

Date : 5/12/2023 8:38:44 AM
From : "Paul Dulberg"
To : "Law Office Of Alphonse Talarico"
BCc : "Paul Dulberg" , "Tom Kost"
Subject : Re: Bk

In a solvent bankruptcy where the personal injury suit is only one asset of several capable of paying the creditors, the debtor/injured party typically retains control over the lawsuit, including the ability to make decisions regarding its pursuit, settlement, or resolution. The trustee's role in this situation is generally limited to monitoring the case and ensuring that any proceeds from the lawsuit are properly accounted for and distributed to creditors.

On May 12, 2023, at 8:31 AM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

A few more points from our phone conversation.

The trustee did not ask the bankruptcy court for permission to take control of the personal injury case as to whether it settled, went to ADR or to public trial by jury.

Rather the trustee represented to the court that the injured party, debtor and beneficiary of the estate, (Dulberg) was in agreement with the Baudin law groups recommendation to go to ADR.

Further in state circuit court it was Allstate who first mentioned ADR to the judge, not the Baudins and no one ever informed the state circuit court that the case became an asset of a federal bankruptcy estate.

The trustee failed to notice the contract for representation provided him by the Baudin law group ltd was not with the Baudin law group ltd but rather was a contract with the fictional Baudin & Baudin, a looser association of attorneys, and not a loose association of law firms that could have theoretically included the Baudin law group.

At this time the Baudins response claiming the trustee had control of the direction of the case makes no sense and does not match the transcript on record in the bankruptcy court where, in summary, the trustee told the judge it was Dulberg's decision to enter into ADR because Dulberg wouldn't make a good witness and that was information the trustee relayed to the court was purportedly given by the Baudin law group ltd as to the direction the client/injured party/debtor/beneficiary (Dulberg) wished to take the case. At no time did the trustee take control of the direction of the case, in essence in the transcript the trustee expressed that he did not want to take control and micromanage the case when speaking with the judge.

I have spelled out in our complaint exactly what I told the Baudins about not wanting to give up the protections of a public trial with the right to review and the bankruptcy transcript shows the Baudins conveyed to the trustee the exact opposite and are now attempting to put blame on the trustee for taking control of the direction

of the personal injury case when there is ample evidence on the record that that was not what the trustee was doing.

On May 12, 2023, at 7:52 AM, Paul Dulberg
<Paul_Dulberg@comcast.net> wrote:

In a personal injury lawsuit, the ultimate direction of the case is typically determined by the client, not a trustee. A trustee is generally an individual or entity appointed to manage the assets or affairs of another person, often in situations where the person is unable to do so themselves, such as in the case of a trust or guardianship.

In a personal injury lawsuit, the client is the individual who has suffered harm or injury and is seeking compensation for their losses. They are typically represented by an attorney who will guide them through the legal process, provide advice, and advocate for their interests. The client ultimately has the authority to make decisions regarding the case, such as whether to accept a settlement offer or proceed to trial.

It's worth noting that if a client is unable to make decisions due to incapacity, a guardian or conservator may be appointed to act on their behalf. However, this is a specific legal arrangement that applies in cases where an individual is deemed legally incapacitated and unable to make decisions for themselves. In such situations, the guardian or conservator would make decisions in the best interests of the injured person.