

**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  
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*

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GEORGE K. FLYNN  
KARBAL COHEN ECONOMOU SILK DUNNE, LLC

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