

**THE UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS**

PAUL DULBERG,)	
Plaintiff,)	Case No.: 2017 LA 377
v.)	
)	
THE LAW OFFICES OF THOMAS J.)	
POPOVICH, P.C. and HANS MAST,)	
)	
Defendants.)	

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO
DEFENDANTS**

To: George Flynn (gflynn@clausen.com)
Clausen Miller, P.C.
10 South LaSalle Street, 16th Floor
Chicago IL 60603

NOW COMES Plaintiff, PAUL DULBERG ("DULBERG") by and through his attorneys THE GOOCH FIRM, and hereby respectfully moves that Defendants, THE LAW OFFICES OF THOMAS J. POPOVICH, P.C. and HANS MAST (hereafter collectively referred to as "DEFENDANTS"), along with their attorneys and agents, produce at THE GOOCH FIRM, 209 South Main Street, Wauconda, Illinois 60084, within 28 days for inspection and copying the following:

DEFINITIONS

The following Definitions are to be considered applicable with respect to each Request contained herein:

1. "Billings" or "bills" means the monthly bills charged **DULBERG** at any time regardless of whether full or partial payments were made.
2. "Billing records" also can mean records of time billed or recorded on behalf of other clients of **DEFENDANTS** by any time keeper during the relevant period on days when that time keeper performed tasks pursuant to the engagement letter for **DULBERG**.

3. “Calendar” means the master calendar of **DEFENDANTS** and all individual calendars of any person involved in the underlying case during the relevant time period.

4. “Client file” means any documents gathered or received by **DEFENDANTS** during its representation of **DULBERG** in the underlying matter.

5. “Consultant[s]” means and refers to persons, whether retained as experts or as non-experts, contacted by you or on your behalf to provide information, opinions, and/or review of materials or tangible things relating or referring to the positions or potential positions taken by you in preparation of the prenuptial agreement.

6. “Document[s]” means any written, graphic or recorded matter any object or tangible thing of every kind of description, or any combination thereof, and without limitation, whether draft, revision or final; whether original or reproduction; however produced and reproduced; whether such object, record or communication is written, typewritten, printed by hand or recorded, and including without limitation, correspondence, contracts, memorandums of understanding, term sheets, proposals, quotes, notes, memoranda, letters, reports, minutes, resolutions, summaries, telegrams, publications, invoices, purchase orders, estimations, accounting records and work papers, accounts, accounts payables, cash flow statements, commission agreements and commission statements, conferences (including but not limited to reports and/or summaries thereof), annual or other periodic reports, applications, appointment books, appraisals, assignments, assignment of beneficial interest, audit reports, calendar entries or notations, calendars, checks, checkbooks, canceled checks, cards, cartridges, cash flow statements, cassettes certificates, change orders, charts, release orders, checks, registers, receipts, statements, financial statements, filings with any government agency (including but not limited to federal, state, local or foreign governments) inventories, investigations and summaries of investigations, periodicals, photographs, slides or negatives, photographs and negatives, pictures or other matter which is able to be seen or read without mechanical or electrical assistance, plans, plates, pleadings, policies, press releases, proformas, programs, projections, promissory notes, promotional literature and materials, proof, proof of claims, records, records of meetings (including but not limited to notes, reports and summaries of conferences or interviews, whether formal or informal), recordings or transcriptions (including but not limited to notes, reports, and summaries of conferences or interviews, whether formal or informal), communiques, contracts, agreement, amendment, addendums, modifications and cancellations to contracts, recordings, transcriptions of recordings, inspection reports, videotapes, audiotapes, e-mails, facsimiles, diaries, schedules, files, file folders, original or preliminary notes, outlines, papers, personal records, loan documents, manuals or excerpts therefrom, retainer agreements, statements of income and expense, statements or books of account, statistical or information accumulations or compilations, tax returns, handbooks, and business records and shall include, without limitation, originals, duplicates, all file copies, all other copies (with or without notes or changes thereon) no matter how prepared, drafts, data, disks, tapes, databases, back-up tapes, zip-drives and disks,

compilations, computer files, directories and any other computerized data or information, working papers, routing slips and similar materials, and including all documents which relate to the subject matter of this action.

7. “Engagement letter” and/or “engagement agreement” means the letter or agreement between **DEFENDANTS** and/or his firm and **DULBERG**.

8. “Identify” and “describe” means and refer to:

- a. Provide a detail of all facts and circumstances supporting your contentions, and/or the act, occurrence, statement, communication and/or conduct which is the subject of the interrogatory and provide the date of such act, occurrence, statement or communication, the persons present, persons involved, persons who witnessed and/or persons who have knowledge of such facts, circumstances, acts, occurrences, statements, and/or communications;
- b. Provide the name, address and telephone number of all persons having knowledge of such facts and circumstances and/or of all persons present, involved and/or who witnessed the same;
- c. Provide the title of any responsive documents relating to the subject of the interrogatory, the person who created such documents, the persons who were the recipients of such documents, the date such documents were created and the present location of the documents; and
- d. Provide the name, address, and telephone number of any company which is the subject of the interrogatory.

9. “Objects” and “tangible things” means and refers to material items or assets capable of being perceived or capable of being appraised at an actual or approximate value.

10. “Person” or “person[s]” means and refer to any natural person, partnership, corporation, joint venture, business organization whether public or private, and/or other entity and including its officers, directors, partners, joint venturers, employees, consultants, representatives, and agents.

11. “Refer[ing]” or “relate[ing] to” means to be legally, factually and/or logically connected to.

12. “Relevant time period” means the time from **May 1, 2012 to the present**.

13. “Task” means and refers to each discrete duty, assignment or job performed by you and/or any of your employees for which you are charging fees to **DULBERG**, as contained in the Engagement Agreement.

14. “Timekeeper” means any attorney employee of **DEFENDANTS** or non-attorney employee of **DEFENDANTS** who during the relevant time period performed any task on behalf of **DULBERG** in the underlying case.

15. “Timesheets” means and refers to the maintaining, tracking or keeping record of time for legal services performed by you and/or your consultants, whether such timesheets are kept contemporaneously or non-contemporaneously, typewritten or handwritten, and/or retained in or on pre-printed forms, calendars, logs, diaries, folders, files, computer-generated forms or forms contained within computer programs, including but not limited to software designed for and used by legal firms and/or accounting departments to track time for services such as time slips and/or Excel spreadsheets and print-outs of computer generated forms.

16. “Underlying matter” means and refers to **DEFENDANTS Client/Matter Case Number 2012 LA 178** and any and all other matters involving **DULBERG**.

17. “You,” “your,” and “yours” means and refers to, **DULBERG**, whether acting in this name or any alias names or surnames used by you, and/or including your agents, representatives, attorneys, accountants, employees, and/or anyone acting at your direction and/or on your behalf or at your request.

18. “Your counsel” means and refers to your attorneys representing you in this case, and/or your counsel’s agents, representatives and/or anyone acting at their direction or their request on your behalf.

19. Whenever used herein, the singular shall include the plural and vice versa.

20. Whenever used herein, “and” may be understood to mean “or” and vice versa whenever such construction results in a broader request for information.

21. To the extent any paragraph is objected to, please set forth all reasons for your objection, specifically identifying the legal basis for any objection based upon a claim of work product or any common law or statutory privilege as required by S. Ct. Rule 201(n).

22. Duplicitous Request: It is not the intention of this production request to duplicate responses. If any request duplicates another request, only one response is required. Reference may be made to the previous response.

REQUESTS FOR PRODUCTION

1. Where a party has given a statement to some person or entity other than his attorney or insurer, said statement shall be produced by the person or entity to whom it was given or transferred.

RESPONSE:

2. All documents, memoranda, notes, correspondence, pleadings, settlement agreements, contracts, check, bills, invoices, or other documentary material in your possession or under your control identified in your answers to Plaintiff's First Set of Interrogatories.

RESPONSE:

3. A list giving the name, addresses and specialties of all expert witnesses other than purely consultant experts who are not to testify at the trial, omitting all persons already listed above.

RESPONSE:

4. Copies of the reports from all experts listed in paragraph 3.

RESPONSE:

5. All documents in your possession or under your control which relate in any way to **DULBERG**, as known to you on or before your last day of representation.

RESPONSE:

6. The entire client file maintained by you during your representation of **DULBERG** and following said representation not otherwise produced pursuant to Interrogatory No. 5.

RESPONSE:

7. All emails and/or text messages not otherwise produced which was sent between any member of Defendants law firm, employees and/or agents, relating to **DULBERG** or the underlying cause of action.

RESPONSE:

8. Unless otherwise produced pursuant to requests set forth above, produce any other documents including work produce, which pertains in any way to the underlying case or this cause of action.

RESPONSE:

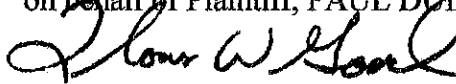
9. If privilege is claimed as to any document please produce the usual and customary privilege log.

RESPONSE:

10. Plaintiff further requests that each party and/or its attorneys furnish an affidavit stating whether the production is complete in accordance with this request for production.

RESPONSE:

Respectfully submitted by,
THE GOOCH FIRM,
on behalf of Plaintiff, PAUL DULBERG,



THOMAS W. GOOCH, III

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