


From: Julia C. Williams jwilliams@williamslawchicago.com 
Subject: Re: Dulberg v Popovich et al; Deposition dates?
Date: January 29, 2020 at 3:50 PM
To: Paul Dulberg Paul_Dulberg@comcast.net
Cc: Ed Clinton ed@clintonlaw.net, Mary Winch marywinch@clintonlaw.net

JW

Dear Paul,

I have addressed your concerns below in black.

Further:

1. Opposing Counsel is requesting a more comprehensive affidavit of completeness for document discovery. I have attached a copy for your signature.

Please sign and return via email the attached verification.

2. I see that there are some emails with Brad Balke. See Bates Stamp Dulberg 1322-1323, 1334, 1319, 1321. It appears that Brad Balke obtained your legal file from Hans Mast, reviewed it, but did not represent you, and turned the file over to you. **Is that correct?**

3. You produced to us a number of emails that were sent promo The Baudin Law Group. A few of those emails had attachments that were not directly attached to the emails. As part of our document production, we produced the documents that you gave us to opposing counsel. It appears that some of the attachments are missing. We need to confirm that either (1) we have previously produced the attached, or (2) we have not produced it but we have it, or (3) we have not produced it and do not have it. I will address each document in turn below here, but first I will be sending all of the documents we produced so you have it all to review.

Each document has a "bates stamp" number on the bottom right corner. I am going to refer to each document by its bates stamp.

Note that there are three sets of documents:

First Set "Dulberg Documents Disclosure FINAL 2019 May 29" contains Bates Stamp 1-2598

Second Set "Dulberg BK Files Bates 2599" contains Bates Stamp 2599-2619.

Third Set "Dulberg Bates 2620" contains Bates Stamp 2620-2638.

If we have more documents, we should produce them. If not, we will try to get them from their source. Most of these are from the Baudin Office. We can get them from Baudin if we need to.

A. Bates Dulberg 002625.

This document is an email from Baudin's office to you with an attachment that is described in the email as letter from Dr. Kujawa that should be dated around 11/22/2016 given the dates of the email and the fax correspondence.

I could not locate the document in the discovery that has been produced.

Please review Document 2625. Do you have the attachment?

B. Bates Dulberg 2631. This is an email from Baudin to you with a release for signature attached. I reviewed the documents and the document was produced as Bates Stamp Dulberg 1221-1223 appears to be the release that was attached to this email. **Please confirm.**

C. Bates Dulberg 2632.

This document is an email from Baudin's office to you with two attachments. They appear to be the expert report from the IME (Craig Phillips?). I am not sure if Craig Phillips was the IME, but that may have been the person.

I could not locate the document in the discovery that has been produced.

Please review Document 2632. Do you have the attachment?

Best Regards,

Julia C. Williams
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On Jan 23, 2020, at 12:42 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Hi Julia,

I am available both dates however I have 4 major concerns before locking in a date:

I am available both dates however, I have 4 major concerns before locking in a date.

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.

This is simply a matter of logistics. At this point, we do not have any final depositions dates yet. There is a possibility that we can take yours the first day and then his the next.

The depositions can last up to three hours and I suspect they will last at least three hours in this case. Doing them both on the same day is extremely difficult given travel etc. Generally, for substantive long depositions, I take them on different days.

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.

Understood. We can go over those questions and you can provide us with any further questions that you have.

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 have spoken with George Flynn, counsel for Hans, and I am tentatively planning to go to Hans' office to review his file, with George, immediately after court on Monday, February 3.

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

At this time, they have not determined who else will be deposed. They have not issued any subpoenas for depositions to date.

They may depose Bill McGuire, Carolyn McGuire, Michael McArtor, David Gagnon again. But given that they all previously gave depositions in the underlying case, they may not.

Further, they may choose to depose the doctors, but maybe not, given the depositions take in the underlying case. The doctors could include Dr. Marcus Talerico, Dr. Scott Sagerman, Dr. Apiwat Ford, Dr. Kujawa.

Thanks,
Paul

On Jan 22, 2020, at 4:26 PM, Julia C. Williams <jwilliams@williamslawchicago.com> wrote:

Dear Paul,

We continue to work on discovery with opposing counsel.

As we are moving through the written discovery, we are trying to get an idea of availability for depositions.

Are you available to have your deposition taken on Feb. 12? Can you get downtown to opposing counsel's office at 150 S Wacker?

Also, we are looking at taking Hans Mast deposition on either Feb. 19 or Feb. 20. The location has yet to be determined. I would prefer to take it at my office, but we may take it in McHenry county, but we are looking for office space to do that.

If you wish to attend Mr. Mast deposition, are you available on Feb. 19 or 20?

Best Regards,

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Dulberg 214
Verific...28.pdf

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure and in compliance with Supreme Court Rule 214, the undersigned certifies that the statements set forth in this instrument are true and correct, and that the production is complete, except as otherwise noted therein, and except as to matters therein stated to be on information and belief as to such matters the undersigned certifies as aforesaid that s/he verily believes the same to be true.

Paul Dulberg