

From: Paul Dulberg Paul_Dulberg@comcast.net 
Subject: Re: PLEASE HELP WITH CASE FILE
Date: October 16, 2020 at 4:55 PM
To: The Clinton Law Firm juliawilliams@clintonlaw.net
Cc: Ed Clinton ed@clintonlaw.net, Mary Winch marywinch@clintonlaw.net

PD

Julia,
2 more quick questions

1. I found "Dulberg Discovery Produced to Def" in a folder named "Dulberg Matter Ed Clinton" is this the correct folder you referred to in your previous reply?

2. In a folder named "Dulberg Supplemental Discovery Request to Paul 2020 July 2" I found "2691756v1 - Supplemental Request for Prod. to Plaintiff.PDF". Has this been filled out and turned over to opposing counsel or has it been started anywhere?

This is where I need to know if I am wrong.

If it hasn't been done, I plan to fill out "2691756v1 - Supplemental Request for Prod. to Plaintiff.PDF" with the following responses, some change slightly.

I appreciate Brutal honesty

1. Any and all documents relating to your "discovery" of any alleged breach of the standard of care or legal malpractice by Popovich or Mast, and which caused you damages or injury.

RESPONSE:

Objection: This places an undue burden on plaintiff, any documents being requested that are not privileged or work product of the current case, are already in defense counsels possession.

2. Any and all documents relating to any consultation or advice you received from any attorney or "legal expert" or legal malpractice expert which formed the basis for your alleged discovery of Mast's and Popovich's breach or breaches of the standard of care while they represented you in your claim or lawsuit against William and Caroline McGuire and David Gagnon.

RESPONSE:

Objection: This places an undue burden on plaintiff, any documents being requested that are not privileged or work product of the current case, are already in defense counsels possession.

3. Any and all documents regarding or reflecting advice from any attorney or legal expert, including but not limited to Tom Gooch, including but not limited to your communications with Tom Gooch in December 2016 (up to and including the date of the filing of your original complaint against Popovich and Mast), which relate to your discovery of any breach of the standard of care by Popovich or Mast and proximately caused damages or injury resulting therefrom.

RESPONSE:

Objection: This places an undue burden on plaintiff, any documents being requested that are not privileged or work product of the current case, are already in defense counsels possession.

4. Any and all documents regarding any damages you suffered at any time as a result of any breach of the standard of care by Popovich or Mast in their representation of you or provision of legal services to you.

RESPONSE:

Objection: This places an undue burden on plaintiff, any documents being requested that are not privileged or work product of the current case, are already in defense counsels possession.

5. Any and all documents which provide or form the basis for your contention that you did

not discover until December 16, 2016 that you had been injured or damaged by Mast or Popovich's negligence in representing you in the claim or lawsuit against William and Caroline McGuire.

RESPONSE:

Dulberg did not learn of the Injury on December 16, 2013. Dulberg learned of the Injury on December 12, 2016.

Objection: Privileged - Dulberg met with an attorney who worked on the current case on December 16, 2016.

Objection: This places an undue burden on plaintiff, any documents being requested that are not privileged or work product of the current case, are already in defense counsels possession.

6. All documents, including letters and email communications between Tom Gooch on the one hand, and you on the other hand, regarding legal advice he provided to you on December 16, 2016 and thereafter, that you "had a malpractice case" against Popovich, as testified by you at pages 129-142 of your discovery deposition from February 19, 2020.

RESPONSE:

Objection: This places an undue burden on plaintiff, All letters and email communications between Tom Gooch and the plaintiff are privileged and work product of the current case.

7. Any and all documents reflecting opinions by attorney Randy Baudin regarding the liability of the McGuire's, whether the advice or opinions were rendered at your mediation of the underlying case (on or about December 16, 2016) or prior thereto, as testified at your discovery deposition on February 19, 2020 (see page 141).

RESPONSE:

Objection: This places an undue burden on plaintiff, any documents being requested that are not privileged or work product of the current case, are already in defense counsels possession.

Thank you,
Paul

On Oct 16, 2020, at 12:45 PM, Julia Williams <juliawilliams@clintonlaw.net> wrote:

Paul:

You are safe in assuming that everything we possessed was produced with the exception of the privilege Gooch documents/emails.

The file titled "Dulberg Discovery Produced to Def" contains all of the written discovery turned over to the opposing party, including, interrogatory answers, responses to request to produce, documents that were produced in response to the request to produce.

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

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On Oct 16, 2020, at 10:44 AM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Oh, and just so you are aware, I may have to argue this on my own without counsel and I am going to do everything I can to see this case through to the end.

Continue to help me navigate your case file, perhaps correct me when I am wrong and I will make sure your lean gets satisfied out of the award.

Thank you all for what you have done thus far
Paul

On Oct 16, 2020, at 10:38 AM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Hi Julia,

Thank you

It looks like everything in the "Dulberg Documents to Be Produced 2020 June 25" is in the "Dulberg Docs Produced by Dulberg to OC" with the exception of "Dulberg JCW Notes re Discovery 2020 June 26.docx", which is your notes, and the "Dulberg Paul's Notes on Deposition and handwritten notes 2020 July 1" which is nothing more than a color duplicate of the black and white PDFs produced in the "Dulberg 7893-8551 .pdf"

Is it safe for me to assume that opposing counsel has been given all documents with the exception of the privileged gooch emails?

Also, I see in the "Dulberg JCW Notes re Discovery 2020 June 26.docx" that you were worried about the waiver issue for Gooch.

I don't agree, I answered those questions in the deposition under an objection and certainly didn't waive privilege.

It appears the defense counsel is confused over when I should have known of an injury vs when I learned from an attorney that I had a case in an attempt to pry into privileged communications that cannot change the outcome for their stated goal of reopening the statute of limitations and deposing Gooch and myself for a second time.

It seems to me to be simple math when calculating the statute of limitations

1. The malpractice happened between October 2013 and February 2014 in the underlying case
2. The earliest I could or should have known of the injury was December 12th, 2016 from the award in the underlying case
3. This case was filed on November 28, 2017
4. There is no conversation that could take place between myself and Gooch that could change the first two dates even in the slightest and the third date, the date we filed suit was the culmination of our work product in the current case, not the underlying case.

One more question,

Where do I find all the final answers we sent to opposing counsel for the interrogatories and supplemental interrogatories?

Thank you again,
Paul

On Oct 16, 2020, at 8:40 AM, Julia Williams <juliawilliams@clintonlaw.net> wrote:

Everything that was produced is in the file Dulberg Discovery Produced by Dulberg to OC. All the files in the 2020 June folder should have been produced over the summer.

Best regards,

Julia Williams
Attorney
111 W. Washington, Ste. 1437
Chicago, IL 60602
312-508-3376
Jwilliams@williamslawchicago.com

Sent from my iPhone.

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

On Oct 15, 2020, at 11:23 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Hi Julia,

Have all the items in a folder named "Dulberg Documents to Be Produced 2020 June 25" been sent to opposing counsel

already?

Thanks
Paul

On Oct 15, 2020, at 4:01 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Hi Julia,

I know your off this case but I am overwhelmed and could use your help.

I need all of the final discovery documents we sent to opposing counsel through the case.

This includes all our final answers to interrogatories and document production sent as well as all supplementals requests etc....

Why?

I messed up a few weeks ago when you sent the thumb drive. It filled my hard drive and I couldn't get it all in the Mac and I had a computer crash. My machine froze up and I had to move or delete a lot of data. I tried to then to use my old 32 bit windows PC and move the files to windows and that created more issues than I can count. I have spent weeks trying to sort things out.

Bottom line, I think I'm suffering from information overload and moved so many things around to make room that I can't find anything anymore or if I do find it I'm not sure that it is the final version of what I am looking for.

I will never know your file system as well as you.

Please help me out with this

You can resend me the emails with the final discovery documents and interrogatories

Or

Send new emails with all the final discovery documents

Or

Send me the exact file names so I can do a search and find them.

I know I am asking a lot of you to help even though you withdrew and I am sorry I wasn't better prepared for that much data to come my way.

Thank you and stay safe,
Paul
