

Date : 11/21/2023 9:10:06 AM
From : "Paul Dulberg"
To : "Tom Kost"
Cc : "Alphonse Talarico"
BCc : "Paul Dulberg"
Subject : Fwd: Schedule for this week
Tom,

Below is the 6 major points I sent last week.

If we don't raise an issue now we lose the chance to raise it again later so we are not limited to this list.

Paul

Begin forwarded message:

From: Paul Dulberg <Paul_Dulberg@comcast.net>
Subject: Re: Schedule for this week
Date: November 14, 2023 at 10:04:12 AM CST
To: Tom Kost <tkost999@gmail.com>
Cc: Law Office Of Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

Tom,

Mr Talarico called about the appeal issue in the Baudin case but in that call advised us to isolate 4-5 of the 100's of issues in the Popovich case and be ready with them when he writes the popovich brief.

I spoke about 4 major issues I wanted to address and want to hear your take. I added 2 more issues to my list I spoke to Mr Talarico that I believe are key issues as well. My List is below:

1. Meyers recusal issue
2. Summary Judgment on the merits (without the Meyer recusal issue as I believe we can win on the merits alone - Vicarious liability of McGuire's not being able to be calculated until Gagnon case closed - This aligns with the suburban case, the only nuance being the vicarious liability delaying when the pecuniary injury could possibly be calculated)
3. Meyers unilaterally shutting down F1 discovery on his motion after telling flying in the previous court date to file the motion if he wants discovery of court reporters signatures stopped.
4. Meyers refusal to take the Court reporters (Barb Smith) subpoenaed audio recording of Mast deposition into evidence for the court to understand what

happened during mast deposition.

5. Meyers debacle of the Clinton subpoenaed documents (releasing documents to Popovich/Flynn that we did not subpoena from Clinton and were outside the parameters of the subpoena.)

6. Meyers causing Communications with Gooch to be disclosed (In doing so Meyers breached attorney client privilege as if any communication with Gooch after the Gagnon award would lead to some alternative pecuniary injury narratives)

As Mr Talarico asked, lets take time create, list and focus in on the top 4-5 major issues out of the 100's of issues in the Popovich case and be ready to write the brief.

Do you agree with my list or do you see any other major issues we should key in on?

Paul

On Nov 13, 2023, at 12:51 PM, Paul Dulberg
<Paul_Dulberg@comcast.net> wrote:

Mr Talarico called said the brief is due 11/22/2023

On Nov 13, 2023, at 11:01 AM, T Kost
<tkost999@gmail.com> wrote:

We obviously have an important document to produce this week.

Mr Talarico, please let us know a basic schedule or plan of how you would like to see us approach the work needed to be done this week.

Thanks