

**THE UNITED STATES OF AMERICA  
IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT  
McHENRY COUNTY, ILLINOIS**

PAUL DULBERG,	)	
Plaintiff,	)	Case No.: 2017 LA 377
v.	)	
	)	
THE LAW OFFICES OF THOMAS J.	)	
POPOVICH, P.C. and HANS MAST,	)	
	)	
Defendants.	)	

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**PLAINTIFF’S FIRST SET OF INTERROGATORIES TO DEFENDANTS**

To: George Flynn (gflynn@clausen.com)  
Clausen Miller, P.C.  
10 South LaSalle Street, 16th Floor  
Chicago IL 60603

NOW COMES Plaintiff, PAUL DULBERG (“DULBERG”) by and through his attorneys THE GOOCH FIRM, and hereby submits his First Set of Interrogatories pursuant to Illinois Supreme Court Rule 213 to Defendants, THE LAW OFFICES OF THOMAS J. POPOVICH, P.C. and HANS MAST (hereafter collectively referred to as “DEFENDANTS”), along with Instructions and Definitions. Plaintiff requests a written response within twenty-eight (28) days of service.

**DEFINITIONS**

The following Definitions are to be considered applicable with respect to each interrogatory contained herein:

1. “Billings” or “bills” means the monthly bills charged **DULBERG** at any time regardless of whether full or partial payments were made.
2. “Billing records” also can mean records of time billed or recorded on behalf of other clients of **THE LAW OFFICE OF THOMAS J. POPOVICH, P.C. and HANS MAST** by any time keeper during the relevant period on days when that time keeper performed tasks pursuant to the engagement letter for **DULBERG**.

3. “Calendar” means the master calendar of **THE LAW OFFICE OF THOMAS J. POPOVICH, P.C. and HANS MAST** and all individual calendars of any person involved in the underlying case during the relevant time period.

4. “Client file” means any documents gathered or received by **THE LAW OFFICE OF THOMAS J. POPOVICH, P.C. and HANS MAST** during their representation of **DULBERG** in the underlying matter.

5. “Consultant[s]” means and refers to persons, whether retained as experts or as non-experts, contacted by you or on your behalf to provide information, opinions, and/or review of materials or tangible things relating or referring to the positions or potential positions taken by you in preparation of any documents, hearings, or settlement negotiations.

6. “Document[s]” means any written, graphic or recorded matter any object or tangible thing of every kind of description, or any combination thereof, and without limitation, whether draft, revision or final; whether original or reproduction; however produced and reproduced; whether such object, record or communication is written, typewritten, printed by hand or recorded, and including without limitation, correspondence, contracts, memorandums of understanding, term sheets, proposals, quotes, notes, memoranda, letters, reports, minutes, resolutions, summaries, telegrams, publications, invoices, purchase orders, estimations, accounting records and work papers, accounts, accounts payables, cash flow statements, commission agreements and commission statements, conferences (including but not limited to reports and/or summaries thereof), annual or other periodic reports, applications, appointment books, appraisals, assignments, assignment of beneficial interest, audit reports, calendar entries or notations, calendars, checks, checkbooks, canceled checks, cards, cartridges, cash flow statements, cassettes certificates, change orders, charts, release orders, checks, registers, receipts, statements, financial statements, filings with any government agency (including but not limited to federal, state, local or foreign governments) inventories, investigations and summaries of investigations, periodicals, photographs, slides or negatives, photographs and negatives, pictures or other matter which is able to be seen or read without mechanical or electrical assistance, plans, plates, pleadings, policies, press releases, proformas, programs, projections, promissory notes, promotional literature and materials, proof, proof of claims, records, records of meetings (including but not limited to notes, reports and summaries of conferences or interviews, whether formal or informal), recordings or transcriptions (including but n limited to notes, reports, and summaries of conferences or interviews, whether formal or informal), communiques, contracts, agreement, amendment, addendums, modifications and cancellations to contracts, recordings, transcriptions of recordings, inspection reports, videotapes, audiotapes, e-mails, facsimiles, diaries, schedules, files, file folders, original or preliminary notes, outlines, papers, personal records, loan documents, manuals or excerpts therefrom, retainer agreements, statements of income and expense, statements or books of account, statistical or information accumulations or compilations, tax returns, handbooks, and business records and shall include, without limitation,

originals, duplicates, all file copies, all other copies (with or without notes or changes thereon) no matter how prepared, drafts, data, disks, tapes, databases, back-up tapes, zip-drives and disks, compilations, computer files, directories and any other computerized data or information, working papers, routing slips and similar materials, and including all documents which relate to the subject matter of this action.

7. “Engagement letter” and/or “engagement agreement” means the letter or agreement or retainer agreement between **THE LAW OFFICE OF THOMAS J. POPOVICH, P.C. and HANS MAST and DULBERG.**

8. “Identify” and “describe” means and refer to:

- a. Provide a detail of all facts and circumstances supporting your contentions, and/or the act, occurrence, statement, communication and/or conduct which is the subject of the interrogatory and provide the date of such act, occurrence, statement or communication, the persons present, persons involved, persons who witnessed and/or persons who have knowledge of such facts, circumstances, acts, occurrences, statements, and/or communications;
- b. Provide the name, address and telephone number of all persons having knowledge of such facts and circumstances and/or of all persons present, involved and/or who witnessed the same;
- c. Provide the title of any responsive documents relating to the subject of the interrogatory, the person who created such documents, the persons who were the recipients of such documents, the date such documents were created and the present location of the documents; and
- d. Provide the name, address, and telephone number of any company which is the subject of the interrogatory.

9. “Objects” and “tangible things” means and refers to material items or assets capable of being perceived or capable of being appraised at an actual or approximate value.

10. “Person” or “person[s]” means and refer to any natural person, partnership, corporation, joint venture, business organization whether public or private, and/or other entity and including its officers, directors, partners, joint venturers, employees, consultants, representatives, and agents.

11. “Refer[ing]” or “relate[ing] to” means to be legally, factually and/or logically connected to.

12. “Relevant time period” means the time from **May 1, 2012 to the present.**

13. "Task" means and refers to each discrete duty, assignment or job performed by you and/or any of your employees for which you are charging fees to **DULBERG**, as contained in the Engagement Agreement.

14. "Timekeeper" means any attorney employee of **THE LAW OFFICE OF THOMAS J. POPOVICH, P.C. and HANS MAST** or non-attorney employee of **THE LAW OFFICE OF THOMAS J. POPOVICH, P.C. and HANS MAST** who during the relevant time period performed any task on behalf of **DULBERG** in the underlying case.

15. "Timesheets" means and refers to the maintaining, tracking or keeping record of time for legal services performed by you and/or your consultants, whether such timesheets are kept contemporaneously or non-contemporaneously, typewritten or handwritten, and/or retained in or on pre-printed forms, calendars, logs, diaries, folders, files, computer-generated forms or forms contained within computer programs, including but not limited to software designed for and used by legal firms and/or accounting departments to track time for services such as time slips and/or Excel spreadsheets and print-outs of computer generated forms.

16. "Underlying matter" means and refers to **PAUL DULBERG** and any and all other matters involving **DULBERG**.

17. "You," "your," and "yours" means and refers to, **THE LAW OFFICE OF THOMAS J. POPOVICH, P.C. and HANS MAST** whether acting in this name or any alias names or surnames used by you, and/or including your agents, representatives, attorneys, accountants, employees, and/or anyone acting at your direction and/or on your behalf or at your request.

18. "Your counsel" means and refers to your attorneys representing you in this case, and/or your counsel's agents, representatives and/or anyone acting at their direction or their request on your behalf.

19. Whenever used herein, the singular shall include the plural and vice versa.

20. Whenever used herein, "and" may be understood to mean "or" and vice versa whenever such construction results in a broader request for information.

21. To the extent any paragraph is objected to, please set forth all reasons for your objection, specifically identifying the legal basis for any objection based upon a claim of work product or any common law or statutory privilege as required by S. Ct. Rule 201(n).

22. Duplicitous Request: It is not the intention of this production request to duplicate responses. If any request duplicates another request, only one response is required. Reference may be made to the previous response.

## INTERROGATORIES

1. Please state your name and State Bar Number.

**ANSWER:**

2. With respect to your education, please identify each institution of higher learning that you ever attended, including the law school from which you graduated. Also, as to each institution, please set forth the following information specifically and in detail:

- a. State each declared major/minor area of study.
- b. Set forth each bar association of which you are a member.

**ANSWER:**

3. Do you maintain that you concentrate your practice in any particular type of area of the law? If so, please set forth the following information:

- a. A description of the legal work, area of law, or type of matter in which your practice is concentrated
- b. For how many years have you engaged in the practice of law concentrated in a particular area.

**ANSWER:**

4. Have you ever been suspended, censured, reprimanded or otherwise disciplined by the Illinois Supreme Court or the Attorney Registration and Disciplinary Commission of the Illinois Supreme Court?

**ANSWER:**

5. Did you ever enter, at any time, into or establish an attorney-client relationship with the Plaintiff? If your answer is anything other than an unconditional "no," please set forth the following information specifically and in detail:

- a. The date upon which the relationship was first established, and if the relationship was ever terminated, the date or dates of each such termination.
- b. The nature and description of the legal services that you agreed to provide.
- c. Please identify every contract, retainer agreement, letter of engagement or

writing that relates to the establishment of your relationship with the Plaintiff by stating a brief summary of its contents. Alternatively, in lieu of your answer, please attach the document.

**ANSWER:**

6. Commencing from the date when the Plaintiff first contacted you through the date of your answers to these Interrogatories, state whether you are covered or were covered by a policy of professional liability insurance (i.e., malpractice insurance) which is providing coverage or which has denied or reserved coverage for the claim of the Plaintiff? If the answer is no, see 2(c). If the answer is yes, see 2(a)-2(b):

- a. Please provide the name of the insurer and the policy number.
- b. If coverage has been reserved or denied, describe the reasons of for the denial or reservation and attach any document you have received from the insurer relating to the reservation or denial.
- c. If you are not covered by a policy of professional liability coverage, please state the last time you were insured.

**ANSWER:**

7. Do you have possession of Plaintiff's client file created during the time period you represented Plaintiff?

**ANSWER:**

8. Did you ever represent the Plaintiff with respect to any matters other than those which are the subject of this litigation?

**ANSWER:**

9. Set forth the name and title of each individual who participated in the preparation, investigation, evaluation, and analysis of any aspect of your representation of the Plaintiff, including but not limited to present and former attorneys, secretaries, paralegals, investigators, law clerks, student assistants, and other individuals who participated in the handling or preparation of the Plaintiff's matter.

**ANSWER:**

10. With respect to each meeting, telephone conversation, mailed letters or other

correspondence, and email discussions you had with the Plaintiff, please set forth the following:

- a. The mode of the communication, date/time of the communication and the substance of the communication.
- b. Identify any/all correspondence that mentions or refers to the communication by stating its date and authors. Include a brief description of the contents of the correspondence or, alternatively, attach a copy of it to your answers to these Interrogatories.

**ANSWER:**

11. Did you ever refuse to communicate with the Plaintiff or act on his behalf

**ANSWER:**

12. Did you withdraw from representation of the Plaintiff?

**ANSWER:**

13. With respect to the pending action against you and the firm for legal malpractice and with respect to the Plaintiff, please identify each drafting of work that you engaged in on the Plaintiff's behalf, and with respect to each, please set forth the following information specifically and in detail:

- a. A description of the work performed. The date that the work was performed, the approximate amount of time spent, and the amount charged to the Plaintiff for said work.

**ANSWER:**

14. State the name, title and telephone number of any employee of any Defendant during your period of representation of the Plaintiff.

**ANSWER:**

15. State the name of the person responsible for assembling monthly bills/invoices and sending them to the Plaintiff during the time period you represented Plaintiff.

**ANSWER:**

16. If any person listed in Interrogatory No. 15 is no longer employed by you, identify that person by name and providing telephone number.

**ANSWER:**

17. Describe all documents reviewed by anyone in the course of preparation of the responses to these interrogatories.

**ANSWER:**

Respectfully submitted,  
THE GOOCH FIRM  
on behalf of Plaintiff, PAUL DULBERG,



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THOMAS W. GOOCH, III

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