From: **Mary Winch** marywinch@clintonlaw.net
Subject: Re: Discovery Responses
Date: August 12, 2019 at 11:08 AM
To: Julia WIlliams juliawilliams@clintonlaw.net, Paul Dulberg Paul_Dulberg@comcast.net
Cc: Ed Clinton ed@clintonlaw.net

MW

Mr. Dulberg

Provided are the three documents with the edits you suggested. Please review them to be sure they are accurate and correct and we will proceed to send them to opposing counsel.

Mary Winch
Legal Assistant

Mary Winch
Legal Asisstant
The Clinton Law Firm LLC
111 W Washington Street
Suite 1437
Chicago, IL 60602
312.357.1515

From: "juliawilliams@clintonlaw.net" <juliawilliams@clintonlaw.net>
Date: Friday, August 9, 2019 at 3:33 PM
To: Paul Dulberg <Paul_Dulberg@comcast.net>
Cc: "ed@clintonlaw.net" <ed@clintonlaw.net>, "marywinch@clintonlaw.net" <marywinch@clintonlaw.net>
Subject: Re: Discovery Responses

We received it. Thanks Paul. You should get an email from either myself or Mary shortly—in the next couple of business days--with the new drafts.

Thanks,

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

> On Aug 9, 2019, at 11:51 AM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:
>
> Hi Julia,
> Please confirm you received the email below sent on August 2nd.
> Thanks,
> Paul
>
> > On Aug 2, 2019, at 4:00 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:
> >
> > Hi Julia,
> >
> > Dulberg RTP Responses 2019 July 31.docx is good to go.
> >
> > Please find the following suggestions for changes and submit:
> >
> > In, Dulberg Answers to Thomas Popovich Expert Interrogatories Draft 2019 July 31.docx
> > Please remove the following yellow highlighted text from **C. Retained Expert Witnesses** and submit to defense, it's good to go.
> > We will disclose Dr. Lanford at a later date. We need to retain him again.
> >
> > In, Dulberg's Answers to Hans Mast's Interrogatories to Plaintiff 2019 July 2.docx please consider the following suggestions for changes and submit to the defense, it's good to go.
> >
> > In the answer to Question 2 below, the strike through words may be replaced by the italicized word next to it.
> > Between October 2013 and January 2014, Mast ~~advised~~ *told* Dulberg that Illinois law does not permit a recovery against the McGuires' in the circumstances of Dulberg's case and that he would not receive any recovery from the McGuires. Mast ~~advised~~ *told* Dulberg that the judge would rule in favor of the McGuires on a motion for summary judgment.
> > Mast further ~~advised~~ *told* ~~that~~ Dulberg *that he* would retain his claim against Gaganon and be able to seek and receive a full recovery from Gagnon.

In, Dulberg's Answers to Popovich Interrogatories to Plaintiff 2019 July 31.docx please consider the following suggestions for changes and submit to the defense, it's good to go.

In answer 2. Consider removing "and the injury sustained" from the following lines. I don't want to invite opinions or give the impression that the McGuires or Gagnon have anything of value to give here that the treating Dr's do not. Again, I stike out the words below that I think should be removed.

William McGuire ("William") has knowledge regarding the facts and circumstances leading to Dulberg's injury~~ and the injury sustained~~.

Caroline McGuire ("Caroline") has knowledge regarding the facts and circumstances leading to Dulberg's injury~~ and the injury sustained~~.

David Gagnon ("Gagnon") has knowledge regarding the facts and circumstances leading to Dulberg's injury~~ and the injury sustained~~.

Also, in answer 2, below I strike out a typo and replace it with italic

Barbara Dulberg. 4606 Hayden Ct., McHenry, IL 60051. Retired. Barbara is expected to testify to the facts and circumstances of the November 4, 2013 meeting with Hans Mast. Barbara is also expected to testify as to the facts and circumstances of Paul Dulberg's pain and suffering, and ~~Dulerg's~~ *Dulberg's* loss of use of his arm.

In question 14, answer 2. below I add in italics the correct wording needed to make this accurate.

4. Enlarged Prostate Treater*s*:

Dr. Berger, The Uro Center, Lake Zurich, *Illinois*

Dr. Elterman and Dr. Tarnauskas*, Elterman Center, Skokie, Illinois*

In question 24 answer, please remove The following part of the highlighted text "This has been added because on January 29, 2014, you actually did agree to settle and signed the agreement. It is added because otherwise it looks like you never agreed to settle at all, which isn't true—and will be easily shown to be false through the documents. We need to be clear that the although you never granted authority to settle, you did accept a settlement."

Also, please remove just the yellow highlight from "On or around January 29, 2014, Dulberg signed the settlement agreement " and

January 29, 2014, Dulberg signed the settlement agreement." and leave the text.

In the answer to Question 26 below, the striked through words may be replaced by the italicized word next to it.
Mast ~~advised~~ *told* Dulberg that the judge would rule in favor of the McGuires on a motion for summary judgment.

All our answers to the interrogatories are generally true so the above changes are suggestions that I believe should be made. I leave it up to you to decide whether or not to implement them.

Please provide me a copy of the final answers you submit to defense council.

Thank you,
Paul

> On Aug 2, 2019, at 9:34 AM, Julia WIlliams <juliawilliams@clintonlaw.net> wrote:
>
> Dear Paul,
>
> The appropriate files are attached here. Let me know if there are any issues. s
>
> 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
>
>

On Jul 31, 2019, at 6:02 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Hi Julia,
I see two documents are the same. Answers to Popovich interrogatories with 2 different dates on the end of the file name.
We are missing answers to Mast interrogatories.
Thanks,
Paul

> On Jul 31, 2019, at 2:44 PM, Julia WIlliams <juliawilliams@clintonlaw.net> wrote:
>
> Dear Paul,
>
> I have attached the most recent draft of the discovery responses.
>
> I made some minor edits from your last notes. I did not incorporate all of your notes as, at this point, we should rely mostly on our own information and then supplement with things from counsel's production at a later date. It is simply to intensive to go through their entire production and incorporate in our initial responses.
>
> We can supplement and I intend that we will supplement these responses.
>
> At this stage, we are very late. If the answers are true and

correct, I think we should move forward.

Please review and let me know if we can send these to opposing counsel.

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

<Dulberg RTP Resposes 2019 July 31.docx><Dulberg's Answers to Popovich Interrogatories to Plaintiff 2019 July 31.docx><Dulberg Answers to Thomas Popovich Expert Interrogatories Draft 2019 July 31.docx><Dulberg's Answers to Popovich Interrogatories to Plaintiff 2019 July 29.docx>

<Dulberg's Answers to Hans Mast's Interrogatories to Plaintiff 2019 July 2.docx><Dulberg RTP Resposes 2019 July 31.docx><Dulberg's Answers to Popovich Interrogatories to Plaintiff 2019 July 31.docx><Dulberg Answers to Thomas Popovich Expert Interrogatories Draft 2019 July 31.docx>

  

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Dulberg Answer...t .docx

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

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

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

Paul Dulberg, by and through his attorneys, The Clinton Law Firm, LLC, pursuant to the provisions of Illinois Supreme Court Rule 213, responds to Defendant, The Law Offices of Thomas J. Popovich, P.C.'s Interrogatories To Plaintiff Paul Dulberg as follows:

INTERROGATORIES

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

ANSWER: Paul Dulberg, available through counsel. The Clinton Law Firm, as counsel for Paul Dulberg.

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: Paul Dulberg is the Plaintiff in this matter and is expected to testify in accordance with any deposition testimony he provided or provides. He has knowledge regarding the circumstances leading to the injury he sustained, the actual injury, the harm he suffered, including financial injury.

William McGuire ("William") has knowledge regarding the facts and circumstances leading to Dulberg's injury.

Caroline McGuire ("Caroline") has knowledge regarding the facts and circumstances leading to Dulberg's injury.

David Gagnon ("Gagnon") has knowledge regarding the facts and circumstances leading to Dulberg's injury.

Barbara Dulberg. 4606 Hayden Ct., McHenry, IL 60051. Retired. Barbara is expected to testify to the facts and circumstances of the November 4, 2013 meeting with Hans Mast. Barbara is also expected to testify as to the facts and circumstances of Paul Dulberg's pain and suffering, and Dulberg's loss of use of his arm.

Thomas Kost. 423 Dempster Ave., Mt Prospect, IL 60056. Electrician. Thomas Kost is expected to testify as to the legal advice given to Dulberg from Mast and The Popovich Firm on the McGuires' liability, or lack of it, and how the judge would rule in the December 2013 meeting, as well as Dulberg's pain and suffering and loss of use of arm.

Mike McArtor, 4606 Hayden Ct., McHenry, IL 60051. McArtor was Dulberg's business partner at Sharp Printing, Inc. He is expected to testify regarding the facts and circumstances as to Dulberg's ability to work, loss of use of arm, and the facts and circumstances of the pain and suffering after the accident.

Scott Dulberg, 8245 Cunat Blvd, Apt. 2B, Richmond, IL 60071. Scott Dulberg is Paul Dulberg's family member and was Paul Dulberg's business partner at Sharp Printing, Inc. He is expected to testify regarding the facts and circumstances as to Dulberg's ability to work, loss of use of arm, and the facts and circumstances of the pain and suffering after the accident.

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: McGuires' real property is located at 1016 W. Elder Ave., McHenry, IL 60051. Dulberg's home is located at 4606 Hayden Ct., McHenry IL 60051

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: Dulberg received a call from Gagnon on June 27, 2011. Over the phone, Gagnon asked Dulberg if he wanted wood from the tree that the McGuires were removing and invited Dulberg to come see the wood.

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: On June 28, 2011, Dulberg went to the McGuires' home and arrived between 8:30-9:00 am. He observed William McGuire working with Gagnon between that time and approximately noon that same day to remove tree branches from the tree. Gagnon continued to work throughout the day, after William stopped working. Caroline was present observing the work and supervising the work.

William and Caroline McGuire purchased and provided the chainsaw that was used to cut the branches. William and Caroline McGuire provided the ropes and straps that Gagnon used to climb the tree. Caroline had the chain saw owner's manual in her possession and instructed Gagnon what fuel/oil ratio to use for the chain saw.

William and Caroline McGuire instructed Gagnon as to which trees and branches that they wanted removed and where they wanted the trees and branches to fall during the removal process. Gagnon climbed into the tree and cut the branches utilizing the chain saw that the McGuire's provided. The branches would fall to the ground and William would pile the branches in the yard. He also started a fire and burnt some of the branches. At times, William started the chainsaw for Gagnon.

Throughout the entire day, Caroline observed the work and instructed Gagnon to "be careful" on several occasions. She also provided water to both William and Gagnon.

William, Caroline, and Gagnon had several conversations throughout the morning as to which trees and branches to cut, how to best remove the trees and branches, where the trees and branches would fall, and how to clean them up. William and Caroline instructed Gagnon regarding those matters.

At approximately noon on that same date, William stopped working on cutting down the tree and went into the house. He then came out of the house and entered the McGuires' pool that is located on the same property.

Gagnon continued to work through the afternoon and early in the afternoon complained to Caroline that he was "working alone" and couldn't complete the work that day without help. Caroline and Gagnon then asked Dulberg to assist. Dulberg agreed to assist.

Dulberg assisted William McGuire by moving branches to the garden and started the chainsaw for Gagnon once while Gagnon was in the tree.

Dulberg then assisted Gagnon by moving the large branches that had already been cut and holding the large limbs steady so that Gagnon could cut them. Dulberg would hold the large branch while Gagnon would cut the smaller branches off the larger branch with the chain saw.

Gagnon would tell Dulberg which branches to pick up and move to the location where Gagnon was cutting them into smaller pieces by cutting off smaller limbs with the chain saw. Gagnon would also instruct Dulberg as to how and where to hold the limbs so that he could cut the branch with the chain saw. Gagnon placed the larger limb, which was now stripped of the smaller branches in a pile and instructed Dulberg to grab the next limb, which still had the smaller branches, to start the process again.

The chain saw was very loud and little conversation occurred during the time the chain saw was on. Instead, Gagnon would gesture to communicate with Dulberg as to how he wanted the branch held or moved.

No one cut down the entire tree that day, instead branches were removed from the tree and cut down into smaller pieces.

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: See answer to 5.

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: See answer to 5. Dulberg does not recall the "exact words exchanged" but does recall the incident as outlined in his answer to 5.

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: Caroline and William McGuire had the owner's manual to the chain saw. Caroline was reading parts of it aloud to Gagnon in the morning of June 28, 2011. Dulberg observed Caroline in possession of the owner's manual and saw her reading it in the morning of June 28, 2011.

The owner's manual had safety instructions and warnings that would have prevented the accident.

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: No, Gagnon instructed Dulberg as to what to do and Dulberg never operated the chain saw or read the owner's manual.

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: See answer to 5.

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: See answer to 5.

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:

1. 1999-2011 Sharp Printing, Inc., 4606 Hayden Ct., McHenry, IL 60051

Paul Dulberg was an owner and operator of Sharp Printing, Inc. along with his two partners Scott Dulberg and Michael McArtor.

Paul Dulberg was the President, salesperson, graphic designer, 8 color screen print pressman, handled fulfillment, shipping & receiving, as well as other day to day operations of the company.

For income, see tax returns.

Sharp Printing, Inc. operated out of the lower floor of Paul Dulberg's personal residence and paid all utilities bills, including garbage, water, natural gas, electric, internet, phone, and cable. The approximate value is $650 per month.

2. 1999-2011 Juskie Printing

Paul Dulberg served as an independent contractor for Juskie Printing performing graphic design and prepress functions.

From 1999-2006, this was a barter arrangement.

From 2007-2011, Paul Dulberg earned approximately $18,000 per year.

See tax documents.

3. Intermatic Incorporated

1998-2002 Intermatic Incorporated, Offset Press Operator I

2002-2007 Intermatic Incorporated, Graphic Designer

2010 Intermatic Incorporated, Independent Contractor for Graphic Design

See tax documents for income information.

See job description provided with documents.

4. 2011 Art Material Services, Material Handler

Operated and maintain thread roller.

See tax documents for income information.

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:

1. Migraine Headaches, treated at home.

2. 2002. Rear end collision at Hayden Dr and Johnsburg/Wilmot Rd., in McHenry, IL. See medical records produced.

3. Approx. 2004, Chest Infection. Treater: Dr. Sek. Treated with inhaler and antibiotics

4. 2005. Broken Foot. Treated at Centegra Hospital in McHenry. Scott Dulberg stepped on Paul Dulberg's bare right foot.

14. Have you suffered any serious 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:

1. 2011 to present. Migraines.
   Treaters: Dr. Levin
   Dr. Terrance Lee
   Investigation Continues.
2. 2013 Hemorrhoid related to stress. Treater: Dr. Conway

3. 2016 Dog Bite to Left Leg. Treater: Centegra, McHenry.

a. Dulberg broke up a fight between his dog and the neighbors' dog when he was bitten by a neighbor's dog.

4. Enlarged Prostate Treaters: Dr. Berger, The Uro Center, Lake Zurich, Illinois.

Dr. Elterman and Dr. Tarnauskas, Elterman Center, Skokie, Illinois.

Investigation continues. No other major illness or injuries relevant to this case.

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: No.

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

ANSWER: Chainsaw injury to the right arm. See medical records.

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: See medical records provided.

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: See medical records provided.

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: Paul Dulberg was self-employed and unable to work after the accident. He has not been employed since the date of the accident. See tax returns for lost wages. See SSDI documents for current income.

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: Investigation continues. Medical costs, lost wages, loss of use, permanent disability resulting from injury, and pain and suffering.

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: Photograph of Mr. Gagnon. See all photographs produced with request to produce.

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: Dulberg may have taken Naproxen sodium prior to the accident. Naproxen sodium is a pain reliever available over the counter. Dulberg does not recall whether he took the drug

the night before or the day of the accident, but he did take it on a regular basis at that time. He did not consumer any other drugs or alcohol during that time.

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: At that time, a bankruptcy trustee was appointed by the bankruptcy court and the bankruptcy trustee filed a motion for binding mediation that was granted.

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: Specific settlement authority was never given. On November 4, 2013, Mast was granted authority to investigate a settlement, but a specific dollar amount was never provided. On or around January 29, 2014, Dulberg signed the settlement agreement.

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: January 29, 2014, received, signed and mailed back to Mast.

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: Mast told Dulberg that Illinois law does not permit a recovery against the McGuires in the circumstances of Dulberg's case and that Dulberg would not receive any recovery from the McGuires. Mast told Dulberg that the judge would rule in favor of the McGuires on a motion for summary judgment.

Mast further told Dulberg that Dulberg would retain his claim against Gagnon and be able to seek and receive a full recovery from Gagnon.

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.

ANSWER:

Dr. Landford is a chain saw expert who was retained by Dulberg. See documents produced.

Respectfully submitted,

/s/ Julia C. Williams
Julia C. Williams
One of Plaintiff's Attorneys

Edward X. Clinton, Jr.
Julia C. Williams
The Clinton Law Firm, LLC
111 W Washington Street, Suite 1437
Chicago, IL 60602
Attorneys for Plaintiff, Atty No. 35893
312.357.1515
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juliawilliams@clintonlaw.net

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

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

DULBERG'S ANSWERS TO DEFENDANT HANS MAST'S INTERROGATORIESTO PLAINTIFF PAUL DULBERG

Paul Dulberg, by and through his attorneys, The Clinton Law Firm, LLC, pursuant to the provisions of Illinois Supreme Court Rule 213, responds to Defendant Hans Mast's Interrogatories To Plaintiff Paul Dulberg as follows:

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: Between October 2013 and January 2014, Mast told Dulberg that Illinois law does not permit a recovery against the McGuires' in the circumstances of Dulberg's case and that he would not receive any recovery from the McGuires. Mast advised Dulberg that the judge would rule in favor of the McGuires on a motion for summary judgment.

Mast further told Dulberg that Dulberg would retain his claim against Gagnon and be able to seek and receive a full recovery from Gagnon.

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: Various dates between October 2013 to January 2014. The advice was

provided via email, text messages, telephone calls, and in person meetings.

Between October 2013 and January 2014, Mast told Dulberg that Illinois law does not permit a recovery against the McGuires' in the circumstances of Dulberg's case and that he would not receive any recovery from the McGuires. Mast told Dulberg that the judge would rule in favor of the McGuires on a motion for summary judgment.

Mast further told Dulberg would that he would retain his claim against Gaganon and be able to seek and receive a full recovery from Gagnon.

All documents in Plaintiff's possession and control produced.

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

ANSWER: The McGuire's owned their home and vehicles. McGuire's also held bank accounts in their name. Investigation continues.

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: The McGuire's produced insurance information to Dulberg on the day of the accident and also were represented by insurance counsel.

Respectfully submitted,

/s/ Julia C. Williams
Julia C. Williams
One of Plaintiff's Attorneys

Edward X. Clinton, Jr.
Julia C. Williams
The Clinton Law Firm, LLC
111 W Washington Street, Suite 1437
Chicago, IL 60602
Attorneys for Plaintiff, Atty No. 35893
312.357.1515
ed@clintonlaw.net
juliawilliams@clintonlaw.net

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

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

DULBERG'S ANSWERS TO DEFENDANTS THE LAW OFFICES OF THOMAS J. POPOVICH, P.C.'S (expert) INTERROGATORIES TO PLAINTIFF PAUL DULBERG

Paul Dulberg, by and through his attorneys, The Clinton Law Firm, responds to Defendant, The Law Offices of Thomas J. Popovich, P.C., 213(f)(1)(2) and (3) Interrogatories upon Plaintiff, Paul Dulberg, as follows:

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:

A. Lay Witnesses

(1) **Paul Dulberg**. Available through counsel. Dulberg is expected to testify to the facts and circumstances of the accident, case against Gagnon and McGuires, Mast and The Law Offices of Thomas J. Popovich's representation, and advice provided by Mast and Popovich.

(2) **Hans Mast**. Available through counsel. Mast is expected to testify as to his and The Law Offices of Thomas J. Popovich's representation of Paul Dulberg and advice provided by Mast and Popovich.

(3) **Barbara Dulberg**, 4606 Hayden Ct., McHenry, IL 60051. Retired. Barbara is expected to testify to the facts and circumstances of the November 4, 2013 meeting with Hans Mast. Barbara is also expected to testify as to the facts and circumstances of Paul Dulberg's pain and suffering.

(4) **Thomas Kost**, 423 Dempster Ave., Mt Prospect, IL 60056. Electrician. Thomas Kost is expected to testify as to the legal advice given to Dulberg from Mast and The Popovich Firm on the McGuires' liability, or lack of it, and how the judge would rule when the McGuires moved for Summary Judgment against Dulberg in the November 2013 meeting. Kost is also expected to testify as to Mast expressing urgency in accepting the McGuires' offer.

(5) **David Gagnon**. Investigation Continues. Gagnon is expected to testify as to the facts and circumstances of the accident and consistent with his testimony in the case 2012 LA 178.

(6) **Caroline McGuire**. Investigation Continues. Caroline McGuire is expected to testify as to the facts and circumstances of the accident and consistent with her testimony in the case 2012 LA 178.

(7) William McGuire. Investigation Continues. William McGuire is expected to testify as to the facts and circumstances of the accident and consistent with his testimony in the case 2012 LA 178.

Investigation Continues.

B. Independent Expert Witnesses

Investigation Continues. See also medical records produced.

C. Retained Expert Witnesses

Investigation Continues. We will disclose Dr. Lanford at a later date. We need to retain him again.

2. 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: See Answer to #1 above.

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: Investigation continues.

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: Investigation continues.

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

ANSWER: Investigation continues.

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

ANSWER: Investigation continues.

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: Investigation continues.

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

ANSWER: Investigation continues.

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

ANSWER: Investigation continues.

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: Investigation continues.

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: Investigation continues.

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: Investigation continues.

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: Investigation continues.

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: Investigation continues.

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: Investigation continues.

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: Investigation continues.

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: No answer is required.

Respectfully submitted,

/s/ Julia C. Williams
Julia C. Williams

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