

Date : 11/17/2021 9:59:31 AM

From : "Alphonse Talarico"

To : "Paul Dulberg"

Subject : Re: Dulberg v. Popovich 17 LA 377

Attachment : image001.jpg; image002.png; image003.png; image004.jpg; image005.png; image006.png;

Mr. Flynn,

Pursuant to Supreme Court rule 201(k) and courtesy between members of the Bar I am giving you an update regarding the discovery issues previously noted.

You stated that the Gooch discovery was outstanding on November 13, 2018 and on February 25, 2019 neither you or Julia Williams notified the Honorable Thomas A. Meyer that the Gooch Discovery had been withdrawn.

Furthermore, Julia Williams served Discovery upon Defendants without filing the required Notice of Filing and Notice of Service.

My initial letter regarding potential Discovery issues was reasonable based upon your and MS. Williams answers to Discovery status questions asked by the Judge and visual inspections of the Court file.

I have reached out to MS Williams via email (she works remotely and requests written email communication) to verify the events as you have stated.

Once she verifies that she withdrew the Gouch Discovery, we can schedule a telephone conversation regarding Defendant's answers/non responses to in effect "go find it yourself within POP 1-1405" in light of the Judge's position that Dulberg's answers stating a range to "find it yourself" was non responsive.

I know that you feel that any Motion practice regarding Discovery is late so a discussion on that issue will also be necessary.

I anticipate working with you to find a mutually agreeable solution.

Your anticipated cooperation is greatly appreciated,

Alphonse A. Talarico

From: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

Sent: Monday, November 15, 2021 9:40 AM

To: Paul Dulberg <Paul_Dulberg@comcast.net>

Subject: Fw: Dulberg v. Popovich

From: George Flynn <gflynn@karballaw.com>

Sent: Sunday, November 14, 2021 9:52 PM

To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

Cc: Linda Walters <lwalters@karballaw.com>

Subject: FW: Dulberg v. Popovich

Mr. Talarico:

In response to your 201(k) correspondence of November 13, 2021, please see the attached email from Linda Walters to Julia Williams, Dulberg's predecessor counsel in this case, attaching Popovich's and Mast's discovery answers with signature pages as indicated. These discovery responses and signature

(which should be readily available in the file materials from the Clinton firm) refute the contentions made in the November 13 letter regarding missing signatures or lack of discovery responses.

With respect to the written discovery served by Tom Gooch after he noticed his motion to withdraw, this discovery was withdrawn by Ms. Williams and an agreement reached that she would issue the written discovery to be answered. This was why we answered the discovery she propounded and not the discovery served by Gooch. I am certain that Ms. Williams will be able to confirm this.

As to any claimed deficiencies in Popovich's or Mast's written discovery responses, we consider any objection raised nearly 2.5 years after the discovery was answered, to be untimely. Considerable time was spent between me and Ms. Williams in working through written discovery. She had no issues or objections to Popovich's and Mast's discovery answers by the time she noticed and deposed Hans Mast. Nor was any ruling sought as to any objection raised by Popovich or Mast in their respective discovery answers.

Judge Meyer's rulings on discovery disputes in this case were generated by Dulberg's incomplete or non-responsive written discovery answers and non-responsive deposition testimony, which were timely brought to the court's attention after the defendants' many 201(k) overtures were unsuccessful. Suffice it to say that the court seemed to agree with our position.

I am willing to have a brief 201(k) conference. However, the defendant's have incurred considerable costs and incurred delays in moving their case to disposition due to Mr. Dulberg's evasiveness in discovery and in changing counsel two times in the case. The very discovery I am re-sending is one example of a duplication of effort resulting from the substitution in counsel. While this may not be your fault Mr. Talarico, it certainly was not caused by my clients in any way.

If you still wish to discuss any issues, I can be available on Tuesday November 16, 2021. I would suggest 10:00 a.m.

Best regards,

George Flynn

Karbal | Cohen | Economou | Silk | Dunne | LLC

150 S. Wacker Drive

Suite 1700

Chicago, IL 60606



P: (312) 431-3622



F: (312) 431-3670



E: gflynn@karballaw.com

CONFIDENTIALITY NOTE:

This electronic message transmission contains information from the law firm of Karbal, Cohen, Economou, Silk & Dunne, LLC. which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, please immediately delete this e-mail and be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

From: Linda Walters <lwalters@KARBALLAW.com>
Sent: Wednesday, May 29, 2019 1:03 PM
To: Julia Williams <juliawilliams@clintonlaw.net>
Cc: George Flynn <gflynn@karballaw.com>
Subject: RE: Dulberg v. Popovich

On behalf of George Flynn, please see the attached:

- Defendant The Law Offices of Thomas J. Popovich, P.C.'s Response to Plaintiff's First Set of Document Requests;
- Defendant The Law Offices of Thomas J. Popovich, P.C.'s Answer to Plaintiff's First Set of Interrogatories to Defendants;
- Defendant Hans Mast's Response to Plaintiff's First Set of Document Requests;
- Defendant Hans Mast's Answer to Plaintiff's First Set of Interrogatories to Defendants;
- Defendant The Law Offices of Thomas J. Popovich, P.C.'s and Hans Mast's Answer to Plaintiff's Rule 213(f) Interrogatories to Defendants; and
- Notice of Service of Discovery Documents (A file-stamped copy of the NOS will be forwarded upon receipt.)

Also, Mr. Flynn asked that I let you know that he will give you a flash drive containing the responsive documents at the hearing tomorrow.


Thank you.


Linda Walters
Secretary to George Flynn

Linda Walters

Karbal | Cohen | Economou | Silk | Dunne | LLC

150 S. Wacker Drive
Suite 1700
Chicago, IL 60606

 P: (312) 431-3641

 F: (312) 431-3670

 E: lwalters@KARBALLAW.com

CONFIDENTIALITY NOTE:

This electronic message transmission contains information from the law firm of Karbal, Cohen, Economou, Silk & Dunne, LLC. which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, please immediately delete this e-mail and be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

From: George Flynn <gflynn@karballaw.com>
Sent: Friday, May 24, 2019 1:23 PM
To: Julia Williams <juliawilliams@clintonlaw.net>

Cc: Linda Walters <lwalters@KARBALLAW.com>

Subject: RE: Dulberg v. Popovich

Julia:

Thanks, that is agreed.

Have a nice holiday.

Best regards,

George Flynn

Karbal | Cohen | Economou | Silk | Dunne | LLC

150 S. Wacker Drive

Suite 1700

Chicago, IL 60606



P: (312) 431-3622



F: (312) 431-3670



E: gflynn@karballaw.com

CONFIDENTIALITY NOTE:

This electronic message transmission contains information from the law firm of Karbal, Cohen, Economou, Silk & Dunne, LLC. which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, please immediately delete this e-mail and be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

From: Julia Williams <juliawilliams@clintonlaw.net>

Sent: Friday, May 24, 2019 1:22 PM

To: George Flynn <gflynn@karballaw.com>

Cc: Linda Walters <lwalters@KARBALLAW.com>

Subject: Re: Dulberg v. Popovich

Dear George,

I am in a similar position. Let's just agree that we will exchange before we appear on Thursday.

Best,

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

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

On May 23, 2019, at 4:11 PM, George Flynn <gflynn@karballaw.com> wrote:

Julia:

Just writing with an update. I have my discovery answers out for signature. My secretary is out tomorrow, so I may not be able to serve them until Tuesday, unless the signatures come in and I have some assistance on Friday.

We have a little over 1400 pages of documents that we have Bates labelled and plan to put on a flash drive (this includes 5 fact witness depositions we ordered recently). Note that there are still 4 or 5 transcripts from the Physicians who were deposed in the underlying case. I have not ordered those transcripts.

Please let me know if this is agreeable. I certainly want to have everything served before we appear on 5-30.

Thanks

George Flynn

Karbal | Cohen | Economou | Silk | Dunne | LLC

150 S. Wacker Drive

Suite 1700

Chicago, IL 60606

<phone_3aef1e25-ed01-4e86-9c05-55877d93199b.jpg> P: (312) 431-3622

<fax_b47779bc-2f12-4a09-9ce3-87f4947c34ef.png> F: (312) 431-3670

<envelope_5540fafc-2f13-4c5f-af64-a2c20113037b.png> E: gflynn@karballaw.com

CONFIDENTIALITY NOTE:

This electronic message transmission contains information from the law firm of Karbal, Cohen, Economou, Silk & Dunne, LLC. which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, please immediately delete this e-mail and be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

From: Julia Williams <juliawilliams@clintonlaw.net>

Sent: Thursday, May 9, 2019 9:06 AM

To: George Flynn <gflynn@karballaw.com>

Cc: Linda Walters <lwalters@KARBALLAW.com>

Subject: Re: Dulberg v. Popovich

Of course. Sorry for not responding sooner.

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

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

On May 8, 2019, at 8:28 AM, George Flynn <gflynn@karballaw.com> wrote:

Julia:

I could still use a few weeks to answer. Can we agree on another 14 days?

George Flynn

Karbal | Cohen | Economou | Silk | Dunne | LLC

150 S. Wacker Drive

Suite 1700

Chicago, IL 60606

<phone_3aef1e25-ed01-4e86-9c05-55877d93199b.jpg> P: (312) 431-3622

<fax_b47779bc-2f12-4a09-9ce3-87f4947c34ef.png> F: (312) 431-3670

<envelope_5540fafc-2f13-4c5f-af64-

a2c20113037b.png> E: gflynn@karballaw.com

CONFIDENTIALITY NOTE:

This electronic message transmission contains information from the law firm of Karbal, Cohen, Economou, Silk & Dunne, LLC. which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, please immediately delete this e-mail and be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

On Apr 18, 2019, at 3:16 PM, Julia Williams <juliawilliams@clintonlaw.net> wrote:

Perfect.

Thanks!

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

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

On Apr 18, 2019, at 3:13 PM, George Flynn
<gflynn@karballaw.com> wrote:

Julia:

Thanks for your message. We could also use a little extra time to answer discovery. Can we agree on 3 weeks for all parties to answer?

George Flynn

Karbal | Cohen | Economou | Silk | Dunne | LLC

150 S. Wacker Drive

Suite 1700

Chicago, IL 60606

<phone_3aef1e25-ed01-4e86-9c05-55877d93199b.jpg> P: [\(312\) 431-3622](tel:(312)431-3622)

<fax_b47779bc-2f12-4a09-9ce3-87f4947c34ef.png> F: [\(312\) 431-3670](tel:(312)431-3670)

<envelope_5540fafc-2f13-4c5f-af64-a2c20113037b.png> E: gflynn@karballaw.com

CONFIDENTIALITY NOTE:

This electronic message transmission contains information from the law firm of Karbal, Cohen, Economou, Silk & Dunne, LLC. which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, please immediately delete this e-mail and be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.