

From: Ed Clinton ed@clintonlaw.net
Subject: Re: Barch Documents
Date: February 13, 2020 at 11:52 AM
To: Paul Dulberg Paul_Dulberg@comcast.net
Cc: Julia Williams juliawilliams@clintonlaw.net, Mary Winch marywinch@clintonlaw.net

EC

Paul,

Just remember that you cannot win a case during your deposition.

Testify from your own personal knowledge.

I highly doubt that you can testify (or that you should testify) about a letter somebody else wrote, which may or may not be genuine.

Stick to what you know - what you saw and what you observed.

Please focus on getting the deposition done and making a demand.

Ed
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On Feb 13, 2020, at 7:18 AM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Hi Ed,

Is the October 22, 2013 letter an actual communication between Mast and Barch or is it a strategy or trick?

It is essential to verify this from the Barch documents to determine if the letter is a fact or not.

It is also important to limit the time between depositions.

This is my only reluctance.

Paul

On Feb 12, 2020, at 8:12 PM, Ed Clinton <ed@clintonlaw.net> wrote:

Paul,

Is there a reason you are reluctant to be deposed?

Ed

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On Feb 12, 2020, at 6:42 PM, Paul Dulberg <paul_dulberg@comcast.net> wrote:

Hi Julia,

Perhaps we should file a motion to compel Ronald Barch and Auto-Owners Insurance to turn over all communications and document records with Hans Mast and the Popovich law firm as soon as possible.

My thought is if we get those documents now and have a few days to digest them maybe we can keep the deposition dates as they are scheduled.

Thanks,
Paul

On Feb 12, 2020, at 5:28 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Hi Julia,

How did we get fixed, forced or locked in on a date to give my deposition before we have finished document discovery of the Barch communications?

Determining relevance of documents not yet gathered or analyzed on a central issue to our case isn't solely up to the defense to decide.

It is not fair to us to have to walk into a discovery deposition without seeing the all the documents first whether or not the defense thinks those documents are relevant to my deposition.

We will determine if the Barch documents are relevant to my deposition or not after seeing what is in them.

It is also not fair to push Mast and Popovich depositions a month further out on the calendar if the defense is going to try and compel me to testify now. This serves no purpose other than buying the defense more time to formulate responses to what is discovered in my deposition.

The dates of the depositions should stay as close together as logistically possible if we want the truth and not some formulated fiction of it.

Let them file the motion to compel. I believe the Judge would agree that we should be able to analyze the Barch records and keep the depositions as close together as possible to get to the truth.

I believe it is within our rights to see all documents before any depositions begin.

When can we expect to see the Barch communications and documents and how long will we have to analyze them before depositions begin?

Thanks,
Paul

On Feb 12, 2020, at 1:29 PM, Julia Williams <juliawilliams@clintonlaw.net> wrote:

Dear Paul,

We can move Hans Mast and Tom Popovich to the end of March.

Defense counsel will not agree to move your deposition and would file a motion to compel.

At this stage, I think it makes sense for you to go ahead and sit for your deposition on Feb. 19 at 1pm; we will prepare on Feb. 18 at our office at 1pm.

For Feb. 19, I propose we meet here, at our office at 12:30 and walk to Karbal together.

As an FYI, here is the information for opposing counsel's office:

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Best Regards,

Julia Williams

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On Feb 12, 2020, at 12:26 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Hi Julia,

Due to the significant of the October 22, 2013 letter between Mast/Popovich and Ronald Barch/Auto-Owners I feel that the documents and communications between Mast and Barch are essential to have prior to any depositions.

When can we get them?

Paul

