

**From:** Julia C. Williams jwilliams@williamslawchicago.com   
**Subject:** Re: Dulberg v Mast et al; Discovery and Court Order  
**Date:** February 10, 2020 at 3:18 PM  
**To:** Paul Dulberg pdulberg@comcast.net  
**Cc:** Mary Winch marywinch@clintonlaw.net, ed@clintonlaw.net

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JW

Dear Paul,

See below responses in black.

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On Feb 6, 2020, at 1:05 PM, Paul Dulberg <[pdulberg@comcast.net](mailto:pdulberg@comcast.net)> wrote:

Hi Julia,

Sorry I had some issues this week with my mom and couldn't get back to you sooner on this.

I see we sent out a Subpoena for Joseph Olsen one of the bankruptcy trustees served October 24, 2019 to turn over documents  
Did we get anything back?

I sent you 9 emails that he sent to us today (2/10/2020—9 emails were forwarded)

I believe Olsen was the trustee when the with the Baudin's represented me.

Also, did we ever issue subpoenas for the following peoples communications with Mast or ever get anything back if they were sent?  
Megan G Heeg - Original Bankruptcy Trustee and firm that was in contact with Mast

Megan retired. I spoke to her successor. We did subpoena those documents.

Brad Balke - Short term Council after Mast - Traded dulberg Case with Mast for some dead football player named Frank Cavanaugh

Unless you believe Brad Balke would have further information that would assist you in your claims, I don't understand the value in subpoenaing the documents.

I believe the cost may outweigh the usefulness. If there is something specific we will get from him, that we cannot get from Baudin, then we will subpoena these documents.

Randy and Kelly Baudin - Council who took the case to ADR after Balke and may have had communications with Mast

Gooch produced what I believe was Baudin's entire file. Thus, I do not see the purpose in subpoenaing Baudin for records. Opposing counsel may wish to depose him in this case. I believe it would be worthwhile to let them do that and ask questions then.

Saul Ferris - Attorney who sent my copies of depositions and correspondence with Mast back to Mast.

What would be the purpose of the subpoena? What do you mean by "he sent copies of depositions and correspondence with Mast back to Mast?" Did he perform legal services? Did he provide advise to you?

I would have liked to have the communications with the above people before depositions.

We can meet Thurs. Feb. 13 at 1pm or Tuesday, Feb. 18 to prepare for your depositions. We should plan for a couple of hours.

You should read your deposition from the underlying case to prepare.

Either day is good for me, Probably the closer to the deposition date the better so things stay fresh in our mind.

Let's plan for Tuesday Feb. 18 at 2pm.

We can meet on Monday, Feb. 24 at 1pm to prepare for Hans Mast's deposition.

This date is good as well. May I bring my brother Tom to this meeting?

That is fine

That is fine.

If you would like to resend all of your questions for Hans prior to the 24th, that would be helpful to be sure we have everything you are requesting.

I received the email dated 2/8/2020 with updated versions of these. Thank you.

Two files are attached named:  
questions\_for\_mast.txt  
<questions\_for\_mast.txt>  
timeline\_of\_mcguire\_settlement.txt  
<timeline\_of\_mcguire\_settlement.txt>

I went to Mr. Popovich's office today to review the file. The blank black pages that appear to be redacted are not redacted pages. The firm sent the file out to a copy service who inserted red sheets of paper between the different documents to ensure that scanning and copying occurs correctly. I counted the pages and reviewed them—it matches up and makes sense. They did not redact any part of their file.

I know earlier this week I went off on the 100+ blacked out pages. I did come up with good reasons and a good argument as to why their excuse just isn't plausible outlined below but with the timeline of depositions coming up I don't feel there is enough time to get to the bottom of this one and get to the truth if those are documents or red file dividers and may not be with the time or money it would take to explore.

This can be explored in a deposition.

I know the below points are moot but I included them to see if you think this is closer to what actually happened.

1. I'm supposed to believe that Doug Harlan at Minuteman press turned over an unfinished PDF file to the Popovich firm with 100+ batch separators that look like redactions still in it that he was supposed to have removed.
2. Ok, but then the Popovich firm didn't notice that the PDF file had 100+ extra pages than they sent to be scanned by Minuteman press that look like redactions and they turn it over to Mr Flynn's firm without opening the file and doing at the least a page count checking to see if they had everything.
3. Then, Mr Flynn's firm doesn't notice that 100+ pages look like redactions and didn't go back to Popovich to inquire about a privilege log or even about getting the file fixed before turning it over to us.

It is just not plausible to think that all 3 companies failed to check their own work and see the issues here.

4. Most modern copiers like Xerox and Konica Minolta, print out special batch separators (file dividers) to be inserted in the documents to be scanned. When the batch separator is scanned and recognized it then removes the batch separators when creating the PDF. Now we are supposed to believe that Minuteman press has working ancient copiers that probably can't be serviced anymore and Doug Harlan needed to add "red" batch separators and was supposed to manually remove them from the PDF and just forgot.
5. We've already found several documents turned over by Popovich in their disclosure PDF that do not match the case file given to Balke or the Baudin's.
6. Mast turned over a very limited number of emails between him and his client Dulberg.
7. I can go on and on here almost endlessly with document discrepancies between the file Mast turned over to subsequent council in the underlying case and the file Mast turned over to Flynn.

It is also not plausible because I know that Minuteman Press has had a long 30+ year relationship with the Popovich firm doing most if not all of the firms scanning and printing that they wouldn't know the seriousness of leaving batch separators in the finished product.

It is more plausible that Minuteman Press did exactly what the Popovich firm asked them to do because Minuteman Press has been doing Popovich's scanning and printing for 30+ years.

Why its not easily winnable?

1. Popovich indirectly owned or still owns the building minuteman press is in and they have had a 30+ year business relationship with Minuteman Press. In other words, Popovich controls the rent.
2. Popovich's various businesses are historically Minuteman Press's largest customers. In other words, Minuteman Press would lose its primary source of income if Popovich wasn't happy.
3. To find out with 100% accuracy if their story is true or false, assuming the Minuteman Press copy machines are ancient and haven't had the 3rd party software installed to remove batch separators automatically, it would take the expert help of both Xerox and Konica Minolta to pull the hard drives from the machines at Minuteman Press and decrypt them Identifying which machine Doug Harlan used for this job and whether or not red batch separators were actually used along with the correlating metadata that's would show the date, time and all settings used for this job.

Thanks,  
Paul

On Feb 3, 2020, at 12:54 PM, Julia C. Williams <jwilliams@williamslawchicago.com> wrote:

Dear Paul,

Attached is the court order entered today setting the case to 4/3/2020 at 9 am for status of initial depositions of the party's and fact witnesses (not doctor's or experts, just people that witnessed things).

The judge mentioned today that he did a pretrial in the underlying case. This indicates that the Judge has prior knowledge and potentially a prior opinion on the case. We can consider whether we want to have the judge recuse himself (which I am sure he would happily do) or whether we simply want to move forward with this judge.

At this point, he seems to be acting appropriately in the case and I am not very concerned with bias or prejudgment. I am also concerned that given that Mr. Popovich does practice in that courthouse that we could draw a judge that does have a bias toward Mr. Popovich or Mr. Mast.

It is a judgment call and we can discuss it more when we have you in to prepare for your deposition.

Please confirm you are available to complete depositions on these dates/times/locations:

Paul Dulberg, Feb. 19 at 1pm at Karbal Cohen, downtown.

Hans Mast, Feb 25 at 1pm at The Clinton Firm, downtown

We will likely also take Thomas Popovich's deposition in early March, but we do not have a date confirmed for that deposition yet.

Below are further responses in purple to your prior questions regarding the depositions and discovery:

1. Why depose me a week before Mast and give Mast the opportunity to read my deposition and formulate a strategy before he is questioned?

It would seem to be more fair to both parties to do both depositions on the same day to get at the truth.

As a general rule, the Plaintiff in the case is deposed first, then the defense. That is not always the case and it is not required by any rule. Mr. Flynn would not agree to taking the depositions on the same day. I requested that and he refused. Additionally, the logistics of preparing for both depositions on the same day and actually physically getting them both in is difficult.

The schedule as set is not out of the ordinary of regular litigation, thus I do not believe it is worth our energy to try to fight it. We will get nowhere. The judge will not reset a schedule like this to put the depositions closer together. I think it is in the best interest of the litigation to simply move forward with those dates, if they work for you.

2. I would like to meet with you and Ed at least one week prior to Mast's deposition and discuss the series of questions that I sent you last July designed to trap Mast into telling the truth or perjuring himself.

We can meet Thurs. Feb. 13 at 1pm or Tuesday, Feb. 18 to prepare for your depositions. We should plan for a couple of hours. You should read your deposition from the underlying case to prepare.

We can meet on Monday, Feb. 24 at 1pm to prepare for Hans Mast's deposition.

If you would like to resend all of your questions for Hans prior to the 24th, that would be helpful to be sure we have everything you are requesting.

3. I would prefer to find out what was redacted in the 100+ pages of blacked out documents the defense turned over during the document disclosure so we can improve our strategy and hone our questions.

I went to Mr. Popovich's office today to review the file. The blank black pages that appear to be redacted are not redacted pages. The firm sent the file out to a copy service who inserted red sheets of paper between the different documents to ensure that scanning and copying occurs correctly. I counted the pages and reviewed them—it matches up and makes sense. They did not redact any part of their file.

4. Do you or does the defense plan to call anyone else to be deposed?

We will depose Thomas Popovich. We will consider who else we should depose once Mast and Popovich have been deposed.

Best Regards,

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<Dulberg Order 2020 Feb 3.pdf>

