

**Date : 12/3/2021 9:54:24 AM**  
**From : "Alphonse Talarico"**  
**To : "Paul Dulberg"**  
**Subject : Fw: Dulberg**  
**Attachment : image001.jpg; image002.png; image003.png;**

Please read and respond.

**From:** George Flynn <gflynn@karballaw.com>  
**Sent:** Friday, December 3, 2021 9:20 AM  
**To:** Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>  
**Cc:** Linda Walters <lwalters@karballaw.com>  
**Subject:** FW: Dulberg

Mr. Talarico:


Please see my email below and Ms. Williams' response. Please confirm that your motion to compel will be withdrawn. I will wait until this afternoon to begin preparing a response. Again, it is our position that my client should not have to bear the expense in responding to the motion.


Regards,

**George Flynn**

**Karbal | Cohen | Economou | Silk | Dunne | LLC**

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**From:** Julia Williams <juliawilliams@clintonlaw.net>

**Sent:** Friday, December 3, 2021 9:14 AM

**To:** George Flynn <gflynn@karballaw.com>

**Cc:** Ed Clinton <ed@clintonlaw.net>

**Subject:** Re: Dulberg

Dear George,

I agree with your representations.

I do recall that we issued new discovery after Mr. Gooch had previously issued discovery. I do not recall what exactly we agreed to or whether we formalized the withdraw of the original written discovery issued by Mr Gooch, but it was my assumption that your firm/your clients would answer the written

discovery issued by our firm and we were not intending to enforce any requirement to answer the written discovery issued by Mr. Gooch or his office. Again, I thought we had confirmed in writing or with the court in an open hearing, but obviously we were unable to locate that. I am fairly certain that our office had agreed to withdraw those requests.

As for the “black” pages that originally appeared to be improper or unexplained redactions, I do recall that after court one day we met at Mr. Popovich’s office to review the original documents that were tendered in response to our written discovery requests. Mr. Popovich was representing that the redactions were dividers or blank pages between the other pages. I did review Mr. Popovich’s entire file and the blank, black, or redacted pages that appeared in the scanned documents were actually blank pages and not redactions. I personally reviewed the original physical file and was satisfied that everything in the file had been produced in your scanned copy tendered to us.

I hope this helps everyone resolve these issues.

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](mailto:juliawilliams@clintonlaw.net)

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On Dec 2, 2021, at 3:14 PM, George Flynn <[gflynn@karballaw.com](mailto:gflynn@karballaw.com)> wrote:

Julia:

Further to our recent discussion, please see the attached motion to compel, filed more than 2.5 years after my clients answered the discovery propounded by your firm (“The Clinton Firm”).

I plan to respond in writing and represent to the court that we agreed that defendants would not answer the “Gooch discovery” and that is why you reported to the court that defendants had answered [“the Clinton”] discovery.

Counsel also asserts that your description of the discovery documents as “First Set...” is erroneous. I believe that his assumption is erroneous.

With respect to the so-called redacted documents, I explained the history to Mr. Talarico—that you suspected improper redactions—that we agreed to meet at Popovich’s office

where you inspected the original file materials and were satisfied after personal inspection that the “blank” pages in the production were from file dividers in the original file that were copied.

You and I then moved on to oral fact discovery, and you deposed defendant Hans Mast. My position is that neither you nor I would have agreed to proceed with Mast’s deposition if there were outstanding issues with defendants’ written discovery responses. Moreover, this issue is totally distinct from defendants’ decision to depose Dulberg and test his objections and claims of privilege, along with what we perceived to be improper and incomplete answers to discovery aimed at his alleged “discovery” of his malpractice claims and incurred damages in December 2016.

I would appreciate it if you would respond with your agreement to my representations here. As you and I discussed, I recall that we had an agreement that defendants would not answer the Gooch discovery. I thought we had confirmed this agreement in writing, but I have not been able to locate such written confirmation. However, I believe that it is clear from the court orders, transcripts, and our conduct in handling discovery, and my memory, that this was our agreement.

As always, thanks for your time and professionalism, Julia.

Best regards,

**George Flynn**

**Karbal | Cohen | Economou | Silk | Dunne | LLC**

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<envelope\_5540fafc-2f13-4c5f-af64-a2c20113037b.png> E: [gflynn@karballaw.com](mailto:gflynn@karballaw.com)

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<3007617v1 - Plaintiff\_s Motion to Compel Defendants to Answer Outstanding Written Discovery & to Extend Time for OUTstanding Written Discovery to be Completed.PDF>