

From: Paul Dulberg Paul_Dulberg@comcast.net 
Subject: Re: Dulberg v Mast; Second Amended Complaint and Statute of Limitations
Date: December 7, 2018 at 8:58 AM
To: The Clinton Law Firm juliawilliams@clintonlaw.net

PD

Hi Julia,

Sorry for that long email, it was late and sometimes I ramble on...

Attached is Hans Mast2-262.pdf dated August 22, 2012 which is a conversation with Janet Douglas about when I first started to see Dr. McMasters on October 4, 2012.

The other is Hans Mast2-242.pdf that was a brief discussion with MAST about adding it to the expense report. As you can see in that conversation Mast was not surprised.

The emails don't show it but Mast was made aware as soon as the decision was made to seek help, Probably in August of 2012 or earlier.

I'm still not sure when I finished seeing Dr. McMasters. This will need information from another source because it doesn't seem to be referenced in the emails and my memory makes me think I was going to Rosecrance for a long time but it may have just seemed that way. I'll work on this.

You should know, Dr. McMasters stopped seeing me because I wouldn't take that prozac type medication she prescribed. That medication was really screwing with me bad and I was trying to keep a clear head and found it impossible. She said if I didn't take the meds she could no longer see me.

Thanks,
Paul



Hans
Mast2-262.pdf



Hans
Mast2-242.pdf

On Dec 6, 2018, at 10:38 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Hi Julia,

I don't know if the mental part of the disability is so bad that it requires a guardian.

What I do know is that I was seeing a mental health expert and went to these group therapy sessions for well over a year, I'm not sure, it might be years, in McHenry IL for depression and anxiety after the the chainsaw injury.

I think it was Dr. McMasters with McHenry Community Health Center and group therapy at a place called Rosecrance with a counselor named Denis but I would need to look that up to confirm.

After that I was sent to see someone I don't know by the government for SSDI evaluations.

I remember it was brought up at the SSDI hearing as part of the permanent disability.

Hans Mast was informed by me when I started seeing Dr. McMasters but he didn't want it in any of it part of the case, Mast said something about juries don't believe in that psycho crap and I would not be a believable witness if it were part of the case.

I think I emailed Mast on the subject a few times as well, asking if the billing for it should be added to the expenses and his answer was no. I can find those emails this weekend.

In all honesty, I didn't want to go see a mental health professional or file for disability, it was my family who intervened and basically gave me no choice.

I have been called stubbornly independent even though I simply can't do many of the things I used to.

I still struggle with and have trouble admitting to myself that traumatic events like having my dominate arm severed in half by a chainsaw is a life changing event with permanent physical disabilities as well as long term mental disabilities, but I am admitting it

more and more and am asking for help from family when I really need it.

Some things I have come to admit;

Sometimes I'm mentally sharp and other times I'm just not, I think its medication accompanied by highs and lows from bouts of depression and anxiety. These days I rely on my family to help me make important decisions.

Physical disabilities that are so life changing do cause a deep depression that does affect people mentally and doesn't ever really go away.

Depression and anxiety are real things.

I will look up those emails with Mast this weekend that show he was aware that I was seeing someone for both depression and anxiety after the injury to my arm.

I will also try and find out the exact dates I was seeing Dr. McMasters but this may require more than a few days to figure out, I did not keep those records for very long since Mast didn't want it as part of the case but I'm thinking my SSDI lawyer may have something and I'm sure there must be a way to get that information from SSDI. I need time to think how best to get those dates.

I am not currently seeing a mental health professional and I don't see the point in seeing one when I already know what I suffer and quite honestly don't like the drugs they prescribe for it. I have enough on my mind and those drugs seem to take away from mental alertness far beyond the drugs I take for the arm already.

If there is anything else you need on this subject let me know.

Thanks,
Paul

On Dec 6, 2018, at 3:52 PM, Julia Williams <juliawilliams@clintonlaw.net> wrote:

Hi Paul,

You are correct. The statute of limitations (time to bring the case) is 2 years from the date you knew or should have known of the wrongful action.

The statute of repose (time that you must file regardless of whether you knew or should have known) is 6 years. This means that under no circumstances can you bring a claim more than 6 years after the wrongful act by the attorneys. There are some limited exceptions to the 6 year rule that are not applicable here.

There may be an argument that you did not know and could not have known. You should just be aware that the statute of limitations could be a problem here.

There are certain time when a disability would remove the statutory time. This is important. If you are mentally disabled currently, we need to know that. Also, we need to know when you were mentally disabled and the date was lifted. There is a concern about whether you can bring a case at all if you are mentally disabled or whether there should be a guardian or someone acting on your behalf.

Keep me posted on these issues.

Best Regards,

Julia Williams
Of Counsel
The Clinton Law Firm
111 W. Washington, Ste. 1437
Chicago, IL 60602
P: 312.357.1515
F: 312.201.0737
juliawilliams@clintonlaw.net

This message may be privileged and confidential. If you are not the intended recipient, please delete the email and notify the sender immediately.

On Dec 6, 2018, at 3:45 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Hi Julia,

I'm going to look into this further over the weekend but my recollection is that it has a 2 year limit from when it reasonably was discovered but a 6 year maximum limit from the wrongdoing.

Furthermore, if I'm remembering correctly part e or f (?) of the statute removes all those limitations for those underage or disabled.

I was determined to be both mentally and physically disabled since June 28th 2011.

I'll look into it more this weekend and get back to you.

Thanks,

Paul

On Dec 6, 2018, at 3:11 PM, Julia Williams <juliawilliams@clintonlaw.net> wrote:

Dear Paul,

I have reviewed the attached documents.

The Order states that the 2-619 motion was "denied." In this instance, that is not a final denial of the argument. It was not with prejudice. In other words, it was denied here, but it could be renewed through a new 2-619 motion related to our new complaint, it could be plead as an affirmative defense in an answer stating that ultimately the case is not valid because of the statute of limitations which would be argued at summary judgment motion asking the court to rule on the issue later in the case or at trial.

Further, because the Court ruled on the 2-615 motion, the Court cannot reach the merits of the 2-619. This is a procedural rule. The rules of procedure require the court to first rule on the 2-615 motion and then only if the court finds that the complaint states a valid claim does the court look to the 2-619 arguments. Thus the 2-619 claim were denied for procedural reasons.

I did not review the transcript of the proceeding on that date and I do not believe that anyone obtained a copy of the proceedings. If the Judge ruled differently in the transcript, I am happy to review that. However, given the procedural posture of the case, I do not believe a judge would have ruled finally on the 2-619 issues.

Best Regards,

Julia Williams
Of Counsel
The Clinton Law Firm
111 W. Washington, Ste. 1437
Chicago, IL 60602
P:312.357.1515
F: 312.201.0737
juliawilliams@clintonlaw.net

This message may be privileged and confidential. If you are not the intended recipient, please delete the email and notify the sender immediately.

On Dec 1, 2018, at 2:59 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

<e_Reply (of Def) ISO combined mot to Dismiss recd 4.10.18-2.pdf>

From: Paul Dulberg <pdulberg@comcast.net>
Subject: **Fwd: SSDI update**
Date: December 28, 2016 11:26:03 AM CST
To: paul_dulberg@comcast.net

From: Paul Dulberg <pdulberg@comcast.net>
Date: August 22, 2012 at 10:26:12 AM CDT
To: Janet Douglass <janet@ssdatty.com>
Subject: **SSDI update**

Hi Janet,

I called the McHenry Community Health Center and set up an appointment for October 4th at 10:45 am with Dr. Elizabeth McMasters.

I don't think I've ever had to see a psychiatrist for anything before. What should I expect and what kind of questions should I be prepared to answer?

Any other advice would be appreciated.

Thanks,
Paul

Paul Dulberg
847-497-4250
Sent from my iPad

From: Paul Dulberg <pdulberg@comcast.net>
Subject: **Fwd: Medical Expense Report**
Date: December 28, 2016 11:06:27 AM CST
To: paul_dulberg@comcast.net

From: Paul Dulberg <pdulberg@comcast.net>
Date: March 26, 2013 at 12:13:15 PM CDT
To: Hans Mast <hansmast@comcast.net>
Subject: **Re: Medical Expense Report**

Understood

Paul Dulberg
847-497-4250
Sent from my iPad

On Mar 26, 2013, at 11:27 AM, Hans Mast <hansmast@comcast.net> wrote:

Honestly, that might be difficult for several reasons. Not only will it be impossible to prove that it is due to the trauma, but it may open up the issue before the jury of whether you are a credible witness..so Id be against that frankly....

----- Original Message -----

From: Paul Dulberg <pdulberg@comcast.net>
To: Hans Mast <hansmast@comcast.net>
Sent: Tue, 26 Mar 2013 16:23:26 -0000 (UTC)
Subject: Re: Medical Expense Report

Should I be adding treatment and meds for depression?

Paul Dulberg
847-497-4250
Sent from my iPad

On Mar 15, 2013, at 3:23 PM, Hans Mast <hansmast@comcast.net> wrote:

Thanks

----- Original Message -----

From: Paul Dulberg <pdulberg@comcast.net>
To: Hans Mast <hansmast@comcast.net>
Sent: Fri, 15 Mar 2013 19:36:02 -0000 (UTC)
Subject: Medical Expense Report

Hi Hans,

Just received the medical expense report you sent via us post office.
The total amount of \$40,633.00 is wrong. There are several charges missing.
It will take me a few days to gather all the totals from the various Dr.'s, therapists, pharmacies, hospitals, etc...

The Tennis elbow is being treated by Dr. Sagerman and Dynamic Hand therapy.
Hopefully no surgery will be needed. Keeping my fingers crossed.

Thanks,
Paul

Paul Dulberg
847-497-4250
Sent from my iPad