recognize (b) as relevant:[1]

MR. FLYNN: Sure. Thank you, Your Honor. **Mr. Dulberg has placed his communications with his prior lawyer, Thomas Gooch, at issue in this case.** Plaintiff has admitted that it filed its complaint -- I'm sorry, plaintiff has filed its complaint more than two years after my clients, his former lawyers, the Popovich firm, withdrew or were terminated from his representation. That's not at issue.

He has placed the discovery rule at issue in his complaint and his amended complaints. However, he has failed to answer initial discovery, he has failed to respond -- or answer properly questions at his deposition regarding discovery of his malpractice and his understanding of damages related to the Popovich's alleged malpractice. We served supplemental discovery, which is somewhat duplicative of what was previously served, and that was on July 2nd after his deposition. He hasn't even answered it.

The response does nothing to address those issues or object to the discovery that's been propounded, so I would request that he be forced at a minimum to answer this discovery,

1 Exhibit 142_2021-02-10 ROP.pdf

that any objection be overruled, and essentially **that the communications between Dulberg and Mr. Gooch be produced in whatever form.** And to the extent that a subpoena to The Gooch Firm would be necessary at a later date, I would rather take it one step at a time and analyze whatever it is that Mr. Dulberg produce. So, in a nutshell, that's the motion.

I didn't know that we'd have to have a hearing. I thought that these would be responded to or at least objected to, but here we are.

THE COURT: Okay. Plaintiff's counsel?

MR. TALARICO: Let's see, Your Honor, (indiscernible) to start with, I think this is a two-step analysis. I hope the court sees it the same way. **I think it should be looked upon as a 2-619 motion** and at the same time a -- the **question of whether there was a waiver of the attorney-client privilege under Rule of Evidence 502**. I believe that **if the 2-619 is decided -- I'm sorry. Yeah, the 2-619 motion is dismissed and decided against the defendants**, then the matter -- **the second step would be the waiver of attorney-client privilege which I think my client did not do under either 502(a) or 502(b)**.

THE COURT: When you -- are you saying that their statute of limitations motion, if I deny that, only in that instance do we get to the issue of the -- of the letter?

MR. TALARICO: No. I think what we're -- what I'm saying is that that clarifies part of the 502(a) section of the argument, what I perceive as 502(a).

THE COURT: Okay. Defense counsel?

MR. TALARICO: If I might --

THE COURT: Go ahead, plaintiff.

MR. TALARICO: -- expound a little bit. I wasn't aware that a 2-619 motion had been up. It was denied by this court, but denied with the ability to get -- to bring it again. All I've seen when I came into the case was a decision saying, you know, denied, so at that point in time I did not, let's say, approach the issues of the statute of limitations or the statute of repose. I think those two issues help clarify the 502 argument. The 502 argument is what -- what information can be gathered, and I think my responses to that would simply be 502(b) and 502(a) have been complied with.

THE COURT: Defense counsel?

MR. FLYNN: I'm a little confused, Judge. There is no pending 619 motion. That was ruled upon years ago. This is simply a motion to compel and, you know, again, looking back, I didn't attach every discovery answer that Mr. Dulberg provided because there were many and there were issues with signature pages throughout written discovery. But here, the overarching supplemental request, Exhibit E, I believe it is, that was served on July 2 has not been answered. It's not been objected to. It's untimely at this point, and, again, it's clear that the discovery of the malpractice and damages has been placed at issue. So we're entitled to explore that discovery. **The testimony of Mr. Dulberg at his**

deposition makes it clear that the only basis to toll any statute of limitations was the December 2016 communications with Tom Gooch and if he's not going to produce those, he has no other basis to toll the statute and, as such, the case should be dismissed. We'll bring the appropriate motion. But you can't have it both ways using the privilege as a sword and a shield.

THE COURT: Plaintiff's counsel, with respect to the latter, your comment?

MR. TALARICO: I guess I'm not clear on what counsel was saying. I respectfully say that we have complied with the -- the 502(b) was inadvertent within the deposition and the attorney at the time, who was -- I think her name was Williams, Julia Williams, objected and objected on a continuing basis for any of the questions regarding that information. Counsel has not brought a motion to have this court decide whether or not that was appropriate, but he had answered under the continuing objection by Miss Williams that this was a protected attorney-client discussion. As to the 502(a), the intentional disclosure, that was, in my estimation -- and I hope the court agrees -- that was done in the pleadings, in the complaint, but it was done in the -- I wouldn't say in the alternative. **I would say it's additional information**.

THE COURT: What specifically are you referring to when you say it's additional nformation? What was additional information?

MR. TALARICO: The continued comments about when -- when he was aware of -- and when the statute would begin to run, the two-year statute of limitations, as to the filing of a complaint for malpractice. Within that section, I have each one numbered, but at first the comments -- **the situation was when the arbitration, the binding arbitration, matter was decided, and it was decided in such a way that my client lost close to over $200,000 because the only other person that was in the lawsuit had a maximum insurance policy of $300,000. At that point in time -- And he alleged that in the complaint, in the first amended complaint, and the second amended complaint, all of which I wasn't party to, but the words are in there, the allegations are in there. I believe that's when the statute of limitations begins to run.** Further --

THE COURT: He references -- he references in his complaint -- I assume we're talking about the allegations in the complaint.

MR. TALARICO: Yes.

THE COURT: And **he references in the complaint learning information from the expert**, if I've read this correctly. Is that a fair statement?

MR. TALARICO: That is one of the allegations, yes.

THE COURT: So why can't -- why isn't that report or communication going to be turned over?

MR. DULBERG: **It is. It already is.**

MR. TALARICO: **Judge, it's my position that that is not relevant to the question. The question is, when did -- when did he become aware, when does the statute start**

running. And the answer I believe under Illinois law is it begins running when he knows of his injury, and the injury took place with the binding arbitration award; not before, not after. So I'm saying --

THE COURT: **And I guess I -- you're losing me because I -- I don't understand how a binding arbitration award is going to disclose to anybody whether or not malpractice had been -- had taken place.** The -- your client -- I don't know if you can see him. He keeps raising his hand. I'm ignoring him because he has an attorney. I'm going to -- I'm going to focus on you.

But whether or not there was an award for X dollars or no dollars, that doesn't tell me anything about whether -- whether he knew or should have known at that point. That just told him what those people --

MR. DULBERG: May I clarify on the record.

THE COURT: Mr. Dulberg, you have an attorney. You've elected to have your attorney speak for you.

MR. DULBERG: He's not not lead attorney (indiscernible).

THE COURT: I'm going to limit it to it. I recommend that you limit your conversation or comments to him out of fear that you may say something that could be harmful to your case.

MR. DULBERG: I understand.

THE COURT: In any event, the complaint identified something the expert said as establishing knowledge on behalf of Mr. Dulberg for the first time of the alleged malpractice. So the complaint by its very language tells me that that communication is relevant to the issue of the discovery rule. I don't have a problem with doing an in camera inspection of that particular communication, but I don't see how we avoid it being relevant.

MR. TALARICO: Judge, **I think in all three -- the original complaint, the first amended complaint and the second amended complaint, all three plead the injury happening with the -- I can't think of the word -- but with the binding arbitration statement. It thereafter talks about other matters and each time the drafter of that complaint, the first -- I'm sorry, the original, the first and the second, adds in different aspects which I believe are really irrelevant. I think the focus is on when the injury occurred. The injury I believe occurred when the binding arbitration award was granted and I think that's when the statute of limitations should run.**

THE COURT: **But he's entitled to discovery on that. If you're claiming a particular communication established knowledge for the first time, he gets to -- defense gets to see that, because you've linked it to a unique event and he gets to challenge whether that's plausible, so you don't get -- you don't get to make that decision for him.**

MR. DULBERG: If I may, I'm going -- I'm going to clarify here.

THE COURT: Mr. Dulberg, you have an attorney.

MR. DULBERG: Yes, I do. And I'm going to clarify.

THE COURT: I'm not asking you to clarify.

MR. DULBERG: The event -- the event, okay, was a series of events --

THE COURT: Counsel, --

MR. FLYNN: Judge, I'm going to object to this as well.

MR. DULBERG: -- (continuing) prior to meeting Mr. Gooch.

THE COURT: I'm ignoring what's being said. Mr. Talarico, do you have a comment?

MR. TALARICO: Yes, we -- Mr. Dulberg, I believe, and **our position is, the statute of limitations begins to run on the date of the arbitration -- the binding arbitration, award.**

THE COURT: And you could be right, but the discovery rule involves facts and the issue becomes whether you knew or should have known. You, by the complaint you've inherited, established that knowledge came as a result of a particular event and I think it -- by virtue of that allegation, you've made the facts surrounding that event relevant to the investigation of your claim of the discovery rule, its application, that I can't separate that out. **If you say that communication gave you knowledge for the first time, then the defendant gets to explore that**.

MR. DULBERG: That's not what it said.

THE COURT: Your subjective interpretations aren't going to be controlling.

MR. TALARICO: Judge, I'm not relying on that. All I'm saying is that, with all due respect, **that is when he had the knowledge, that is when the statute of limitations begins to run, and that information has been part of the court file long before it became part of this matter.**

THE COURT: My reading of the complaint referenced something regarding an expert report and perhaps a letter from former counsel.

MR. FLYNN: Judge, may I clarify that.

THE COURT: Go ahead. Yeah.

MR. FLYNN: Thank you. You know, **the plaintiff has attempted I think to use both, a report that he received from a chainsaw -- so-called chainsaw expert, so a liability expert, relative to the underlying case. There's been some confusion with respect to his pleading and reliance on that report. However, what I clarified at his deposition is that he relied on a legal opinion to toll the statute of limitations in this case. It's that legal opinion in December of 2016 which informed him of the malpractice.** Again, he wasn't very specific. I tried to question him about each and every violation of the standard of care, breach of the standard of care, and when he found out about it; and you can read the whole deposition, but his answers are evasive. They've been evasive in his original interrogatory answers. We've covered the waterfront with every possible

question and interrogatory and production request we could, but it's clear that he is relying on a legal opinion. Now, he's not very specific about what that legal opinion is, and maybe there isn't anything in Gooch's records or in the emails and whatnot to and from Gooch and Dulberg, but, in any event, that's what he testified to, and so it's our position we should be entitled to those legal opinions, whatever they are.

THE COURT: I thought -- and obviously I didn't read the entire deposition. **I thought there was one letter that really covered it**, based on what I read. Is that a fair statement?

MR. FLYNN: I'm not sure if that's accurate, Judge. I think that -- **I think he's pinpointed the time period to December of 2016**, but I think he also testified that there was regular email communication between Dulberg and Gooch, you know, --

THE COURT: In any event, **I am going to direct production of all those communications on which the plaintiff is basing his claim of the applicability of the discovery rule**; and that's a little broader than I first intended, but given the nature of this discussion, **it sounds like it's more than just a couple of documents**. It might be several of them. **I will also have those items produced to me for an in camera inspection** so that I can determine to what extent that they are disclosing information relevant to our investigation into the discovery rule, because while I agree the defendant should be allowed to investigate that issue, that doesn't mean he gets the benefit of prior counsel's work product outside of the discovery rule issue. Does that make sense?

MR. FLYNN: So I do understand your ruling. I would just ask that it be specified also, though, to the communications with Mr. Gooch because in anticipation of how this may be produced to Your Honor, if all they produce is this chainsaw expert report, then we haven't made any progress.

THE COURT: **There is definitely something from Mr. Gooch, and if I'm not given something from Mr. Gooch, that will be a red flag**.

MR. TALARICO: Judge, if I might.

THE COURT: I'm sorry?

MR. TALARICO: If I might speak.

THE COURT: Yeah.

MR. TALARICO: **Judge, my position is that the binding arbitration award document which has been part of the court file, we believe long before I was in this case, is the day that my client knew that he had an action and, before that, it was premature by Illinois law. At the time when the award was given**, and the --

THE COURT: **I'm not buying that.** The arbitrator's award gave you insight as to the value. Where you lose me is -- Well, let me rephrase that. It gave you their insight as to what they perceived the value of the case to be. It did not tell you whether or not you could have known that there was a viable cause of action against another defendant --

MR. DULBERG: (Indiscernible) that.

THE COURT: -- because, again, it's you knew or should have known whether --

MR. TALARICO: Of the injury, --

THE COURT: -- there was another cause of action against that --

MR. TALARICO: -- a financial injury.

THE COURT: And **I fail to understand how an arbitrator's award would explain that because I can't imagine -- I certainly don't -- I'm not an arbitrator, I don't know what they put in their decisions, but I would be surprised if they spend a lot of time telling you about people you could have sued but for malpractice, so the issue for me is knew or should have known, and I am going to direct production of those documents.**

MR. TALARICO: Judge, my one comment?

THE COURT: Yeah.

MR. TALARICO: **So it's Illinois law on that matter and a very recent case talked about specifically when the statute begins to run, but I will -- It's called Suburban Real Estate Services, Inc., versus Barus -- I'm sorry, and Barus versus William Carlson. The cite --**

THE COURT: **But that's a different argument. That's a rule -- that's an argument related to the applicability of -- or, in my analysis, of how the rule applies to the circumstances that we have. It doesn't address the issue of whether you should have known of the existence of the cause of action, and the information I have is that you did not and could not have known about the cause of action until the disclosure from the expert or from Mr. Gooch**, and if we're going to explore that issue, you've got to produce that. You've put those items into evidence or at issue, so defense has a right to see them.

MR. DULBERG: May I.

THE COURT: Anything else?

MR. DULBERG: Yeah, yeah. I'd like to comment. You're not going to let me comment?

THE COURT: Mr. Dulberg is attempting to speak. I'm not -- I'm neither listening nor inviting him to speak

MR. DULBERG: I will speak on the record.

THE COURT: So I will --

MR. DULBERG: It's not about when we knew or should have known of the cause of action.

THE COURT: Sir, --

MR. DULBERG: We certainly knew or should have known --

THE COURT: Sir, --

MR. DULBERG: -- of the injury.

THE COURT: Mr. Dulberg, do not presume to tell me what the law is. All right? You understand your place.

MR. DULBERG: Yes.

THE COURT: Do not tell me what the law is. I will make that decision. I've instructed you numerous times not to talk, and yet you feel the need to express yourself. You have an attorney. Your attorney has ably represented you, but I get to make a decision regardless of what your personal thoughts are. So we will go back to my discussion. Forgive the outburst, but I have invited him not to speak and that wasn't acceptable to him. So, in any event, how long, Mr. Talarico, do you need to produce this information?

MR. TALARICO: Judge, I'm not absolutely sure. Whatever the court says I produce I'll produce within 28 days.

THE COURT: Okay. Twenty-eight days is fine with me. Mr. Flynn?

MR. FLYNN: Twenty-eight days is fine, Your Honor. I would also request that, in addition to the documents being produced, that the actual discovery request be responded to and any interrogatories be amended --

THE COURT: You need a privilege log certainly as to the documents, and so I'm going to direct that you be given a privilege log because they are claiming privilege as to these items. I assume there hasn't previously been one. Is that true?

MR. FLYNN: That is true.

THE COURT: All right. So you're entitled to the privilege log. As far as the other interrogatories are concerned, Mr. Talarico -- How many interrogatories do we have outstanding?

MR. FLYNN: The -- I think what we have is some interrogatories that weren't completely answered in the first place. It's probably a handful, Judge, but then there are seven or eight requests for production that simply weren't responded to. Those are the subject of this motion.

THE COURT: And are they covered by the privilege log, do you think?

MR. FLYNN: Well, I think that first we need to know whether there are responsive documents. They haven't even answered that, and then if they are withholding any and submitting them to the court, then the privilege log comes next, I guess, would be my request.

THE COURT: Okay. Mr. Talarico, can you provide a response in 28 days?

MR. TALARICO: Yes, Your Honor. I will respond.

THE COURT: All right. And if you don't have documents, you don't have documents. Just tell him. If you're claiming a privilege, identify -- provide some sort of an identification of the document and the privilege you're claiming. With respect to the

interrogatories, which ones?

MR. FLYNN: These were the interrogatories propounded by Hans Mast, my other client, and that was Exhibit D, I believe, to the motion. I did not attach his answers, but Hans Mast's interrogatories which were propounded back on March 22 of 2019 -- one, two, three -- just four interrogatories. I do believe that we have a response, but it's incomplete. It doesn't -- it doesn't identify these communications with Mr. Gooch or the legal opinion that has been alleged in the complaint and placed at issue.

THE COURT: Yeah, and I -- my concern is -- and the answer, direct answer, to those is going to require my review of the documents, so I'm going to enter and continue that part of the motion until I make a decision with respect to the documents. Is there anything else?

MR. FLYNN: I think that covers it, Your Honor.

THE COURT: Okay. All right. So, Mr. Flynn, I'm

going to direct you to send me an order -- Do you have

our email address? You can take a picture if you like.

MR. FLYNN: I believe so. Okay.

THE COURT: Okay? And the order -- we'll pick a new date in a moment. The order will provide that the plaintiff will provide you with a privilege log for those -- provide you answers to the production request as well as a privilege log with respect to any documents that are withheld, and I'm entering and continuing your motion with respect to the interrogatories. Plaintiff will provide me with the documents withheld and identified in the privilege log within 28 days and then we'll come back perhaps two weeks after that. Twenty-eight days is March 10th; two weeks after that would be around March 24th, and I can provide you with my ruling then. So how's March 24th at 1:30?

MR. FLYNN: Judge, I actually have a deposition at 1:00 o'clock that day.

THE COURT: How about the 25th? Thursday.

MR. FLYNN: 25th works. 25th at 1:00 o'clock?

THE COURT: Yeah. Mr. Talarico?

MR. TALARICO: One second, Your Honor.

THE COURT: Okay.

MR. TALARICO: Fine.

THE COURT: Do we have agreement on the date or are we waiting?

MR. TALARICO: I said it was fine, Your Honor.

THE COURT: Oh, okay. I'm sorry, I missed that. So 1:30. Is there anything else we need covered in the order?

MR. FLYNN: Just may I be clear that the motion is granted in part as stated on the record.

THE COURT: Yes.

MR. FLYNN: And I would like to just include Mr. Gooch's name in the written order, that those be included in the production if they exist.

THE COURT: Yeah, I don't -- I don't want -- What I want to -- I guess -- And thank you for bringing that up.

My impression from reading the motion was it boiled down to -- I got the idea that it was a single document or a single communication that conveyed the information at issue. And you're indicating that it was more, it was a number of emails. Are you able to put a timeframe on it?

MR. FLYNN: Well, I think, again, the allegations in the various complaints, complaint and amended complaints, and the testimony, (indiscernible) to December of 2016, so --

THE COURT: Yeah. Say the communications of December of 2016, because I don't want it read as requiring that all communications from Mr. Gooch be produced.

MR. FLYNN: Okay.

THE COURT: Mr. Talarico, any questions or comments about that?

MR. TALARICO: No, Your Honor. I'll follow the court's order.

THE COURT: All right. Anything else then?

MR. FLYNN: No, Your Honor. I will send a draft of that order to Mr. Talarico for his review and then we will send it to your email address, Your Honor.

THE COURT: Okay. I'll wait to see that. I'll sign it as soon as it's in. Thank you.

MR. FLYNN: Thank you.

THE COURT: See you in March.

MR. FLYNN: Thank you, counsel.

THE COURT: All right. Bye.

20. On April 1st, 2021 the following exchange took place in court.[1]

MR. FLYNN: I guess the only thing going forward, we've got the objections in the deposition transcript. Does the court typically just rule on those when ruling on a summary judgment motion?

THE COURT: No, I -- let me -- I have not had to deal with ruling on objections in a discovery deposition related to a motion for summary judgment.

MR. FLYNN: Okay.

1 Exhibit 143_2021-04-01 ROP.pdf

THE COURT: So I haven't done that before, but I do think that we have to address that and the only way to address it is to just walk through them, so perhaps if we set -- and I know this is putting it out, but I'm wondering -- and you know better -- whether any of the objections are going to become moot once you have responses to the written discovery. Is that going to fix anything?

MR. FLYNN: I think that a lot of them are already moot. I think that some of the rulings over the last month or so on these objections have probably covered those that are contained in the dep transcripts; however, I just want to make the summary judgment process as clean as possible. Maybe I can talk to Mr. Talarico and we can come up with an agreement on whether some of these objections in the dep are withdrawn, but, again, I just -- I don't want the summary judgment motion to bog down on objections in a dep transcript, so --

THE COURT: Okay. And I don't know.

MR. FLYNN: So -- Okay. I wanted to raise that issue in advance so the court's aware that that might be an issue.

THE COURT: Why don't we put the hearing at 1:30 on Monday, June 14th, and if you are unable to work out the issues on the discovery deposition, then we'll walk through the transcript. You'll need to give me a copy. And -- unless there is one in the court file already. You'll need -- and we'll walk through each one and I'll take argument at that time and --

MR. FLYNN: Okay.

THE COURT: -- I'll rule then. And that may get you where you want to go, and if there are none, great. Then we don't have to deal with it. Does that --

MR. FLYNN: Okay.

THE COURT: Does that resolve your concern for today at least?

MR. FLYNN: I think so.

THE COURT: All right. So, Mr. Flynn, if you could draft the order. Mr. Talarico, is there anything you want to add?

MR. TALARICO: Well, I've read -- I wasn't present at the deposition, so I'm just trying to get my brain wrapped around it. The objections were attorney-client privilege, sir, was that --

MR. FLYNN: Many of them, yes.

MR. TALARICO: Okay. That's all.

MR. FLYNN: And, again, **it goes to the discovery of the malpractice. I think that it's been placed at issue by virtue of the pleadings, so -- and, again, I think that there's been a ruling, at least in part, on some of these issues, but, --**

THE COURT: In the alternative --

MR. FLYNN: -- you know, why don't we --

THE COURT: -- if you agree that some of the questions could have been answered, can you do this by way of interrogatory rather than a supplemental deposition?

MR. FLYNN: I think that for the most part Mr. Dulberg answered over the objections.

THE COURT: Okay.

MR. FLYNN: And so the record was set there. The objections were made on the record. I think that it could probably be dealt with fairly swiftly.

21. On July 19, 2021 the following exchange took place in court.[1]

THE COURT: All right. Tell me -- we're moving on to the interrogatory.

MR. FLYNN: And again, this goes to the statute of limitations on a legal malpractice case. The plaintiff is claiming that he didn't discover it until after the 2 years --

THE COURT: Could you keep your voice up a little?

MR. FLYNN: Sure. Plaintiff is arguing for a tolling of the statute of limitations on a legal malpractice case. He was asked in Interrogatory No. 1, Identify and describe each and every way that Popovich or Mast breached any duty of care to you, the date of the breach, and when and how you became aware of the breach. His response -- his amended additional response discusses his pecuniary injury, that only addresses damages. With respect to the breach of the standard of care and how he discovered it, he simply says he knew that the defendants breached the standard of care due him based upon a verbal discussion with Attorney Tom Gooch on December 16, 2016.

THE COURT: Okay.

MR. FLYNN: That describes the date. It doesn't describe how he became aware of it, what Gooch told him. Now, again, I know your Honor is aware of the deposition testimony in this case regarding that December 16 time period. If the answer is that Dulberg doesn't remember what Mr. Gooch told him, if Gooch said simply, You have a case, that's fine. That's what they should say. But I've already taken his deposition. There are no specifics that explain to me why Mr. Gooch crystallized this breach of the standard of care on December 16. But if this is all they have, then that's what he should say, is that I don't remember what Mr. Gooch told me.

THE COURT: I mean, he's -- I think he's complied. I'm not sure --

MR. FLYNN: What is the breach of the standard of care?

THE COURT: I'm sorry?

MR. FLYNN: And what is the breach of the standard of care? That's what I've asked in the interrogatory. They don't say.

THE COURT: Well, I think that -- all right. I guess that is -- my reading on it, it's implied

1 Exhibit 143_2021-07-19_ROP.pdf

it's a statute of limitations. But --

MR. FLYNN: No, the statute of limitations is the issue in this case.

THE COURT: All right. What is the --

MR. FLYNN: The underlying personal injury case --

THE COURT: What is the breach? Did Mr. Gooch advise him what the breach was?

MR. TALARICO: Judge, all that Mr. Dulberg recalls was relayed in the responses. There were no recordings that were going on. Nothing was done in writing. I'm not sure how I can possibly respond anymore, to give anymore.

THE COURT: I have a representation that this is all there is.

MR. FLYNN: That's satisfactory to me. As long as when I file my summary judgment motion there's not some new discovery discussion as to --

MR. TALARICO: Judge --

MR. FLYNN: -- what the breach was and what --

MR. TALARICO: I'm sorry. I hate to interrupt. Judge?

THE COURT: Yeah.

MR. TALARICO: We -- again, we were -- our response, I believe is in total compliance with the Court order of June 6th and your instructions on that day from the court record. And I'd like to respond in writing to establish that we did that.

THE COURT: No. No. I mean, you're -- you only need to respond in writing if we're going to have a hearing. If you want to file a brief that -- just in the file, that's fine, but I think we have a resolution today and I don't want to spend more time reading briefs resolving an issue that's moot. So I think this is resolved. What else is outstanding?

MR. FLYNN: I think that does resolve -- the representation resolves both issues, so --

THE COURT: I have -- you have advised -- well, you've advised that's all there is, so I'm finding you in compliance.

MR. TALARICO: Thank you, your Honor.

THE COURT: Okay. Is there anything else we need to do?

22. Also on July 19, 2021, just after the above exchange, opposing counsel Flynn began to pressure Dulberg about a meeting Dulberg had with Saul Ferris.[1] Issues around Saul Ferris were an invention designed **to further confuse the toll date of the Statute of Limitations**.

Chapter 2: HOW DULBERG'S OWN COUNSEL HELPED FLYNN ACCUSE DULBERG: FLYNN'S MOTION FOR SUMMARY JUDGMENT

1 Exhibit 5_"Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation", Chapter 2, Section 2B

23. On September 16, 2022 opposing counsel Flynn filed a Motion for Summary Judgement[1] based on a combination of all the messed up arguments Gooch and Clinton and Williams and opposing counsel Flynn have been placing in the Common Law Record and the Reports of Proceedings for the previous 5+ years about how to toll the Statute of Limitations.

24. The core of Flynns argument is reproduced below. In Table 6 (which follows) individual components of Flynn's arguments are analyzed.

p 3:

> In his First Amended Complaint, Dulberg modified his "discovery" allegations and alleged "it was not until the mediation in December 2016, based on the expert's opinion that Dulberg became reasonably aware that Mast and Popovich did not properly represent him by pressuring and coercing him to accept a settlement for $5,000 on an "all or nothing" basis. Exhibit B, ¶29. In ¶30 he reiterates that "Dulberg was advised to seek an independent opinion from a legal malpractice attorney and received that opinion on or about December 16, 2016." Exhibit B, ¶30.
>
> Dulberg's first substitute counsel in this case filed a Second Amended Complaint, further modifying the allegations. It is alleged that "after accepting a $5,000 settlement, Dulberg wrote Mast an email on January 29, 2014 stating that"I trust your judgment." Exhibit C, ¶48. He further alleges in ¶55 of Ex. C that "only after Dulberg obtained an award against Gagnon did he discover that his claims against the McGuires were viable and valuable." Exhibit C, ¶55. He also alleges that following the execution of the mediation agreement and the final mediation award, Dulberg realized for the first time in December of 2016 that the information that Mast and opovich had given Dulberg was false and misleading and that the dismissal of the McGuires was a serious and substantial mistake. Exhibit C, ¶56. He alleged that it was not until the mediation in December 2016 based on the expert's opinions that Dulberg retained for the mediation that Dulberg became reasonably aware that Mast and Popovich did not properly represent him by pressuring and coercing him to accept a settlement for $5,000 on an "all or nothing" basis. Exhibit C, ¶57. Dulberg's allegations of Popovich' breaches of the standard of care are contained in Exhibit C, ¶58 as follows:
>
> > 58. Mast and Popovich, jointly and severally, breached the duties owed Dulberg by violating the standard of care owed Dulberg in the following ways and respects:
> >
> > a) failed to fully and properly investigate the claims and/or basis for liability against the McGuires;
> >
> > b) failed to properly obtain information through discovery regarding McGuires assets, insurance coverages, and/or ability to pay a judgement and/or settlement against them;
> >
> > c) failed to accurately advise Dulberg of the McGuires' and Gagnon's insurance coverage related to the claims against them and/or Dulberg's ability to recover through McGuires' and Gagnon's insurance policies, including, but not limited to, incorrectly

1 Exhibit 144_2022-09-16_MTD.pdf

informing Dulberg that Gagnon's insurance policy was "only $100,000" and no insurance company would pay close to that;

d) failed to take such actions as were necessary during their respective representation of Dulberg to fix liability against the property owners of the subject property (the McGuires) who employed and/or were principals of Gagnon, and who sought the assistance Dulberg by for example failing to obtain an expert;

e) failed to accurately advise Dulberg regarding the McGuires' liability, likelihood of success of claims against the McGuires, the McGuires' ability pay any judgment or settlement against them through insurance or other assets, and/or necessity of prosecuting the[sic] all the claims against both the McGuires and Gagnon in order to obtain a full recovery;

f) Coerced Dulberg, verbally and though emails, into accepting a settlement with the McGuires for $5,000 by misleading Dulberg into believing that he had no other choice but to accept the settlement or else "The McGuires will get out for FREE on a motion." Dulberg has hired a personal injury attorney in 2002 and has hired a corporate lawyer in the past. (Dulberg Deposition, Exhibit E, pp.8, 9).

p 5:

Dulberg has hired a personal injury attorney in 2002 and has hired a corporate lawyer in the past. (Dulberg Deposition, Exhibit E, pp.8, 9). He was injured on June 28, 2011 while assisting David Gagnon with a chainsaw cutting up some branches after they were removed from a tree. (Exhibit E, pp.12, 13). He hired Popovich to sue Gagnon and Bill and Carolyn McGuire in connection with his June 28, 2011 injury. (Exhibit E, pp. 9, 30). Hans Mast was the primary handling attorney. (Exhibit E, p. 30). Brad Balke substituted for Dulberg on March 19, 2015 when Popovich withdrew. (Exhibit E, p. 35). Dulberg asked hundreds of lawyers to take over his case when Popovich withdrew, but none accepted. (Exhibit, E, p. 36). Dulberg fired Balke prior to the binding arbitration, and he was then represented by the Baudin Law Firm. While Brad Balke handled the case, Balke never gave him an opinion as to the liability of the McGuires and whether the prior settlement was appropriate. (Exhibit E, p. 42). At some point, Dulberg hired The Daley Disability Law Firm to assist him with a Social Security disability claim. A criminal lawyer represented him in a guilty plea for drug possession in 1990. (Exhibit E, pp.34-35) (Exhibit E, p. 43). At some point during the case, it was Hans Mast's opinion that the McGuires did not have liability because they did not control the work David Gagnon was doing. (Exhibit E, pp. 50, 51). Mr. McGuire was inside the house for 45 minutes before the accident happened. (Exhibit E, pp. 51, 52).

p 6:

The case continued against Gagnon through discovery and some of Dulberg's doctors were deposed. (Exhibit E, pp. 78, 79). Dulberg told Mast "First, I'm sorry that I'm not a better witness to prove David cut me with a chainsaw." Dulberg already started looking for new lawyers in the summer of 2014. Mast thought the case against David Gagnon

was difficult. (Exhibit E, p.81). Mast told Dulberg that he did not make a good witness at his deposition. (Exhibit E, p.82). Dulberg and Gagnon were the only people who witnessed the accident. (Exhibit E, p.83). TI1ere were differences between the factual testimony provided by Gagnon and Dulberg in the underlying case. (Exhibit E, p.83). His relationship with Mast was deteriorating over the fall and winter of 2015, even long before that. (Exhibit E, p.86). On February 22, 2015, Dulberg wrote in an email to Mast "Now I'm left wondering ... how hard it is to sue an attorney?" (Exhibit F). When asked what the reference to suing an attorney meant he replied:

A. That was me being angry.

Q. With Hans?

A. Yes. I was seeing red.

Q. You're suggesting that you may sue him?

A. Yeah. I didn't know that I could. I'm wondering about it.

Q. You, basically, made a threat, whether it be a veiled threat or an overt threat

to sue him, correct?

A. Yes.

Q. You, ultimately, sued him for legal malpractice, right?

A. Yes

On February 22, 2015, Mast wrote in an email to Dulberg "Paul, I can no longer represent you in the case. We obviously have differences of opinion as to the value of the case." (Exhibit E, p.91). Mast speculated that seven out of ten times he would lose the case outright. (Exhibit E, p.92). Dulberg filed for bankruptcy. He was ordered by the bankruptcy trustee to participate in binding mediation on December 8, 2016. (Exhibit E, p.96). Dulberg admitted that the allegation in his complaint regarding Popovich being involved with the high/low agreement in the mediation was a mistake. (Exhibit E, p.103). Dulberg testified that it was Baudin that advised him to seek an independent opinion from an attorney handling legal malpractice matters. (Exhibit E, p.108). The lawyer he received the legal opinion on December 16, 2016 was Thomas Gooch, the drafter of the Complaint in this case. (Exhibit E, p.108). It was confirmed by Gooch on December 16 2016 that Dulberg had a valid case against Popovich. (Exhibit E, p.113). He did not file a lawsuit until nearly a year later because "Thomas Gooch had some health issues and that his wife had some health issues. It took a while." (Exhibit E, p.114). Dulberg agreed that the legal opinion he received on December 16, 2016 was responsive to Interrogatory No. I from Dulberg's answers to Mast's lnterrogatories. (Exhibit E, pp.125, 126). The legal opinion Dulberg received from Gooch was verbal. (Exhibit E, p.130). Gooch simply stated, "You have a case here. You have a valid case." (Exhibit E, p.130). When asked did he tell you exactly what they did wrong in connection with your - their representation of you, Dulberg replied "He probably did. l 'm not recalling it right now. l 'm pulling a blank." (Exhibit E, p.131).

Dulberg was questioned further: “Other than you have a case, what did Gooch say to you?” Dulberg responded, “He said they definitely committed malpractice.” When asked whether Gooch ever put this in writing, Dulberg replied, “I think he backed it up by filing a suit. That’s documented.” (Exhibit E, p.136). Dulberg was asked, “As you sit here today, other than you have a case against Popovich and Mast, what did Gooch tell you specifically that was any different than what Mast and Popovich told you with respect to the McGuires’ liability? Answer: They were definitely liable. He tried to say that - like Popovich and Mast were first - or second year lawyers and that they may have made a mistake here.” (Ex. E, pp.139-140).

p10:

While Popovich denies breaching any standard of care or proximately causing Dulberg any damages, assuming arguendo there was malpractice, Dulberg knew or should have known of his injury and that it was wrongfully caused when Popovich withdrew. In the alternative, Dulberg should have investigated any potential claims when he questioned the appropriateness of settling with the McGuires.

In his various pleadings, Dulberg alleged that Popovich concealed his malpractice and coerced him to settle with the McGuires, but his own testimony does not bear out any such concealment. He also attempts to plead that he did not discover the malpractice and his injury until December 12, 2016, but his anticipatory pleading is not supported by his own testimony. Under any analysis, Dulberg knew or should have known of the alleged malpractice and his injury by the time Popovich withdrew. Dulberg fails to meet his burden of proving a discovery date that would toll the limitations period.

p 13:

Dulberg has fiddled with his “discovery” allegations, going back and forth as to when and how he became aware of his malpractice claim and damages. First, he plead that he sought a legal opinion. and received that opinion on December 16, 2016. The legal opinion was supplied by the same attorney who filed his first two pleadings in this case. Then he changed his pleading and theory and attempted to rely on discovery by virtue of the report of a “chainsaw expert” he read in connection with the December 2016 mediation. However, he actually received the opinion (Exhibit I) in July 2016 but “you don’t catch everything the first time you read it.” (Exhibit D, p.141). Notably the report from Dr. Lanford is dated much earlier, February 27, 2016 and was addressed to Dulberg’s then attorney, Randy Baudin.

p 14:

Here defendants painstakingly attempted to seek discovery as to how Popovich allegedly breached the standard of care, and when and how Dulberg became aware of any damages. Dulberg’s discovery responses and deposition testimony were repeatedly evasive. See Dulberg testimony, Exhibit D, pages 106 to 141. This behavior continued and caused the need for a motion to compel (See Group Exhibit J, Motion to Compel, Motion to

Supplement Motion to Compel, and July 19, 202 l transcript from hearing).

Moreover, Dulberg's dissatisfaction with Popovich's representation surfaced much earlier, and he even threatened in writing to sue Mast as early as February 22, 2015. Dulberg, no "babe in the woods" when it comes to experience with litigation retention, met with "hundreds" of attorneys and had opportunity after opportunity to investigate and inquire as to whether Popovich breached the standard of care and caused him any damage in connection with the case (including prosecution of the case against Gagnon and the McGuires). The many cases cited above establish the Plaintiffs duty to inquire, and here Dulberg had the tools, the information, and opportunity to inquire. His contrived late discovery of his claims and damages should not be countenanced by this court. He was clearly questioning whether he should agree to accept the McGuires' offer, and he deliberated on it extensively. Nothing prevented him from seeking a second opinion. Likewise, nothing prevented him from inquiring of Mr. Balke or the Baudin finn whether his injury was wrongfully caused. Summary Judgment must be entered as his claims are barred by the two-year statute of limitations.

According to the quotes in paragraph 167 Flynn implied that all dates listed in Table 5A below could be used to toll Dulberg's statute of limitations.

TABLE 5A:[1] TOLL DATES GIVEN BY OPPOSING COUNSEL FLYNN

TABLE 5A: FLYNN CLAIMED THESE ARE VALID TOLL DATES:		
1	when settling with the McGuires in January, 2014	2014-1-22
2	when he questioned the appropriateness of settling with the McGuires	
3	(During Daley Disability Law Firm representation)	2012-09 to 2016-05
4	(when the statement about "suing attorney" was made)	2015-02-22
5	by the time Popovich withdrew	2015-03-15
6	(During Balke's representation)	2015-03 to 2015-06
7	(while communicating with "hundreds" of attorneys)	2015-6 to 2015-09
8	when being represented by the Baudins	2015-03 to 2016-12
9	February 27, 2016 after Lanford sent his opinion to the Baudins	2016-02-27
10	July 2016 (after reading Dr Lanford's findings)	2016-07

According to Table 4A and 4B Dulberg's own attorneys implied that the dates listed in Table 5B below should be used to toll Dulberg's statute of limitations.

1 Statements in parethesis are Flynn's implications

TABLE 5B: TOLL DATES GIVEN BY DULBERG'S OWN ATTORNEYS GOOCH, CLINTON AND WILLIAMS

TABLE 5B:	DULBERG'S OWN COUNSEL CLAIMED THESE TOLL DATES:	
1	December 12, 2016 (after binding medation award)	2016-12-12
2	December 16, 2016 (after speaking with Gooch)	2016-12-16
3	December 8, 2016 (after reading Lanford's findings)	2016-12-08

25. Every one of Flynn's dates (Table 5A) and reasons ignores the McGuire's Vicarious Liability for the agent's negligent actions. Flynn claims the "injury" is the McGuire settlement.

26. Dulberg's attorneys Gooch, Clinton and Williams (Table 5B) also ignores the McGuire's Vicarious Liability for it's agent's negligent actions. Gooch, Clinton and Williams claim the "injury" is also the McGuire settlement.

27. Both (Table 5A and Table 5B) omit and ignore that the Vicarious Liability aspect makes it impossible to quantify a pecuniary injury attributable to the principal before the amount is awarded for its agent's negligent actions.

28. In simple terms:

a. If the agent paid the whole award for its negligent actions then the principal wouldn't owe the plaintiff anything because the amount owed is zero and there is nothing left to quantify or realize as a pecuniary loss or injury.

b. If the agent cannot pay the whole award for its negligent actions then the principal would owe the plaintiff greater than zero and the amount can be quantified and realized as a pecuniary loss or injury.

c. If the plaintiff was found to be greater than 50% at fault then neither the agent nor its principal would owe the plaintiff and there is nothing left to quantify or realize as a pecuniary loss or injury.

In any scenario above the plaintiff's pecuniary injury attributable to a principal vicariously liable for its agent's negligent actions cannot be calculated, quantified or realized until an award is issued for the agent's negligent actions.

29. Illinois law on this issue states that toll cannot begin until pecuniary injury is received as explained in ***Suburban Real Estate Servs. v. Carlson, 2020 Ill. App. 191953 (Ill. App. Ct. 2020).***

30. Vicarious Liability and exactly when the statute of limitations begins in 735 ILCS 5/13-214.3(b) is well founded in Illinois law.

31. In a recent opinion handed down on April 21, 2022, the Illinois Supreme Court now allows direct and vicarious liability actions against employers. If the decision (***McQueen v. Green, 2022 IL 126666***) was available in the years 2012-2014 then and only then could the McGuires be held directly liable separate from their agent. That may have changed when a

pecuniary injury could have been realized for a principal independent of its agent and perhaps have changed when the statute of limitations begins in 735 ILCS 5/13-214.3 (b) when it pertains to Principals sued directly for their agent's negligence.

32. Dulberg could not use ***McQueen v. Green, 2022 IL 126666*** to bring suite 'direct' against McGuire in the years 2012-2014 for the negligent actions of McGuire's agent Gagnon.

33. All entries in Table 5A and Table 5B were inventions of Flynn and Dulberg's attorneys to give false impressions of Dulberg claiming late discovery of an "injury" that occurred in January, 2014. Dulberg never used the discovery rule since according to ***Suburban*** Dulberg filed within 1 year of the final judgment in 12LA178. None of the reasons given in Table 5A and 5B are founded in Illinois law (***Suburban Real Estate v Carlson*** and cited cases).

34. All entries in Tables 4A and 4B were inventions of Dulberg's attorneys to give the false impression of a late discovery of an "injury' while ignoring ***Suburban Real Estate v Carlson*** and McGuire's Vicarious Liability for its agent's negligent actions as the first time Dulberg could realize a pecuniary injury.

35. Dulberg's own attorneys set him up with the toll dates and reasons listed in Tables 4A, 4B and 5B which are not founded in Illinois law. Flynn gave his own toll dates and reasons (in Table 5A) which are also not founded in Illinois law.

36. The reasons given in Tables 4A, 4B, 5A and 5B ignore ***Suburban Real Estate v Carlson*** and its cited cases. Dulberg never used the discovery rule since according to Suburban. Dulberg filed within 1 year of the final judgment in 12LA178 and McGuire's Vicarious Liability for its agent's negligent actions could be quantified and realized for the first time.

37. All 5 Versions in Table 3 are inventions created by Dulberg's attorneys to conceal the true origin of the 'upper cap'. None of them are accurate. Dulberg was described as the source of all 5 versions.

38. In Table 6 below Flynn's key accusations against Dulberg in his 2022 Summary Judgment are listed in Column 1. Column 2 shows how most every Flynn's accusation made by Flynn against Dulberg in 2022 were set up and reinforced years earlier by Dulberg's own counsel (acting in collaboration with opposing counsel) to sabotage Dulberg's claims.

TABLE 6: HOW OPPOSING COUNSEL'S SUMMARY JUDGMENT ARGUMENTS IN 2022 WERE SET UP BY DULBERG'S OWN ATTORNEYS SINCE 2016

	TABLE 6 FLYNN'S ACCUSATIONS:	HOW DULBERG'S OWN COUNSEL SET UP DULBERG TO BE ACCUSED:
1	In his First Amended Complaint, Dulberg modified his "discovery" allegations and alleged "it was not until the mediation in December 2016, based on the expert's opinion that Dulberg became reasonably aware that Mast and Popovich did not properly represent him by pressuring and coercing him to accept a settlement for $5,000 on an "all or nothing" basis.	Accusation 1 was set up by Gooch. Gooch filed Version 1 (COMPLAINT[1]) of when Dulberg "first knew" of his "injury". About 7 months later Gooch filed Version 2 which is different than Version 1. Accusation 1 quotes Version 2 (AMENDED COMPLAINT[2]) Gooch identified his first meeting with Dulberg as the date from which the toll runs. Gooch expressed this opinion clearly at his first meeting with Dulberg and never expressed any doubt about this to Dulberg. 18 months later Gooch changed his opinion on when to toll the statute of limitations when Gooch filed Version 2. (See Table 4A and Table 4B for summary of Gooch statements)
2	Dulberg's first substitute counsel in this case filed a Second Amended Complaint, further modifying the allegations. It is alleged that "after accepting a $5,000 settlement, Dulberg wrote Mast an email on January 29, 2014 stating that "I trust your judgment."	Accusation 2 was set up by Williams and Clinton. They filed a third version (Version 3, Table 4A and Table 4B) in SECOND AMENDED COMPLAINT[3].
3	Dulberg has hired a personal injury attorney in 2002 and has hired a corporate lawyer in the past.	
4	He further alleges in ¶55 of Ex. C that "only after Dulberg obtained an award against Gagnon did he discover that his claims against the McGuires were viable and valuable."	Accusation 4 was set up by Gooch and reinforced by Clinton and Williams.

1 Exhibit 111_2017-11-28_COMPLAINT AT LAW.pdf
2 Exhibit 117_2018-06-07_FIRST AMENDED COMPLAINT AT LAW.pdf
3 Exhibit 132_2018-12-06_Second Amended Complaint.pdf

	TABLE 6 FLYNN'S ACCUSATIONS:	HOW DULBERG'S OWN COUNSEL SET UP DULBERG TO BE ACCUSED:
5	He also alleges that following the execution of the mediation agreement and the final mediation award, Dulberg realized for the first time in December of 2016 that the information that Mast and Popovich had given Dulberg was false and misleading and that the dismissal of the McGuires was a serious and substantial mistake.	Accusation 5 was set up by Gooch and reinforced by Clinton and Williams by making an identical statement in Version 3.
6	He alleged that it was not until the mediation in December 2016 based on the expert's opinions that Dulberg retained for the mediation that Dulberg became reasonably aware that Mast and Popovich did not properly represent him by pressuring and coercing him to accept a settlement for $5,000 on an "all or nothing" basis.	Accusation 6 was set up by Gooch in AMENDED COMPLAINT[1] (Version 2 in Tables 4A and Table 4B) Accusation 6 was reinforced by Clinton and Williams in SECOND AMENDED COMPLAINT[2] where they repeated the statement. (Version 3 in Table 4A and Table 4B) Flynns accusations 1 to 6 all claim that Dulberg made each statement. Neither Version 1, 2 or 3 (in Table 4A and Table 4B) are what Dulberg told his attorneys. None of the 3 versions are accurate. It was Gooch that told Dulberg Version 1 on December 16, 2016. Gooch wrote Version 1 on November 28, 2017. It was also Gooch that chose to change from Version 1 to Version 2 on June 6, 2018. In each case it was the attorney that told their client how to toll the statute. Dulberg is then accused of changing his statement. Dulberg is being made to appear "evasive". Version 1 changes to Version 2 (by Gooch) and then changes to Version 3 (by Clinton and Williams) as Dulberg is accused of "fiddling with" a "contrived" toll date and "changing his theory".

1 Exhibit 117_2018-06-07_FIRST AMENDED COMPLAINT AT LAW.pdf
2 Exhibit 132_2018-12-06_Second Amended Complaint.pdf

	TABLE 6 FLYNN'S ACCUSATIONS:	HOW DULBERG'S OWN COUNSEL SET UP DULBERG TO BE ACCUSED:
7	Dulberg asked hundreds of lawyers to take over his case when Popovich withdrew, but none accepted.	Accusation 7 was set up by Popovich and Mast. "Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation" (Exhibit 1) gives detailed descriptions and evidence of Popovich and Mast forging and manipulating many documents, destroying evidence, leading witnesses to commit perjury, suppressing admissions of negligence and fault from ones own client.
8	Brad Balke substituted for Dulberg on March 19, 2015 when Popovich withdrew. While Brad Balke handled the case, Balke never gave him an opinion as to the liability of the McGuires and whether the prior settlement was appropriate.	Accusation 8 was set up by Williams and Clinton. They suppressed around 40 email documents between Balke and Dulberg.[1] The emails included Balke waiting for a package of documents seemingly in the possession of attorney Saul Ferris for about 2 months.[2] [3] Flynn also attempted to accuse Dulberg of receiving a letter by mail at Dulberg's home.[4] The letter was actually in the possession of his client Popovich for about 2 months and had the address of Popovich at the top of the letter.
9	Dulberg wrote in an email to Mast "Now I'm left wondering ... how hard it is to sue an attorney?"	Accusation 9 was set up by Popovich and Mast. was set up by Popovich and Mast. "Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation" (Exhibit 1) gives detailed descriptions and evidence of Popovich and Mast forging and manipulating many documents, destroying evidence, leading witnesses to commit perjury, suppressing admissions of negligence and fault from ones own client. With this concealed from Dulberg, Flynn claimed the 2 year toll begins to run when Dulberg states dissatisfaction with how he was treated or makes negative comments about Popovich or Mast. Accusation 9 was reinforced by Clinton and Williams who suppressed email documents around the quote and the event.[5]

1 Exhibit 5_"Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation", Chapter 1 and Chapter 2, Section 2D
2 Exhibit 1_"Evidence of Fraud on the Court in 17LA178 During Popovich-Mast Representation", paragraph 1-252 to 1-264
3 Exhibit 5_"Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation", Chapter 2, Section 2B
4 Exhibit 5_"Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation", Chapter 2, Section 2B
5 Exhibit 5_"Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation", Chapter 1

	TABLE 6 FLYNN'S ACCUSATIONS:	HOW DULBERG'S OWN COUNSEL SET UP DULBERG TO BE ACCUSED:
10	Dulberg told Mast "First, I'm sorry that I'm not a better witness to prove David cut me with a chainsaw."	Accusation 10 was set up by Popovich and Mast. See answer to accusation #7 and #9 (column 2). Accusation 10 was reinforced by Clinton and Williams when they suppressed email documents around the quote and the event.[1]
11	Dulberg admitted that the allegation in his complaint regarding Popovich being involved with the high/low agreement in the mediation was a mistake.	Accusation 11 was set up by Gooch. He created 3 different versions of how the 'upper cap' of $300,000 was placed on the value of PI case 12LA178 (Table 3, Versions 1, 2 and 3). None of the versions were true. Gooch also suppressed all information about Dulberg's bankruptcy from court records as explained in "TEAM-WORK" Example 3 Accusation 11 was reinforced by Clinton and Williams when they created 2 more (untrue) versions of how the 'upper cap' was placed on the value of PI case 12LA178 (Table 3, versions 4 and 5). Clinton and Williams also suppressed information which would connect a "high/low" agreement with bankruptcy.[2] Dulberg's counsel is on record stating (at least) 5 different versions of the source of the 'upper cap placed on the value of PI case 12LA178 (see Table 3). Dulberg is assumed to be the source of all 5 versions. None of the 5 versions are accurate. Dulberg never told his attorneys any of the 5 versions. The true source of the 'upper cap' was available in 17LA377 Reports of Proceedings 2016-06-13 to 2016-08-10. All 5 versions in Table 3 were intentionally invented by Dulberg's own counsel to leave Dulberg vulnerable to accusation 11. The true origin of the "high-low agreement" is shown in "TEAM-WORK" EXAMPLE 4.
12	Dulberg testified that it was Baudin that advised him to seek an independent opinion from an attorney handling legal malpractice matters.	Dulberg asked Baudin if he wanted to pursue Popovich and Mast. Baudin answered, "I can't I have to work here and we do business with Popovich."[paraphrasing] Baudin recommended Gooch as a legal malpratice attorney on 2016-12-12.

1 Exhibit 5 "Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation". Chapter 1
2 Exhibit 5 "Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation", Chapter 2, Section 2A

	TABLE 6 FLYNN'S ACCUSATIONS:	HOW DULBERG'S OWN COUNSEL SET UP DULBERG TO BE ACCUSED:
13	The lawyer he received the legal opinion on December 16, 20l6 was Thomas Gooch, the drafter of the Complaint in this case. (Exhibit E, p. 108). It was confirmed by Gooch on December 16 2016 that Dulberg had a valid case against Popovich.	Accusation 13 was set up by Gooch. On December 16, 2016 Gooch told Dulberg that Gooch is considered an "expert" in legal malpractice and since Gooch as "expert" informed Dulberg he has a valid case on December 16, 2016 (at their first meeting), Gooch told Dulberg the Statute of Limitations starts from the day of Dulberg's first meeting with Gooch. Gooch wrote the same in the COMPLAINT[1]. Gooch must have known that this is not how the statute of limitations starts in Dulberg's case. Gooch then changed his opinion about 18 months later and filed Version 2 in AMENDED COMPLAINT[2]. Defendant's Popovich and Mast then claim Dulberg is responsible for making all the statements.
14	He did not file a lawsuit until nearly a year later because "Thomas Gooch had some health issues and that his wife had some health issues. It took a while."	Accusation 14 was set up by Gooch. Gooch sent a letter to Popovich in December 16, 2016 claiming he intended to file suit within 7 days.[3] Gooch did not even scan Dulberg's documents at his office for about 6 months[4] and did not file a complaint for about 11 months. Gooch used excuses such as health issues and needing to contact an expert witness. Gooch filed about 330 days from the time he claimed he would file within 7 days. Dulberg was set up by Gooch to be left vulnerable to accusation 14.

1 Exhibit 111_2017-11-28_COMPLAINT AT LAW.pdf
2 Exhibit 117_2018-06-07_FIRST AMENDED COMPLAINT AT LAW.pdf
3 See paragraph 29
4 See paragraph 31

	TABLE 6 FLYNN'S ACCUSATIONS:	HOW DULBERG'S OWN COUNSEL SET UP DULBERG TO BE ACCUSED:
15	Dulberg alleged that Popovich concealed his malpractice and coerced him to settle with the McGuires, but his own testimony does not bear out any such concealment	Accusation 15 was set up by Popovich and Mast. "Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation" (Exhibit 1) gives detailed descriptions and evidence of Popovich and Mast forging and manipulating many documents, destroying evidence, leading witnesses to commit perjury, suppressing Defendant's admissions of negligence and fault from ones own client. Accusation 15 was reinforced by Gooch, Clinton and Williams when they successfully suppressed the certified slip ruling of Tilschner v Spangler that Mast gave to Dulberg for over 6 years.[1] [2]
16	He also attempts to plead that he did not discover the malpractice and his injury until December 12, 2016, but his anticipatory pleading is not supported by his own testimony.	Accusation 16 was set up by Gooch, Clinton and Williams. They created 3 incorrect versions of how Dulberg "first knew" of the "injury" (in Tables 4A and 4B). Each of the 3 versions inexplicably gives multiple times when Dulberg "first knew" of his "injury". Table 5B lists 3 different toll dates which Dulberg's own attorneys claimed and attributed to Dulberg.
17	Dulberg agreed that the legal opinion he received on December 16, 2016 was responsive to Interrogatory No. 1 from Dulberg's answers to Mast's lnterrogatories.	Accusation 17 was set up by Gooch. Gooch told Dulberg this with conviction at their first meeting and Dulberg simply repeated what Gooch told Dulberg at their first meeting. Gooch changed his own claim 18 months later and wrote it in AMENDED COMPLAINT[3].
18	Dulberg has fiddled with his "discovery" allegations, going back and forth as to when and how he became aware of his malpractice claim and damages.	Accusation 18 was set up by Gooch, Clinton and Williams. 3 different versions (each with multiple toll dates listed) were designed to produce the appearance of Dulberg "fiddling with" and "contriving" a "late toll date". (Table 4A and Table 4B)

1 See "TEAM-WORK" Example 1: Concealing key evidence (Tilschner v Spangler)
2 Exhibit 5_"Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation", Chapter 2, Sections 2C and 2K
3 Exhibit 117_2018-06-07_FIRST AMENDED COMPLAINT AT LAW.pdf

	TABLE 6 FLYNN'S ACCUSATIONS:	HOW DULBERG'S OWN COUNSEL SET UP DULBERG TO BE ACCUSED:
19	First, he plead that he sought a legal opinion. and received that opinion on December 16, 2016. The legal opinion was supplied by the same attorney who filed his first two pleadings in this case.	Accusation 19 was set up by Gooch. This is what Gooch told Dulberg during their first meeting. This is what Gooch claimed to Dulberg and what Gooch wrote in the COMPLAINT[1].
20	Then he changed his pleading and theory and attempted to rely on discovery by virtue of the report of a "chainsaw expert" he read in connection with the December 2016 mediation.	Accusation 20 was set up by Gooch on June 13, 2018 (Version 2, Tables 4A and 4B). Gooch created Version 1 on November 28, 2017. Gooch created Version 2 on June 7, 2018. Flynn accuses: "Then he changed his pleading and theory..". Gooch, an experienced legal malpractice attorney, first claimed with confidence the toll of the statute of limitations begins when Dulberg first met Gooch. Gooch created Version 1 without telling Dulberg. Gooch then created Version 2 without telling Dulberg. Gooch waited 11 months to file a complaint and 18 months after Gooch first met Dulberg Gooch changed his mind on when the toll begins. Accusation 20 can then claim Dulberg "changed his pleading and theory".
21	he actually received the opinion (Exhibit I) in July 2016 but "you don't catch everything the first time you read it." Notably the report from Dr. Lanford is dated much earlier, February 27, 2016 and was addressed to Dulberg's then attorney, Randy Baudin.	Accusation 21 was set up by Gooch. Gooch told Dulberg at their first meeting that the statute tolls from when Dulberg first talked to Gooch since Gooch is considered an 'expert'. In Version 1 (Table 4A and 4B) Gooch claimed the "independent opinion" came from Gooch. In Version 2 Gooch claimed that the "Expert opinion" came from Lanford. (Table 4A and 4B). Once Gooch changed Version 1 into Version 2, the further confusion allowed Flynn to make accusation 21 and 22 in an attempt to move the toll date yet again. Each of these "changes of pleadings" is then blamed on Dulberg.

1 Exhibit 111_2017-11-28_COMPLAINT AT LAW.pdf

	TABLE 6 FLYNN'S ACCUSATIONS:	HOW DULBERG'S OWN COUNSEL SET UP DULBERG TO BE ACCUSED:
22	Here defendants painstakingly attempted to seek discovery as to how Popovich allegedly breached the standard of care, and when and how Dulberg became aware of any damages. Dulberg's discovery responses and deposition testimony were repeatedly evasive. See Dulberg testimony, Exhibit D, pages 106 to 141. This behavior continued and caused the need for a motion to compel (See Group Exhibit J, Motion to Compel, Motion to Supplement Motion to Compel, and July 19, 2021 transcript from hearing).	Acccusation 22 was set up by Gooch when Gooch changed from Version 1 to Version 2 (in Tables 4A and 4B) and reinforced by Clinton and Williams when they wrote Version 3. Clinton and Williams intentionally 'flooded' their permanently disabled client (Dulberg) with over 6000 documents[1] (concealing many documents they suppressed up to that time just before they withdrew as counsel). Dulberg was left with no attorney. Defendants Popovich and Mast then claim Dulberg was "evasive" of supplimental interrogatories issued one week before Dulberg's counsel released over 6000 documents and withdrew as counsel.
23	Moreover, Dulberg's dissatisfaction with Popovich's representation surfaced much earlier, and he even threatened in writing to sue Mast as early as February 22, 2015.	Accusation 23 was set up by Popovich and Mast. "Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation" (Exhibit 1) gives detailed descriptions and evidence of Popovich and Mast forging and manipulating many documents, destroying evidence, leading witnesses to commit perjury, suppressing Defendant's admissions of negligence and fault from ones own client.

1 See "TEAM-WORK" Example 5 and Exhibit 5_"Evidence of Fraud on the Court During Clinton-Williams Representation", Chapter 1 starting paragraph 35 and Chapter 2, Section 2E

	TABLE 6 FLYNN'S ACCUSATIONS:	HOW DULBERG'S OWN COUNSEL SET UP DULBERG TO BE ACCUSED:
24	Dulberg, no "babe in the woods" when it comes to experience with litigation retention, had opportunity after opportunity to investigate and inquire as to whether Popovich breached the standard of care and caused him any damage in connection with the case (including prosecution of the case against Gagnon and the McGuires).	Accusation 24 was set up through the "team-work" of Popovich, Mast, Gooch, Clinton and Williams. All 3 Law Firms targeted their permanently disabled client from basically the first time they met and stripped Dulberg of key evidence he needed to defend himself.[1] [2] [3] Popovich and Mast then claimed Dulberg had experience and knowledge in litigation and access to attorneys.
25	The many cases cited above establish the Plaintiffs duty to inquire, and here Dulberg had the tools, the information, and opportunity to inquire.	Accusation 25 was set up through the 'team-work' of Popovich, Mast, Gooch, Clinton and Williams. This document, in addition to "Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation" (Exhibit 1) and "Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation" (Exhibit 5) demonstrates that Dulberg's own attorneys systematically stripped Dulberg of the tools, the information and opportunity to inquire into their fraudulant actions. Defendants Popovich and Mast then claim Dulberg had "duty to inquire, and here Dulberg had the tools, the information, and opportunity to inquire. "

1 Exhibit 1 "Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation" (the entire document)
2 The contents of this document
3 Exhibit 5 "Evidence of Fraud on the Court in 17A377 During Clinton-Williams Representation" (the entire document)

	TABLE 6 FLYNN'S ACCUSATIONS:	HOW DULBERG'S OWN COUNSEL SET UP DULBERG TO BE ACCUSED:
26	His contrived late discovery of his claims and damages should not be countenanced by this court.	Accusation 26 of Dulberg "contriving" a "late discovery" was set up by Gooch at his first meeting with Dulberg on December 16, 2016. Accusation 26 was reinforced by Gooch on November 28, 2017 (Version 1, Tables 4A and 4B). Accusation 26 was reinforced again by Gooch on June 7, 2018 (Version 2, Tables 4A and 4B). Accusation 26 was further reinforced by Williams and Clinton on December 6, 2018 (Version 3, Tables 4A and 4B).
27	He was clearly questioning whether he should agree to accept the McGuires' offer, and he deliberated on it extensively.	Accusation 27 was set up by suppressing 2 key documents: (1) Walgreens RX receipts with timestamps[1] and (2) certified slip ruling of Tilschner v Spangler[2]. Accusation 27 was set up by Popovich and Mast. "Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation" (Exhibit 1) gives detailed descriptions and evidence of Popovich and Mast forging and manipulating many documents, destroying evidence, leading witnesses to commit perjury, suppressing Defendant's admissions of negligence and fault from ones own client. Accusation 27 was then reinforced by Gooch and Clinton and Williams by suppressing key evidence[3] of a certified slip ruling of Tilschner v Spangler which Mast gave to Dulberg as justification for why the McGuires were not liable for Dulberg's injury.[4]

1 Exhibit 1_"Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation", starting paragraph 1-96

2 Exhibit 5_"Evidence of Fraud on the Court in 17A377 During Clinton-Williams Representation"and see TEAM-WORK Example 1: Concealing key evidence (Tilschner v Spangler)

3 Exhibit 5_"Evidence of Fraud on the Court in 17A377 During Clinton-Williams Representation", Chapter 2, Sections 2C and 2K and see TEAM-WORK Example 1: Concealing key evidence (Tilschner v Spangler)

4 Exhibit 1_"Evidence of Fraud on the Court in 12LA178 During popovich-Mast Representation", starting paragraph 1-166

	TABLE 6 FLYNN'S ACCUSATIONS:	HOW DULBERG'S OWN COUNSEL SET UP DULBERG TO BE ACCUSED:
28	Nothing prevented him from seeking a second opinion.	Accusation 28 was set up by Popovich and Mast. "Evidence of Fraud on the Court in 12LA178 During popovich-Mast Representation" (Exhibit 1) gives detailed descriptions and evidence of Popovich and Mast forging and manipulating many documents, destroying evidence, leading witnesses to commit perjury, suppressing Defendant's admissions of negligence and fault from ones own client. a) Dulberg's key evidence[1] (Walgreens RX receipts with timestamps) was being actively suppressed by Popovich and Mast. b) Mast released an extremely disorganized version of the case file on March 23 or 24, 2015.[2] c) Mast and Popovich kept a packet of depositions in their office that Dulberg needed for about 2 months without Dulberg being aware of it.[3] All these acts are concealed from Dulberg so Defendants Popovich and Mast can later claim "Nothing prevented him from seeking a second opinion."
29	nothing prevented him from inquiring of Mr. Balke or the Baudin firm whether his injury was wrongfully caused.	Accusation 29 was set up by Clinton and Williams. They suppressed around 40 email documents between Dulberg and Balke.[4] The suppression of Dulberg's actual exchanges with Balke is concealed so Defendants Popovich and Mast can later claim "nothing prevented him from inquiring of Mr. Balke".

39. Table 6 shows there is a direct one-on-one relation between Flynn's accusations in the 2022 MSJ and how Dulberg's own attorneys intentionally left Dulberg vulnerable to Flynn's accusations. In fact, most every accusation Flynn made against Dulberg in his Summary Judgment (on left) can be shown to have been originally set up by Dulberg's own attorneys (on right):

*Gooch was setting Dulberg up to be accused by Flynn of items in Column 1, Table 6 from the first time they met.

1 Exhibit 1_ "Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation", starting paragraph 1-95

2 Exhibit 1_ "Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation", starting paragraph 1-254

3 Exhibit 1_ "Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation", starting paragraph 1-240

4 Exhibit 5_ "Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation", Chapter 1, Chapter 2, Section 2D

*Dulberg was set up by Clinton and Williams within days of their first meeting[1].

*Dulberg was set up by Popovich and Mast within days of their first meeting.[2]

All 3 Law Firms targeted their own permanently disabled client basically from the moment Dulberg first met them. The Baudins and Balke also targeted Dulberg from about their first meeting.

1 Exhibit 5 "Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation", Chapter 1
2 Exhibit 1 "Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation", Chapter 1