

From: Julia Williams juliawilliams@clintonlaw.net  
Subject: Fwd: Paul Dulberg v. The Law Offices of Thomas J. Popovich, P.C., et al. (22nd Judicial Circuit of McHenry County, IL No. 17 LA 377)
Date: March 22, 2019 at 4:54 PM
To: Paul Dulberg paul_dulberg@comcast.net
Cc: Mary Winch marywinch@clintonlaw.net, Ed Clinton ed@clintonlaw.net

JW

Dear Paul,

Attached is the discovery requests sent by Popovich's office to you. You need to start answering the questions as best you can. We will assist, but we need to get the facts from you.

Also, we need you to gather the documents that they request. We may have some, but if you have them, we need to get them.

Again, we will help with this, but we want you to have the information asap and to get started on it.

Best Regards,

Julia Williams
Of Counsel
The Clinton Law Firm
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P: 312.357.1515
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This message may be privileged and confidential. If you are not the intended recipient, please delete the email and notify the sender immediately.

Begin forwarded message:

From: Linda Walters <lwalters@KARBALLAW.com>
Subject: Paul Dulberg v. The Law Offices of Thomas J. Popovich, P.C., et al. (22nd Judicial Circuit of McHenry County, IL No. 17 LA 377)
Date: March 22, 2019 at 1:16:59 PM CDT
To: "ed@clintonlaw.net" <ed@clintonlaw.net>, "juliawilliams@clintonlaw.net" <juliawilliams@clintonlaw.net>
Cc: "Marywinch@clintonlaw.net" <Marywinch@clintonlaw.net>, George Flynn <gflynn@karballaw.com>

On behalf of George Flynn, please see the attached:

Defendant, The Law Offices of Thomas J. Popovich, P.C.'s:

- Requests for Production to Plaintiff;
- Interrogatories to Plaintiff;
- Rule 213(f)(1)(2) and (3) Interrogatories to Plaintiff;
- Rule 237 Notice to Produce; and

Defendant Hans Mast's

- Interrogatories to Plaintiff
- Notice of Service of Discovery Documents – Discovery to Plaintiff

A file-stamped copy of the NOS will be forwarded upon receipt.

Thank you.

Linda Walters

Karbal | Cohen | Economou | Silk | Dunne | LLC

150 S. Wacker Drive
Suite 1700
Chicago, IL 60606



P: (312) 431-3641



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E: lwalters@KARBALLAW.com

CONFIDENTIALITY NOTE:

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2316424v1 -
Reques...tiff.PDF



2316425v1 -
Interro...tiff.PDF



2316426v1 -
Defend...rm.PDF



2316427v1 -
Rule 2...ce.PDF



2316433v1 -
Mast In...tiff.PDF



2316417v1 -
Notice...tiff.PDF







**IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS**

PAUL DULBERG,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 17 LA 377
	)	
THE LAW OFFICES OF THOMAS J.	)	
POPOVICH, P.C., and HANS MAST,	)	
	)	
Defendants.	)	

**DEFENDANT HANS MAST’S
INTERROGATORIES TO PLAINTIFF PAUL DULBERG**

NOW COMES Defendant, Hans Mast, by and through his attorneys, Karbal, Cohen, Economou, Silk & Dunne, LLC, and pursuant to the provisions of Illinois Supreme Court Rule 213, propounds the following interrogatories on Plaintiff, Paul Dulberg, to be answered under oath within 28 days:

DEFINITIONS & INSTRUCTIONS

The pronoun “you” refers to Plaintiff, Paul Dulberg, to whom this production request is addressed, as well as their agents, representatives, employees, anyone acting on his behalf, and unless privileged, his attorneys.

The term “document” as used herein means all records, papers, and books, transcriptions, pictures, drawings, or diagrams of every nature, whether transcribed by hand or by mechanical, electronic, photographic, or other means, as well as sound reproduction of oral statements or conversations by whatever means made, whether in your actual or constructive possession or under your control or not, relating or pertaining in any way to the subject matters in connection with which it is used, and includes originals, all file copies, and all other copies, no matter how prepared, and all drafts prepared in connection with such writing, whether used or not, including by way of

illustration and not by way of limitation, the following: books, records, contracts, agreements, expense accounts, canceled checks, catalogues, price lists, sound and tape recordings, memorandum (including written memoranda of telephone conversations, other conversations, discussions, agreements, acts, and activities), minutes, diaries, calendar or desk pads, scrapbooks, notebooks, correspondence, emails, bulletins, circulars, forms, pamphlets, notices, statements, journals, postcards, letters, telegrams, reports, intra-office communications, photographs, microfilm, maps, and deposition transcripts, whether prepared by you for your own use or for transmittal or received by you.

INTERROGATORIES

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.

ANSWER:

2. Identify the date and location of any discussion between you and Mast in which Mast represented to you that there was no possibility of any liability against William or Caroline McGuire and/or Auto Owners Insurance Company, and identify what you said to Mast, and what he said to you.

ANSWER:

3. Identify the other property owned by the McGuire's as alleged in paragraph 50 of your Second Amended Complaint.

ANSWER:

4. When did you or your attorneys (following the withdrawal by Popovich and Mast) first learn that the McGuire's had an insurance policy that potentially would have covered the claim for an amount greater than \$100,000?

ANSWER:

Respectfully submitted,

/s/ George K. Flynn

GEORGE K. FLYNN
KARBAL COHEN ECONOMOU SILK DUNNE, LLC

GEORGE K. FLYNN
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**IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS**

PAUL DULBERG,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 17 LA 377
	)	
THE LAW OFFICES OF THOMAS J.	)	
POPOVICH, P.C., and HANS MAST,	)	
	)	
Defendants.	)	

DEFENDANT THE LAW OFFICES OF THOMAS J. POPOVICH, P.C.'S
RULE 237 NOTICE TO PLAINTIFF PAUL DULBERG

Notice is hereby served upon Plaintiff, PAUL DULBERG, pursuant to Illinois Supreme Court Rules 213(e) and 237 and Section 2-1102 of the Illinois Code of Civil Procedure, to produce the following persons at the trial of this cause and to produce the following original documents and materials prior to the commencement of trial:

DEFINITIONS

1. The term "Person" means and includes, without limiting the generality of its meaning, each and every natural person, sole proprietorship, partnership, joint venture, corporate entity, social or political organization, association, subsidiary, trust, governmental body, agency, or any other entity, whether real or judicial, incorporated or unincorporated, and each of them and all past and present officers, agents, employees, or other persons acting or purporting to act on such person's behalf.

2. The terms "relating to," "related to," or "relates to," shall mean consisting of, referring to, reflecting, or being in any way referring to, reflecting, or being in any way legally, logically, or factually connected with the matters discussed.

3. The terms “and” and “or” shall be construed conjunctively and disjunctively so as to require the broadest possible response.

4. The term “communication” or “contract” includes any exchange of words, thoughts, or ideas by any means.

5. The terms “document,” “documents,” or “materials,” are defined as every original (and every copy of any original or copy which differs in any way from any original) of every writing or recording of every kind or description, whether handwritten, typed, drawn, sketched, printed, or recorded, by any physical mechanical, electronic, or electrical means whatsoever, including, but not limited to, accounting, accounting records, advertisements, affidavits, agreements, analyses, annual reports, appointment books, appraisals, architectural drawings or renderings, articles, articles of incorporation, assignments, audits, balance sheets, bills, bills of lading, bills of sale, blueprints, books, booklets, brochures, bulletins, business cards, by-laws, cables, calculations, calendars, catalogs, charts, checks, check registers, check stubs, circulars, customer lists, clippings, computer cards, computer disks, computer printouts, computer programs, computer tapes, contracts, conveniences, corporate minute books, correspondence, data compilations, deeds, descriptions, designs, diagrams, diaries, drafts, drawings, equipment lists, expense accounts, expense reports, files, films, financial statements, formulae, graphs, indices, instructions, invoices, leases, ledgers, lists, literature, log books, mailgrams, manuals, maps, memoranda, messages, microfiche, microfilm, minutes, models, motion pictures, news clippings, notebooks, notations, notes, notices, opinions, orders, organizational charts, pamphlets, papers, parts list, periodicals, permits, personnel records, photographs, plans, pleadings, pocket calendars, press releases, prints, procedures, purchase orders, questionnaires, receipts, records, releases, reports, resolutions, resumes, schedules, schematics, shipping orders, sketches, slides, specifications, standards, statements, statements of account, studies, summaries,

surveys, tapes, tape-recordings, tax returns, telephone bills, telegrams, telephone logs, telexes, tests, test results, trade letters, transcripts, warranties, work orders, work sheets, writings, and all materials within or upon which appears any writing or utterance, whether handwritten, typewritten, printed, transcribed, taped, recorded, filmed, punched, or produced by any other mechanical or electronic system or reproduction, and shall include each document known to the defendant, its attorneys, accountants, employees, or agents.

NOTICE TO PRODUCE

1. The following witnesses for trial:
 - a. Paul Dulberg.
2. The statements, oral or written, of any party.
3. The full name and complete last known address of every witness to the occurrence(s) or transactions complained of, as well as all pre-occurrence and post-occurrence witnesses.
4. The full name and complete last known address of all other persons who have knowledge of the matter pled or of relevant facts.
5. All statements of parties and witnesses, whether signed or unsigned, or compiled in a summary fashion, relating to the issues of liability and damages or to the issue of impeachment.
6. Any and all technical literature including articles in any professional or technical journals, textbooks, encyclopedias or any and all other published documents to be used at trial for any purpose, including impeachment.
7. Any and all technical literature including articles in any journals, textbooks, encyclopedias or any and all other published documents to be used at trial for any purpose, including impeachment.

8. With respect to any opinion witness to be called at trial, please provide the following:

- a. A current curriculum vitae for each opinion witness;
- b. All notes, memoranda, correspondence, or any all other written information submitted to or prepared by each opinion witness;
- c. A list of any and all documents reviewed by each opinion witness;
- d. Copy of all statutes, ordinances, journals, rules, regulations, manuals, standards, by-laws or other guidelines of any governmental or government affiliated agency or of any professional, licensing, review authority or any other organization, which will be used by each opinion witness or upon which each opinion witness may base opinion testimony; and
- e. Any and all bills of any kind or nature generated by each opinion witness with regard to the work of each opinion witness on this case.

9. Each and every trial subpoena issued in this case on behalf of the plaintiff.

10. A list of all witnesses, including their full names, last known addresses, social security numbers, and telephone numbers, who may be called by you to testify in this matter during your case in chief.

11. All deposition exhibits.

12. Any and all exhibits, whether for demonstrative or evidentiary purposes, which will be used at trial, including photographs, diagrams, drawings, depictions, or overlays.

13. Any incident reports or reports of investigation regarding plaintiff's alleged damages allegedly following there from.

14. All business records obtained through discovery or investigation, including those produced to you by others in this cause.

15. Any and all rules, regulations, guidelines, or policies of any public authority or licensing authority which will be relied upon at trial.

16. Any and all appraisals, medical records, diagnostic studies, bills, invoices, investigative reports, settlement agreements, mediation, or arbitration agreements, surveillance reports or videotapes, and inspection reports pertaining to the damages sustained by the plaintiff, including any factual material concerning the date(s) of the alleged malfeasance which is the subject matter of this lawsuit, including the underlying case.

17. Any and all correspondence to and from each retained opinion witness, up to the present time.

18. Any and all invoices, bills, receipts and timesheets relating to the work and time spent on this matter by each retained opinion witness.

Respectfully submitted,

/s/ George K. Flynn

GEORGE K. FLYNN
KARBAL COHEN ECONOMOU SILK DUNNE, LLC

GEORGE K. FLYNN
KARBAL COHEN ECONOMOU SILK DUNNE, LLC
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Attorneys for Defendants
gflynn@karballaw.com

**IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS**

PAUL DULBERG,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 17 LA 377
	)	
THE LAW OFFICES OF THOMAS J.	)	
POPOVICH, P.C., and HANS MAST,	)	
	)	
Defendants.	)	

**DEFENDANTS THE LAW OFFICES OF THOMAS J. POPOVICH, P.C.'S
INTERROGATORIES TO PLAINTIFF PAUL DULBERG**

Defendant, The Law Offices of Thomas J. Popovich, P.C., by and through its attorneys, GEORGE K. FLYNN and KARBAL, COHEN, ECONOMOU, SILK, & DUNNE, LLC, propounds the following 213(f)(1)(2) and (3) Interrogatories upon Plaintiff, Paul Dulberg, to be answered within the next twenty-eight (28) days:

INSTRUCTIONS

1. The "Complaint" refers to the matter *Paul Dulberg v. The Law Offices of Thomas J. Popovich, P.C. and Hans Mast*, Court No. 17 LA 377.
2. "You" or "your" refers to the Plaintiff, Paul Dulberg.
3. "Defendants" refer to The Law Offices of Thomas J. Popovich, P.C. and Hans Mast.
4. "Communications" mean any oral, written, or electronic transmission of information including, without limitation, meetings, discussions, conversations, telephone calls, memoranda, letters, telecopies, telexes, e-mails, conferences, seminars, messages, notes, or memoranda.

5. “Documents” refer to, without limiting the generality of its meaning, writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained, translated, if necessary, by you into reasonably usable form, and includes all drafts and non-identical copies.

INTERROGATORIES

1. State the name, address, telephone number and occupation of each person you will call as a witness at the time of trial of this cause and identify each witness as: (1) a **lay witness**; (2) an **independent expert witness**; or (3) a **controlled expert witness**.

ANSWER:

2. State for each **lay witness** set forth above the subjects on which the witness will testify.

ANSWER:

3. State for each **independent expert witness** set forth above:

- (a) the subject on which the witness will testify; and
- (b) the opinions you expect to elicit from the witness.

ANSWER:

4. State for each **controlled expert witness** identified by you in answer to Interrogatory No. 1:

- (a) the subject matter on which the witness will testify;
- (b) the conclusions and opinions of the witness and the bases thereof;
- (c) the qualifications of the witness; and
- (d) any reports prepared by the witness about the case.

ANSWER:

5. State the date upon which each **independent expert witness** first formed their substantive opinions.

ANSWER:

6. State with particularity your knowledge of the facts known by and opinions held by each **independent expert witness**.

ANSWER:

7. State whether or not the work of each such **independent expert witness** in this case has been completed and, if not, the nature of the work remaining to be done, what materials or documents are still being searched or awaiting receipt and the date on which such further work is expected to be completed

ANSWER:

8. State the date upon which each **controlled expert witness** first formed their substantive opinions.

ANSWER:

9. State with particularity the conclusions and opinions of each **controlled expert witness** and the basis for each such conclusion and/or opinion.

ANSWER:

10. Identify and attach each and every report and any underlying documents, notes or memoranda regarding said report prepared by each **controlled expert witness** listed and indicate whether the report is oral, written or both.

ANSWER:

11. State the name, author, publisher, page and date of publication of all texts, articles, journals, medical literature, regulations or codes upon which each **controlled expert witness** relied in reaching the opinion or opinions to which he will testify at trial.

ANSWER:

12. Identify each and every rule, regulation, code or guideline of any public authority, trade or professional association, or other standard-setting organization which each **controlled expert witness** may use or refer to at the trial of this action, giving the complete citation and description thereof.

ANSWER:

13. Set forth with particularity the qualifications of each **controlled expert witness** identified in answer to 213 f(1)(2)&(3) Interrogatory No. 1 and attach a curriculum vitae of each controlled expert witness pursuant to Supreme Court Rule 214.

ANSWER:

14. For each **controlled expert witness** identified by you in answer to 213 f(1)(2)&(3) Interrogatory No. 1, identify the name, docket number, and court for each lawsuit in which that opinion witness has given deposition and/or trial testimony within the last 5 (five) years. For each such opinion witness, please further state the name of the party on whose behalf the opinion witness testified in each such lawsuit.

ANSWER:

15. For each lawsuit identified by you in Answer to 213 f(1)(2)&(3) Interrogatory No. 14, please state whether the **controlled expert witness** who gave testimony in that case was recognized by the presiding court as being qualified to render an expert opinion and, if so, in what fields or disciplines the opinion witness was deemed qualified to testify as an expert witness.

ANSWER:

16. State whether or not the work of each such **controlled expert witness** in this case has been completed and, if not, the nature of the work remaining to be done, what materials or

documents are still being searched or awaiting receipt and the date on which such further work is expected to be completed.

ANSWER:

17. In accordance with Supreme Court Rule 213(i), You are requested to supplement or amend seasonably your Answers or Responses to these 213 f(1)(2)&(3) Interrogatories whenever new or additional information subsequently becomes known to the answering party.

ANSWER:

Respectfully submitted,

/s/ George K. Flynn

GEORGE K. FLYNN
KARBAL COHEN ECONOMOU SILK DUNNE, LLC

GEORGE K. FLYNN
KARBAL COHEN ECONOMOU SILK DUNNE, LLC
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(312) 431-3700
Attorneys for Defendants
gflynn@karballaw.com

**IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS**

PAUL DULBERG,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 17 LA 377
	)	
THE LAW OFFICES OF THOMAS J.	)	
POPOVICH, P.C., and HANS MAST,	)	
	)	
Defendants.	)	

**DEFENDANT THE LAW OFFICES OF THOMAS J. POPOVICH, P.C.'S
INTERROGATORIES TO PLAINTIFF PAUL DULBERG**

NOW COMES Defendant, The Law Offices of Thomas J. Popovich, P.C., by and through its attorneys, Karbal, Cohen, Economou, Silk & Dunne, LLC, and pursuant to the provisions of Illinois Supreme Court Rule 213, propounds the following interrogatories on Plaintiff, Paul Dulberg, to be answered under oath within 28 days:

DEFINITIONS & INSTRUCTIONS

The pronoun “you” refers to Plaintiff, Paul Dulberg, to whom this production request is addressed, as well as their agents, representatives, employees, anyone acting on his behalf, and unless privileged, his attorneys.

The term “document” as used herein means all records, papers, and books, transcriptions, pictures, drawings, or diagrams of every nature, whether transcribed by hand or by mechanical, electronic, photographic, or other means, as well as sound reproduction of oral statements or conversations by whatever means made, whether in your actual or constructive possession or under your control or not, relating or pertaining in any way to the subject matters in connection with which it is used, and includes originals, all file copies, and all other copies, no matter how prepared, and all drafts prepared in connection with such writing, whether used or not, including by way of

illustration and not by way of limitation, the following: books, records, contracts, agreements, expense accounts, canceled checks, catalogues, price lists, sound and tape recordings, memorandum (including written memoranda of telephone conversations, other conversations, discussions, agreements, acts, and activities), minutes, diaries, calendar or desk pads, scrapbooks, notebooks, correspondence, emails, bulletins, circulars, forms, pamphlets, notices, statements, journals, postcards, letters, telegrams, reports, intra-office communications, photographs, microfilm, maps, and deposition transcripts, whether prepared by you for your own use or for transmittal or received by you.

The phrase “underlying case” refers to the lawsuit, *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*, case no. 12 L 178 in the circuit Court of McHenry County, Illinois.

INTERROGATORIES

1. Identify the person(s) answering and/or providing assistance in the answering of these interrogatories.

ANSWER:

2. Identify all persons who have knowledge of any matters relating to any of the facts, claims, damages, or defenses at issue in this case.

ANSWER:

3. Identify the address of the McGuire’s property described in paragraph 6 of your second amended complaint, and your address identified in paragraph 7 of the second amended complaint.

ANSWER:

4. Identify and describe how you were invited to the McGuires' property to see if you wanted any of the wood from the tree, as alleged in paragraph 12 of your second amended complaint.

ANSWER:

5. Identify how William McGuire physically assisted in cutting down the tree, including the date, time, and location of his assistance, and describe how and when he supervised David Gagnon's actions in cutting down the tree, as alleged in paragraph 13 of your second amended complaint.

ANSWER:

6. Identify and describe how Caroline McGuire supervised David Gagnon and William McGuire's actions, as alleged in paragraph 14 of the second amended complaint.

ANSWER:

7. Identify the date, time, the location, and the exact words exchanged between Gagnon and the McGuires on the one hand and you on the other as alleged in paragraph 15 of your second amended complaint, in which it is alleged that were asked to assist the trimming and removal of the tree.

ANSWER:

8. Identify what safety information was readily available to Caroline and William McGuire as alleged in paragraph 18 of your second amended complaint, and how you know this information.

ANSWER:

9. Did you request any protective equipment or other safety devices from the McGuires or Gagnon while you provided assistance to Gagnon in operating the chainsaw?

ANSWER:

10. Did you assist Gagnon with trimming and removal of the tree? If so, describe each and every action you took in assisting Gagnon with the cutting down or removal of the tree.

ANSWER:

11. Identify and describe each and every conversation between and David Gagnon while you were assisting him with trimming or cutting down the tree.

ANSWER:

12. Identify and describe each of your employers in the ten year period prior to the accident of June 28, 2011, including any self-employment. For each employer, identify your wage rate or salary, your title, your job description, your required duties, and your income for the ten year period prior to the accident in question.

ANSWER:

13. Did you suffer any serious personal injury and/or illness within ten years prior to the date of the occurrence? If so, describe where and how you were injured and/or became ill and describe the injuries and/or illness suffered.

ANSWER:

14. Have you suffered any serious personal injury and/or illness since the date of the occurrence? If so, state when, where, and how you were injured and/or became ill and describe the injury and/or illness suffered.

ANSWER:

15. Have you filed any claim for workers compensation benefits in the ten years prior to the underlying accident of June 28, 2011? If so, state the name and address of your employer, the date(s) of the accidents, the identity of the insurance company that paid you such benefits and the case nos. and jurisdictions where filed.

ANSWER:

16. State the personal injuries sustained by you as the result of the underlying occurrence.

ANSWER:

17. With regard to your injuries, state:

- (a) The name and address of each attending physician and/or health care professional;

- (b) The name and address of each consulting physician and/or health care professional;
- (c) The name and address of each person and/or laboratory taking an x-ray, MRI and/or other radiological tests of you;
- (d) The date or inclusive dates on which each of them rendered you service;
- (e) The amounts to date of respective bills for services; and
- (f) From which of them you have written reports

ANSWER:

18. As a result of your personal injuries from the underlying case, were you a patient or outpatient at any hospital and/or clinic? If so, state the names and addresses of all hospitals and/or clinics, the amounts of their respective bills and the date or inclusive dates of their services.

ANSWER:

19. As a result of your personal injuries from the underlying case, were you unable to work? If so, state:

- (a) The name and address of your employer, if any, at the time of the occurrence, your wage and/or salary, and the name of your supervisor and/or foreperson;
- (b) The date or inclusive dates on which you were unable to work;
- (c) The amount of wage and/or income lost by you; and
- (d) The name and address of your present employer and/or wage and/or salary.

ANSWER:

20. State any and all other expenses and/or losses you claim as a result of the occurrence in the underlying case or resulting from any alleged legal malpractice committed by Popovich or Mast. As to each expense and/or loss, state the date or dates it was incurred, the name of the person, firm, and/or company to whom such amounts are owed, whether the expense and/or loss

in question has been paid, and if so, by whom it was so paid and describe the reason and/or purpose for each expense and/or loss.

ANSWER:

21. Were any photographs, movies, and/or videotapes taken of the scene of the occurrence or the persons and/or equipment involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subject thereof, who now has custody of them, and the name, address, occupation and employer of the person taking them.

ANSWER:

22. Had you consumed any alcoholic beverage within the 12 hours immediately prior to the occurrence or had you used any drugs or medications within 24 hours immediately prior to the occurrence. If so, state the name(s) and address(es) of those from whom it was obtained, where it was used, the particular kind and amount of drug, medication, or alcohol so used by you, and the names and current residence addresses of all persons known by you to have knowledge concerning the use of said drug or medication or alcohol.

ANSWER:

23. Describe why you agreed to a binding mediation in the summer of 2016 as alleged in paragraph 52 of your second amended complaint.

ANSWER:

24. Identify the date on which you provided any settlement authority to Hans Mast or the Popovich firm, and the amount of any specific settlement authority to make any settlement demand upon the defendants in the underlying case.

ANSWER:

25. Identify and describe the date on which you received a copy of the settlement agreement from Mast in the underlying case, the date on which you executed the settlement agreement and the date on which you mailed the executed settlement agreement to Mast.

ANSWER:

26. Identify and describe the false and misleading information Mast and Popovich provided to you, and explain how you realized for the first time in December of 2016 that the information was false and misleading and the dismissal of the McGuires was a serious and substantial mistake, as alleged in paragraph 56 of your second amended complaint

ANSWER:

27. Identify and describe the expert opinions provided to you in December 2016 as alleged in paragraph 57 of your second amended complaint, including the identity of the expert, the opinions, and any other information provided by the expert which caused you to learn in the

summer of 2016 and become reasonably aware that Mast and Popovich did not properly represent you.

Respectfully submitted,

/s/ George K. Flynn

GEORGE K. FLYNN
KARBAL COHEN ECONOMOU SILK DUNNE,
LLC

GEORGE K. FLYNN
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Attorneys for Defendants
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**IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
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PAUL DULBERG,	)	
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Plaintiff,	)	
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vs.	)	No. 17 LA 377
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THE LAW OFFICES OF THOMAS J.	)	
POPOVICH, P.C., and HANS MAST,	)	
	)	
Defendants.	)	

**DEFENDANTS, THE LAW OFFICES OF THOMAS J. POPOVICH, P.C.'S
REQUESTS FOR PRODUCTION TO PLAINTIFF**

NOW COMES Defendant, The Law Offices of Thomas J. Popovich, P.C. by and through its attorneys, Karbal, Cohen, Economou, Silk & Dunne, LLC, and pursuant to the provisions of Illinois Supreme Court Rule 214, respectfully requests Plaintiff, Paul Dulberg, to produce within 28 days at the law offices of Karbal, Cohen, Economou, Silk & Dunne, LLC, 150 South Wacker Drive, Suite 1700, Chicago, Illinois 60606, the following photographs, documents, objects, and other tangible things:

DEFINITIONS & INSTRUCTIONS

The pronoun “you” refers to Plaintiff, Paul Dulberg, to whom this production request is addressed, as well as his agents, representatives, employees, anyone acting on his behalf, and unless privileged, his attorneys.

The term “document” as used herein means all records, papers, and books, transcriptions, pictures, drawings, or diagrams of every nature, whether transcribed by hand or by mechanical, electronic, photographic, or other means, as well as sound reproduction of oral statements or conversations by whatever means made, whether in your actual or constructive possession or under your control or not, relating or pertaining in any way to the subject matters in connection with

which it is used, and includes originals, all file copies, and all other copies, no matter how prepared, and all drafts prepared in connection with such writing, whether used or not, including by way of illustration and not by way of limitation, the following: books, records, contracts, agreements, expense accounts, canceled checks, catalogues, price lists, sound and tape recordings, memorandum (including written memoranda of telephone conversations, other conversations, discussions, agreements, acts, and activities), minutes, diaries, calendar or desk pads, scrapbooks, notebooks, correspondence, emails, bulletins, circulars, forms, pamphlets, notices, statements, journals, postcards, letters, telegrams, reports, intra-office communications, photographs, microfilm, maps, and deposition transcripts, whether prepared by you for your own use or for transmittal or received by you.

The phrase “underlying case” refers to the lawsuit, *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*, case no. 12 L 178 in the circuit Court of McHenry County, Illinois.

For any document being withheld based on a claim of privilege, provide a log containing the following information with respect to each and every document for which such a claim of privilege is being made:

- (i) the date on which such document was prepared or finalized;
- (ii) the name and last known address of the author of the document;
- (iii) the name and last known address of the recipient of the document;
- (iv) a brief description of the subject matter covered in the document; and
- (v) the basis of the claim of privilege.

If the attorney responding to these Requests, or the party to whom these Requests is directed, knows of the location of any documents or items requested, even though they are not in

the attorney's or party's current possession, identify the location, custodian and nature of such responsive documents or items

PRODUCTION REQUESTS

1. Produce any and all records regarding the legal representation provided to you by the Law Offices of Thomas J. Popovich, P.C. ("Popovich") and/or Hans Mast ("Mast") in connection with the underlying case, against William McGuire, Caroline McGuire, and David Gagnon.

RESPONSE:

2. Produce any and all correspondence, agreements, draft agreements, emails, letters, and any other documents between you and Popovich or Mast in connection with the legal representation in the underlying case.

RESPONSE:

3. Produce any and all correspondence between you and any defendant from the underlying case, including Caroline McGuire, William McGuire, and David Gagnon, from June 28, 2011 to the present time.

RESPONSE:

4. Produce any and all documentation relating to legal representation of you by any successor counsel in the underlying case.

RESPONSE:

5. Any and all engagement or disengagement letters or agreements between you and any attorney relative to legal services in the underlying case.

RESPONSE:

6. Any and all pleadings and discovery (including deposition transcripts) created, filed, served, and received in the underlying case prior and subsequent to Popovich and Mast's withdrawal as your attorneys, including but not limited to any documentation relating to mediation, arbitration, or settlement, including but not limited to any "high/low" agreement and any arbitration award, arbitration agreement, and any other documentation relating to any arbitration in the underlying case.

RESPONSE:

7. Produce any and all documents relating in any way to your claimed damages in the instant case, including but not limited to any special damages, such as medical bills, medical records, costs, invoices, and lost wages.

RESPONSE:

8. Produce a privilege log identifying the creator and recipient of any document withheld, the basis for any claimed privilege, the date the document was created, and the date any recipient received the document.

RESPONSE:

9. Produce any and all state and federal tax returns you filed in the ten year period prior to the accident of June 28, 2011.

RESPONSE:

10. Produce any and all documentation of lost wages as alleged in paragraph 30 of your second amended complaint, including but not limited to any employment agreement, wage records, paystubs, cancelled checks, and any other documentation reflecting income in the ten year period prior to the date of the accident.

RESPONSE:

11. Produce copies of any and all settlement documents, settlement agreements, cancelled checks or other payments made in connection with any settlement reached in the underlying case, including payment of approximately \$300,000 as alleged in paragraph 54 of your supplemental complaint.

RESPONSE:

12. Produce an affidavit signed you (and not your attorney) pursuant to Illinois Supreme Court Rule 214, certifying that your response is complete in accordance with each request contained herein.

RESPONSE:

Respectfully submitted,

/s/ George K. Flynn

GEORGE K. FLYNN
KARBAL COHEN ECONOMOU SILK DUNNE, LLC

GEORGE K. FLYNN
KARBAL COHEN ECONOMOU SILK DUNNE, LLC
ARDC No. 6239349
150 So. Wacker Drive, Suite 1700
Chicago, Illinois 60606
(312) 431-3700
Attorneys for Defendants
gflynn@karballaw.com

**IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS**

PAUL DULBERG,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 17 LA 377
	)	
THE LAW OFFICES OF THOMAS J.	)	
POPOVICH, P.C., and HANS MAST,	)	
	)	
Defendants.	)	

NOTICE OF SERVICE OF DISCOVERY DOCUMENTS

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on the 22nd day of March 2019 we served the parties via email:

Defendant, The Law Offices of Thomas J. Popovich, P.C.'s:

- Requests for Production to Plaintiff;
- Interrogatories to Plaintiff;
- Rule 213(f)(1)(2) and (3) Interrogatories to Plaintiff;
- Rule 237 Notice to Produce; and

Defendant Hans Mast's

- Interrogatories to Plaintiff

copies of which are attached hereto and herewith served upon you.

Dated this 22nd day of March 2019 in Chicago, Illinois.

KARBAL | COHEN | ECONOMOU | SILK | DUNNE | LLC

By: /s/ George K. Flynn

One of their Attorneys

GEORGE K. FLYNN (ARDC No. 6239349)
KARBAL COHEN ECONOMOU SILK DUNNE, LLC
150 So. Wacker Drive, Suite 1700
Chicago, Illinois 60606
(312) 431-3700
gflynn@karballaw.com

AFFIDAVIT OF SERVICE

I, the undersigned, a non-attorney, certify that I served this Notice by emailing a copy to each party to whom it is directed on March 22, 2019.

[X] Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth herein are true and correct.

/s/ Linda Walters
Linda Walters

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing DEFENDANT'S NOTICE OF SERVICE OF DISCOVERY DOCUMENTS was served upon:

Edward X. Clinton, Jr.
Julia C. Williams
The Clinton Law Firm
111 W. Washington Street, Suite 1437
Chicago, IL 60602
312-357-1515
ed@clintonlaw.net
juliawilliams@clintonlaw.net

by email on March 22, 2019.

/s/ George K. Flynn
One of their Attorneys

SERVICE LIST

<u>Plaintiff's Attorney</u> Edward X. Clinton, Jr. Julia C. Williams The Clinton Law Firm 111 W. Washington Street, Suite 1437 Chicago, IL 60602 312-357-1515 ed@clintonlaw.net juliawilliams@clintonlaw.net	
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