

From: Paul Dulberg Paul_Dulberg@comcast.net
Subject: Re: Fee contingency
Date: August 6, 2020 at 10:17 AM
To: The Clinton Law Firm juliawilliams@clintonlaw.net, Ed Clinton ed@clintonlaw.net
Cc: Mary Winch marywinch@clintonlaw.net

PD

Hi Ed and Julia,

I may have made a mistake when I spoke of Masts Malpractice being Fraudulent Inducement and fraudulent concealment If in your professional opinion the evidence only shows negligent misrepresentation.

Of coarse I am looking at this from my perspective and sometimes my perspective is tainted by feelings.

That is why I need a professional such as yourself.

Thanks,
Paul

On Aug 6, 2020, at 8:46 AM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Hi Julia and Ed,

As I read through Ed's letter dated 7/27/2020 nothing is new in the case that we didn't have to prove since your first representation of me and is pretty clear and straight forward.

McGuire's liability is Respondeat Superior for their employee Gagnon.

Masts Malpractice is fraudulent inducement and fraudulent concealment as is already documented in emails and discovery documents.

Statute of limitations - starts when I realized there was damage after the ADR award Without actual

was damage after the ADP award. Without actual damage there is no "should have known" argument that can be made.

The changes I see is COVID-19 and the fee contingency because of the negative impact it may have on your firm if I should lose.

I can understand this and do see how law firms all over the country are suffering since COVID-19. With the exception of divorce attorneys for obvious reasons.

So, I am willing to pick up the costs of expert witnesses, trial, etc... out of my pocket.

I am also willing to increase your fee to 40%.

And yes, I have enough money to do this. If I fall a little short, I have family who will back me financially in this and I can always tap into my home since it is paid off. I just ask for a few months heads up if things are going to cost more than 25k in less than a 3 month span so I can make the necessary arrangements.

Would that satisfy your fears of COVID and the risks of a fee contingency and allow us to move forward together or do you have anything that you need that I haven't mentioned?

If so, please let me know because I really don't want to have to start over with a new attorney again and am willing to do what you need to move forward.

I had to do something similar to this with the Baudins as well so I do understand your risk and am trying to move that risk to myself.

Best wishes and stay safe,
Paul