

Date : 2/14/2021 12:05:56 PM
From : "Paul Dulberg"
To : "Law Office Of Alphonse Talarico"
BCc : "Paul Dulberg"
Subject : Re: 17 LA 377 Motion to compel
Dear Mr Talarico,

Is it possible to get the court order modified to extend the dates the items are due by 2-3 weeks?

Reason: with the surgery coming I am losing 2 weeks to comply with the order after the surgery and the last thing I should be doing before a major surgery is stressing out trying to find documents that may be dated incorrectly. I need to relax before a major surgery or the stress will be bad on my ability to recover.

Let me know

And yes, the stress of not being able to find that March 19th, 2019 document is enough to keep my stress level in a bad place before surgery.

Thanks,
Paul

On Feb 14, 2021, at 9:10 AM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Dear Me Talarico,

I know when we spoke on the phone you suggested to wait till we see the transcript of the proceeding before starting to collect what was ordered.

I also, know I will only have a few days between receiving the transcript and going into a major surgery that will put me out of commission for a few weeks.

So I wanted to get a jump start and am trying to collect what is requested in the court order.

I got stuck right out of the gate and its driving me crazy.

Number 1 in the court order: Defendant's Motion to compel supplemental answers to Mast's interrogatories served on March 19th, 2019

I can't seem to find Defendant's Motion to compel supplemental answers to Mast's interrogatories served on March 19th, 2019

I'm not sure if I am having a brain fart and am looking in the wrong place to find this or what but it is driving me crazy that I can't find the document.

Perhaps you can help me locate it by sending me the file name or just email me a copy of it.

I did find a “ Notice of Service of Discovery Documents” dated March 22, 2019 filed with the clerk.

Please advise,

Thanks,
Paul

On Feb 12, 2021, at 3:18 PM, Alphonse Talarico
<contact@lawofficeofalphonsetalarico.com> wrote:

Dear Mr. Dulberg,

the order you requested was entered with correction today.

Please see the copy attached.

I will call you shortly to discuss all your observations.

Sincerely,
Alphonse A. Talarico Esq.



From: Paul Dulberg <Paul_Dulberg@comcast.net>

Sent: Friday, February 12, 2021 10:26 AM

To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

Subject: Re: 17 LA 377 Motion to compel

Dear Mr Talarico,

I haven't heard from you since our telephone conversation last week, I hope everything is okay.

I would like to get a copy of the court order, discuss what happened in court and figure out what's next.

From what little I could hear in the hearing, you performed perfectly.

It was as if your volume level on the speaker was 10x lower than opposing counsel.

We expected to lose this motion to compel but I was pleased the judge agreed to an in camera review and limited the emails from Gooch to a specific date.

I did not mean to set the Judge off, all I wanted to clarify was the date the pecuniary injury happened on and I was almost booted from the courtroom by the bailiff for the second time in one day.

Yes, I was kicked from the courtroom by the bailiff before the hearing began.

I have no idea why since all I did was show up 15 minutes before the scheduled hearing, the court room was empty other than the bailiff and clerk and the bailiff asked if I was there for the 11:00am hearing and I answered yes.

After that I did ask the clerk how to get the information to join via zoom meeting and she kindly told me what I needed for next court date then I sat quietly.

The judge walked into the room, I stood and reseated and the next thing I know the bailiff is telling me I have to leave and he locked the courtroom doors and said they will be opened at 11:00. It was approximately 10:50.

Another attorney showed up and started knocking hard on the doors, I explained that they closed the courtroom till the 11 am hearing and the attorney kept knocking because he had left his brief case and jacket in the room. I could see the Judge was irritated at the knocking and sent the bailiff to the door as the judge exited the room.

The bailiff showed up and unlocked the doors and told me I could come in now.

The attorney grabbed his stuff and left a few minutes later the judge reentered the room.

Again I stood and reseated and the next thing I know the bailiff comes and stands right next to me in a ready position.

The judge started the hearing by asking if you were there so I walked up to the podium so I could hear and the bailiff went

back by his usual post but didn't sit down and looked like he was ready to take me out in a moments notice. The hearing started and I think you know the rest.

I did learn some things from this that shows us what we still need to do.

1. The judge is out to protect your chances to recover monetarily from this case. (Which is a good thing)
2. The judge is confused about when the statute of limitations begins in legal malpractice cases. (Which is bad)
3. The judge doesn't know if the binding award from an arbitration can be considered an injury for the purposes of legal malpractice yet it was okay for the same judge in the same court to accept the binding award when he brought the underlying case to rest. (Which is bad)
4. The Judge doesn't agree with the amount of the award from the arbiter. (I don't either but I think the Judge was inferring it should have been lower when I believe a jury could have awarded as much as 10x more.)
5. The Judge didn't seem to connect that I needed a ruling against the McGuires employee Gagnon in order to find Gagnons employer, the McGuires, liable which clearly pushes the injury needed to start the statute of limitations till the end of the remaining case against Gagnon. (Which isn't good)
6. The Judge lost his cool and showed an emotional outburst towards me allowing him to let loose his feelings rather than stay calm and collective. (I think there is a combination of things going on here. He didn't seem to know that your not working on a contingency fee coupled with I never withdrew my appearance and I think the Judge thought it was me persistently knocking loudly on his courtroom door before the hearing when he wanted the courtroom empty and quiet.)

I am not sure how the judges emotional outburst towards me will play out.

This may give us the second appealable issue said and done by this Judge.

This time it may be perceived as an abuse of discretion since it was extremely clear to me that I was about to be manhandled by a bailiff and thrown out of the courtroom if I didn't shut up but I don't know if it rises to a denial of due process yet.

I am hopeful somehow we can find a nice gentle way of moving forward with the Judge so we don't have to use the appeal process later.

I did successfully set up zoom so next time I don't have to go to court to listen in.

Again, I would like to get a copy of the court order, discuss what happened in court and figure out what's next.

Thank you for all the work you have done so far but it looks like we have a lot more to go,
Paul

On Feb 10, 2021, at 1:16 PM, Paul Dulberg
<Paul.Dulberg@comcast.net> wrote:

Dear Mr Talerico,

I'm not sure exactly what happened today.

Please forward me a copy of the order as well as any response we made prior to the hearing.

I took the liberty of ordering up the transcript because I couldn't hear through what date the Judge requested Mr Gooch's communications.

My hearing is going again, thank goodness I am having one side fixed this month.

Stacey A. Collins - Official Court Reporter informed me that they have a short work week and she will be on vacation part of next week but will get my request for the report of proceedings in a timely manner.

I will forward the copy of the report of the proceedings as soon as I get it.

Thanks,
Paul

<Order February 10 2021 Filed February 11 2021.pdf>