From: **Ed Clinton** ed@clintonlaw.net
Subject: Re: Barch Documents
Date: February 13, 2020 at 5:04 PM
To: Paul Dulberg Paul_Dulberg@comcast.net
Cc: Julia WIlliams juliawilliams@clintonlaw.net, Mary Winch marywinch@clintonlaw.net

EC

Paul,

We need to know if you are going to do your deposition on Wednesday next week.

Second, I admit I don't understand your reluctance to be deposed. It does not make sense to me.

We need to resolve this quickly .

We need to get this case moving.

I'm concerned we are not on the same page.

We believe Mast was negligent but we don't think those communications (that you were not a party to) are relevant to your testimony.

I'm much more concerned that this case is not moving along appropriately - there is no demand and no one will pay you until you are deposed.

Ed

> On Feb 13, 2020, at 3:25 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:
>
> Hi Ed,
>
> On the demand portion it would also be helpful to get the McGuires insurance policy from Barch.
>
> William McGuire said his limits were 300,000 in his Interrogatory but that is just his word.
>
> The actual policy from the McGuires would be helpful before writing a demand letter
>
> Can we get that with the rest of the Mast/Barch Communications and documents?
>
> While we are at it, it would also be helpful to have the Gagnon asset check that the Baudins did as well as getting a McGuire asset check done.
> I don't see it in the documents, did the Baudins include the Gagnon asset check they performed with the Case file?
>
> FYI - Baudins asked for 1.2 million at the ADR and I believe that was based on the Gagnon asset check and his insurance limits of 300,000 as well as my injuries and lost wages. We could not ask for monies based on permeant disability because that was determined the following year by social security.
>
> Thanks,
> Paul
>
> > On Feb 13, 2020, at 2:38 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:
> >
> > Hi Ed,
> >
> > I did not address the demand portion of your email.
> >
> > We should have the entire Popovich policy before moving forward on this.
> >
> > Popovich only supplied the declaration pages in the document disclosure.
> >
> > Are we not entitled to see the entire policy?
> >
> > Thanks,
> > Paul
> >
> > > On Feb 13, 2020, at 1:29 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:
> > >
> > > Hi Ed,
> > >
> > > I agree with everything you wrote.
> > >
> > > I can only testify to what I know.

As of July 2019, I now know about the October 22, 2013, $7500 offer Mast made to Barch without my knowledge.

We need to confirm this letter is real by acquiring the Barch firms documents and communications with Mast by compelling them if necessary.

I have been asking for the Barch communications and documents since last July.

Why hasn't Barch turned over those communications and documents?

Do we need to be concerned that Barch feels those documents may implicate himself somehow or has he made a backroom deal of some sort with Mast/Popovich?

The only reluctance that I have is the amount of time Mast and Popovich will have to both read and formulate a strategy before being deposed themselves.

I have learned the hard way not to trust these two gentlemen (Mast & Popovich) and have cause for concern or we wouldn't be here.

In the underlying case, after reading Caroline McGuires deposition it became obvious to both myself and Mast that she had read my deposition prior to her being deposed.

Caroline McGuire described my description of the chainsaw incident.

After I realized that Caroline McGuire had information that she would not otherwise have had or possibly known before being deposed I learned to never let that happen again.

It is not fair that the defense witnesses get to read my testimony/deposition before giving their own testimony/deposition.

Even if the defense witnesses don't read my deposition directly I'm positive they will be briefed by their counsel on the key points they need to address.

Given enough time they (Mast & Popovich) will develop an alternative fictional half truth as a strategy.

Fictional half truths is exactly what Mast and Popovich did to me when they lied and bullied me into settling with the McGuires.

These two gentlemen (Mast and Popovich) have a proven track record of deceiving and lying to me so why would I believe documents they turn over without confirming them by getting those records from Barch?

If we need to postpone Mast and Popovich's depositions by a month because we haven't received the Barch communications then it seems only fair that my deposition is also postponed.

I don't know if Mast turned over all the communications and documents with Barch or not, the only way to find out is to see what Barch has, who knows what else those documents will show?

Believe me, I wish to get this over with as soon as possible but limiting the time both Mast and Popovich have to prepare after reading my deposition is more important and **having the Barch communications before deposing Mast and Popovich is essential**.

If I could wave a magic wand and get the Barch documents and everyone deposed today I would do it in a heart beat.

There is more than just the Barch documents that would be ideal to show the 2-1/2 years of deception, lies and abuse perpetuated by Mast and Popovich on me, their client, but those other documents and communications are not at the core of our case.

The Barch firms communications and documents are at the core of our case and must be obtained.

I'm sorry if I hurt anyone feelings because I don't want to give Mast and Popovich over a month to pour through my deposition before answering questions but this is too important to care about their feelings.

Paul

On Feb 13, 2020, at 11:52 AM, Ed Clinton <ed@clintonlaw.net> wrote:

Paul,

Just remember that you cannot win a case during your deposition.

Testify from your own personal knowledge.

I highly doubt that you can testify (or that you should testify) about a letter somebody else wrote, which may or may not be genuine.

Stick to what you know - what you saw and what you observed.

Please focus on getting the deposition done and making a demand.

Ed
Edward X. Clinton, Jr.
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On Feb 13, 2020, at 7:18 AM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Hi Ed,

Is the October 22, 2013 letter an actual communication between Mast and Barch or is it a strategy or trick?

It is essential to verify this from the Barch documents to determine if the letter is a fact or not.

It is also important to limit the time between depositions.

This is my only reluctance.

Paul

On Feb 12, 2020, at 8:12 PM, Ed Clinton <ed@clintonlaw.net> wrote:

Paul,

Is there a reason you are reluctant to be deposed?

Ed

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The Clinton Law Firm
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Chicago, Illinois 60602

(312) 357-1515
Sent from my iPad
Clintonlawfirm.blogspot.com

> On Feb 12, 2020, at 6:42 PM, Paul Dulberg <paul_dulberg@comcast.net> wrote:
>
> Hi Julia,
>
> Perhaps we should file a motion to compel Ronald Barch and Auto-Owners Insurance to turn over all communications and document records with Hans Mast and the Popovich law firm as soon as possible.
>
> My thought is if we get those documents now and have a few days to digest them maybe we can keep the deposition dates as they are scheduled.
>
> Thanks,
> Paul
>
> > On Feb 12, 2020, at 5:28 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:
> >
> > Hi Julia,
> >
> > How did we get fixed, forced or locked in on a date to give my deposition before we have finished document discovery of the Barch communications?
> >
> > Determining relevance of documents not yet gathered or analyzed on a central issue to our case isn't solely up to the defense to decide.
> >
> > It is not fair to us to have to walk into a discovery deposition without seeing the all the documents first whether or not the defense thinks those documents are relevant to my deposition.
> >
> > We will determine if the Barch documents are relevant to my deposition or not after seeing what is in them.
> >
> > It is also not fair to push Mast and Popovich depositions a month further out on the calendar if the defense is going to try and compel me to testify now. This serves no purpose other than buying the defense more time to formulate responses to what is discovered in my deposition.
> >
> > The dates of the depositions should stay as close together as logistically possible if we want the truth and not some formulated fiction of it.
> >
> > Let them file the motion to compel. I believe the Judge would agree that we should be able to analyze the Barch records and keep the depositions as close together as possible to get to the truth.
> >
> > I believe it is within our rights to see all documents before any depositions begin.
> >
> > When can we expect to see the Barch communications and documents and how long will we have to analyze them before depositions begin?
> >
> > Thanks,
> > Paul
> >
> > > On Feb 12, 2020, at 1:29 PM, Julia WIlliams <juliawilliams@clintonlaw.net> wrote:
> > >
> > > Dear Paul,
> > >
> > > We can move Hans Mast and Tom Popovich to the end of March.
> > >
> > > Defense counsel will not agree to move your deposition and would file a motion to compel.
> > >
> > > At this stage, I think it makes sense for you to go ahead and sit for your deposition on Feb. 19 at 1pm; we will prepare on Feb. 18 at our office at 1pm.
> > >
> > > For Feb. 19, I propose we meet here, at our office at 12:30 and walk to Karbal together.
> > >
> > > As an FYI, here is the information for opposing counsel's office:
> > >
> > > **George Flynn**
> > >
> > > **Karbal | Cohen | Economou | Silk | Dunne | LLC**
> > > 150 S. Wacker Drive

150 S. Wacker Drive
Suite 1700
Chicago, IL 60606

P: (312) 431-3622

F: (312) 431-3670

E: gflynn@karballaw.com

Best Regards,

Julia Williams
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P:312.357.1515
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juliawilliams@clintonlaw.net

> On Feb 12, 2020, at 12:26 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:
>
> Hi Julia,
>
> Due to the significants of the October 22, 2013 letter between Mast/Popovich and Ronald Barch/Auto-Owners I feel that the documents and communications between Mast and Barch are essential to have prior to any depositions.
>
> When can we get them?
>
> Paul