

1 STATE OF ILLINOIS )  
2 COUNTY OF McHENRY ) SS.

3 IN THE TWENTY-SECOND JUDICIAL DISTRICT  
4 McHENRY COUNTY, ILLINOIS

5  
6 PAUL DULBERG,

7 Plaintiff,

8 vs.

No. 17 LA 377

9 THE LAW OFFICES OF THOMAS  
10 J. POPVICH, P.C. and HANS  
MAST,

11 Defendants.

12 ELECTRONICALLY RECORDED Report of  
13 Proceedings in the above-entitled cause before the  
14 Honorable THOMAS A. MEYER, Judge of said Court of  
15 McHenry County, Illinois, on the 5th day of  
16 September, 2019, in the McHenry County Government  
17 Center, Woodstock, Illinois.

18 APPEARANCES:

19 MS. JULIA WILLIAMS  
20 ATTORNEY AT LAW

21 On behalf of the Plaintiff;

22 MR. GEORGE K. FLYNN  
23 ATTORNEY AT LAW

24 On behalf of the Defendants.

1 THE COURT: Okay. Agreed or uncontested?  
2 Failing that, I'll start with my call. Dulberg  
3 versus Mast.

4 MS. WILLIAMS: Good morning, your Honor. Julia  
5 Williams on behalf of the plaintiff. I'm waiting  
6 for defendant. He said he'd be about five minutes  
7 late.

8 THE COURT: All right. We'll pass.  
9 (Whereupon the afore-captioned  
10 cause was recalled.)

11 THE COURT: Anybody else ready?

12 MS. WILLIAMS: Good morning, your Honor.

13 THE COURT: Okay.

14 MS. WILLIAMS: On Dulberg, the first -- first  
15 line on your call. Julia Williams on behalf of Paul  
16 Dulberg.

17 THE COURT: Morning.

18 MR. FLYNN: Good morning, your Honor. George  
19 Flynn on behalf of defendants.

20 MS. WILLIAMS: So we're here on status of  
21 discovery. We've done written discovery. We've got  
22 some -- kind of 201(k) issues. It's not adversarial  
23 201(k), but we need to do some 201(k) --

24 THE COURT: Okay.

1 MS. WILLIAMS: -- conferences. We were actually  
2 going to meet after this today and take some time.  
3 We have -- we have asserted some privilege, some  
4 attorney-client privilege to some of the documents.  
5 We are likely going to waive that privilege, so we  
6 need to produce some additional documents from  
7 subsequent counsel. It's a legal malpractice case.  
8 Counsel subsequent to Popovich's firm.

9 THE COURT: All right.

10 MS. WILLIAMS: So why don't we take some time to  
11 do that. If it's okay with the Court, maybe 60 days  
12 to resolve all these issues, get the new  
13 supplemental, and then move into (f)(1)s.

14 THE COURT: Okay. What date did you have in  
15 mind? That puts us into November.

16 MS. WILLIAMS: Early, mid -- early to  
17 mid-November, I guess, would be --

18 THE COURT: What day?

19 MS. WILLIAMS: I would like to avoid the last  
20 week.

21 MR. FLYNN: Any date in November is fine with  
22 me, your Honor. I would like to have a resolution  
23 of the privilege issue, though. It sounds like the  
24 decision hasn't been made, so --

1 MS. WILLIAMS: I think we're waiving privilege.  
2 I'll say it on the record, we're going to waive  
3 privilege.

4 MR. FLYNN: Okay.

5 THE COURT: Okay.

6 MR. FLYNN: The only other issue that was  
7 raised -- I just reviewed the written discovery  
8 yesterday and you had (indiscernible) 201(k) that  
9 there was a bankruptcy that was mentioned kind of  
10 vaguely in one of the answers. It sounds or appears  
11 that either the bankruptcy judge or the trustee had  
12 enforced or required a mediation and a high-low  
13 agreement. To the extent that those documents are  
14 responsive to any of the requests -- and I'll have  
15 to go through them to see if they are. Otherwise  
16 I'll just issue a supplemental, but I think the  
17 bankruptcy file and communications with the trustee  
18 are probably responsive to our discovery, so I would  
19 just request that those be included in our --

20 MS. WILLIAMS: I think we produced a number of  
21 the bankruptcy issues, but we can talk about it  
22 today and definitely try to work out -- there's  
23 definitely -- there was a bankruptcy. We're not  
24 trying to hide that bankruptcy, so. And the trustee

1 did resolve -- there was an arbitration based on the  
2 trustee's recommendation in the bankruptcy for the  
3 individual.

4 THE COURT: How's November 4th, Monday?

5 MS. WILLIAMS: That works for me, your Honor.

6 THE COURT: Okay. Then we will see you then,  
7 status (f)(1).

8 MR. FLYNN: Thank you, your Honor.

9 THE COURT: Thank you.

10 (Which were all the proceedings  
11 had in the above-entitled cause  
12 this date.)  
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1 STATE OF ILLINOIS }  
2 COUNTY OF McHENRY } SS:  
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4 I, CRISTIN M. KELLY, an official Court  
5 Reporter for the Circuit Court of McHenry County,  
6 Twenty-Second Judicial Circuit of Illinois,  
7 transcribed the electronic recording of the  
8 proceeding in the above-entitled cause to the best  
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11 a true and accurate transcript of said electronic  
12 recording.  
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