

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT

McHENRY COUNTY, ILLINOIS

PAUL DULBERG,

Plaintiff,

v.

THE LAW OFFICE OF THOMAS J.
POPOVICH, P.C., and HANS MAST

Defendants.

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) Case No. 17LA 377
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**PLAINTIFF'S MOTION TO COMPEL NON-PARTIES JULIA C. WILLIAMS AND
EDWARD X. CLINTON TO COMPLY WITH RECORDS SUBPOENAS AND TO
AMEND PLAINTIFF'S MOTION TO EXCLUDE THE DEPOSITION OF DEFENDANT
HANS MAST TAKEN IN VIOLATION OF SUPREME COURT RULE 206 h(2)
REMOTE ELECTRONIC MEANS DEPOSITIONS and ORDERS OF THE ILLINOIS
SUPREME COURT In re: ILLINOIS COURTS RESPONSE to COVID-19
EMERGENCY/IMPACT ON DISCOVERY M.R.30370 CORRECTED ORDER APRIL
29, 2020 and M.R.30370 AMENDED ORDER JUNE 4, 2020 FILED SEQUENTIALLY
WITH THIS MOTION**

Now Comes Plaintiff Paul Dulberg, by and through his attorney Alphonse A.
Talarico, and for his Motion To Compel and amend Plaintiff's motion to exclude the
deposition of Defendant Hans Mast states as follows:

1) On July 11, 2022 this Honorable Court entered an Order granting Plaintiff leave to
serve subpoenas on The Clinton Law Firm.

2) The Non-Party Subpoenas were issued by Alphonse A. Talarico on August 2, 2022 naming respondents: Julia Christine Williams individually and as manager of Williams Law, LLC; Edward X. Clinton, individually and as manager of Clinton Law Firm, LLC. (Please see Notice of Filing and both subpoenas which are part of the Clerk's file as reflected on October 3, 2022.)

3) The Non-Party Subpoenas were served upon respondent Julia Christine Williams personally and on respondent Edward X. Clinton (as insisted upon and accepted by respondent Julia Christine Williams) at The Clinton Law Firm, 111 W. Washington St., Suite 1437, Chicago, Illinois 60602 on August 5, 2022. (Please see Plaintiff's Exhibit 1 AFFIDAVIT OF SERVICE attached)

4) Plaintiff's Attorney has made/received multiple telephone and email communications with the subpoena respondents and extended the compliance date in an attempt to obtain full compliance but said informal communications have not resolved the issues.

5) As of the filing date of this Motion To Compel both written subpoena responses are non-compliant.

6) Non-Party Subpoena Respondent Edward X. Clinton has not responded in writing, nor has he served an executed Affidavit of Compliance as required.

7) Non-Party Subpoena Respondent Julia Christine Williams has responded in writing twice, but her responses are non-compliant for the following reasons:

A) The Affidavit of Compliance itself is non-compliant as respondent changed the required wording as served on August 5, 2022 without first filing a written motion pursuing an Order from this Honorable Court seeking to quash, condition, or modify the

subpoenas or to issue protective orders. (Please see Plaintiff's Exhibit #2 RESPONSE TO SUBPOENA FOR DOCUMENTS attached);

B) Including within her RESPONSE TO SUBPOENA FOR DOCUMENTS the following,

“GENERAL OBJECTIONS”

“Respondents object to all requests that seek the disclosure of attorney-client communications between Respondents and their former client Paul Dulberg.

Respondents object to all requests that seek the disclosure of attorney work product.”

Again, without first filing a written motion pursuing an Order from this Honorable Court seeking to quash, condition, or modify the subpoenas or to issue protective orders subpoena respondent Julia C. Williams indicates certain documents are protected from disclosure but does not include an Attorney-Client Privilege Log nor a Work Product Log leaving Plaintiff to guess what she determines what should not be disclosed even though Illinois law assumes an implied waiver when a former client serves a record subpoena upon former counsel. (Please see Plaintiff's Exhibit #2 RESPONSE TO SUBPOENA FOR DOCUMENTS above)

8) Plaintiff, by serving Records subpoenas on his former attorneys has made a limited waiver of the Attorney-Client and Work Product Privilege. (Please see Illinois Rules of Evidence Rule 502(a)(1), (a)(2), (a)(3) ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT; LIMITATIONS ON WAIVER)

WHEREFORE PLAINTIFF PRAYS THAT THIS HONORABLE COURT ENTER AN ORDER compelling NON-PARTIES JULIA C. WILLIAMS AND EDWARD X. CLINTON TO comply with the records subpoenas as written, including an Attorney-Client Privilege Log and a Work Product Log or file and present a motion to quash, condition, or modify the subpoenas, or to issue protective orders as deemed appropriate.

PLAINTIFF FURTHER PRAYS THAT THIS HONORABLE COURT limit Plaintiff Paul Dulberg's implied waiver of his Attorney-Client Privilege to the subject matter of the discovery deposition of Defendant Hans Mast taken on June 25, 2020 as indicated in the Records Subpoenas. Additionally, Plaintiff prays that he be allowed to amend his Motion to Exclude the discovery Deposition of Defendant Hans Mast taken on June 25, 2020 until a reasonable time after the Subpoena Responses herein are fully complied with.

Respectfully submitted,

/s/ Alphonse A. Talarico

Alphonse A. Talarico

By: Alphonse A. Talarico

Plaintiff's attorney

707 Skokie Boulevard Suite 600

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AFFIDAVIT OF SERVICE

Case: 17 LA 377	Court: Circuit Court of the Twenty Second Judicial Circuit	County: Mchenry, IL	Job: 7463844
Plaintiff / Petitioner: PAUL DULBERG		Defendant / Respondent: THE LAW OFFICES OF THOMAS J. POPOVICH, P.C., and HANS MAST,	
Received by: Gazelle Process & Investigations PLLC.		For: Alphonse A. Talarico	
To be served upon: JULIA CHRISTINE WILLIAMS Individually and as Manager of Williams Law, LLC			

I, Michael Moriarty, state on oath that I am at least 18 years old, not a party to this case/action, that I am authorized to perform service in Illinois, and am a registered sub-contractor of Gazelle Process & Investigations PLLC under Illinois Detective Agency License 117.001853

Recipient Name / Address: JULIA CHRISTINE WILLIAMS , Company: 111 W Washington St Suite 1437, Chicago, Illinois 60602-2708

Manner of Service: Personal/Individual, Aug 5, 2022, 10:00 am CDT

Documents: Subpoena (Received Aug 3, 2022 at 9:00am CDT), Witness Fee Check (#VV056-\$54.00) (Received Aug 3, 2022 at 9:00am CDT)

Additional Comments:

1) Successful Attempt: Aug 5, 2022, 10:00 am CDT at Company: 111 W Washington St Suite 1437, Chicago, Illinois 60602-2708 received by JULIA CHRISTINE WILLIAMS . Age: 40's; Ethnicity: Caucasian; Gender: Female; Weight: 140; Height: 5'5"; Hair: Blond; Relationship: Attorney; Other: Julia Williams insisted on accepting service for Edward Clinton. She was very nice and assured me that she would direct them to him immediately. It is standard practice for her to accept for Edward.;

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the above statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.



08/09/2022

Michael Moriarty

Date

Gazelle Process & Investigations PLLC.
518 S. IL HIGHWAY 31 Suite 325
MCHENRY, IL 60050-7464
847-752-4450



The transcript of the deposition of Hans Mast is produced with this response in pdf format and titled "Hans Mast 062520 FULL.pdf" and "Hans Mast 062520 MINI.pdf." The exhibits to the deposition are produced with Bates Stamp Dulberg Clinton Subpoena 518-562, 616-642. No such "original" stamp or "copy" stamp is attached to the transcript as the transcript was produced in an electronic format.

2. An exact duplicate of the original transcript stamped "Copy" of the discovery deposition of Hans Mast taken on June 25, 2020, to include but not limited to: all pages, all indexes, all exhibits and all stenographic/shorthand notes. Please note that the copy demanded is a contemporaneous copy issued by U.S. Legal Support.

The transcript of the deposition of Hans Mast is produced with this response in pdf format and titled "Hans Mast 062520 FULL.pdf" and "Hans Mast 062520 MINI.pdf." The exhibits to the deposition are produced with Bates Stamp Dulberg Clinton Subpoena 518-562, 616-642. No such "original" stamp or "copy" stamp is attached to the transcript as the transcript was produced in an electronic format.

3. An exact duplicate of the original transcript stamped "Copy" in condensed format (mini) of the discovery deposition of Hans Mast taken on June 25, 2020, to include but not limited to: all pages, all indexes, all exhibits and all stenographic/shorthand notes. Please note that the condensed transcript demanded is a contemporaneous version issued by U.S. Legal Support.

The transcript of the deposition of Hans Mast is produced with this response in pdf format and titled "Hans Mast 062520 FULL.pdf" and "Hans Mast 062520 MINI.pdf." The exhibits to the deposition are produced with Bates Stamp Dulberg Clinton Subpoena 518-562, 616-642. No such "original" stamp or "copy" stamp is attached to the transcript as the transcript was produced in an electronic format.

4. All documents and ESI to include but not limited to: all text messages, emails, messages, notes, and reports taken, created, or received concerning the discovery deposition of Hans Mast taken on June 25, 2020.

See documents Bates Stamped Dulberg Clinton Subpoena 1-671.

5. All documents and ESI to include but not limited to: all text messages, emails, messages, notes, and reports taken, created, or received concerning Exhibit 12 of the discovery deposition of Hans Mast taken on June 25, 2020.

See documents Bates Stamped Dulberg Clinton Subpoena 1-671.

6. All documents and ESI to include but not limited to: all text messages, emails, messages, notes, and reports taken, created, or received concerning the exhibit titled "Legal Research" of discovery deposition of Hans Mast taken on June 25, 2020.

See documents Bates Stamped Dulberg Clinton Subpoena 1-671.

7. All documents and ESI to include but not limited to: all text messages, emails, messages, notes, and reports taken, created, or received concerning Exhibits 1-11 and 13-15 of the discovery deposition of Hans Mast taken on June 25, 2020.

See documents Bates Stamped Dulberg Clinton Subpoena 1-671.

Affidavit of Compliance

The undersigned certifies under penalties of perjury as provided by law pursuant to the Illinois Code of Civil Procedure, 735 ILCS 5/1-109, that the statements checked below are true and correct.

Check one (1) from the following:

 x After making a diligent search of any and all the records in our possession or control, I certify that all records we have on the above are submitted herewith in response to this subpoena.

 After making a diligent search of any and all records, I certify there are no records to provide in response to this subpoena.

Check one (1) from the following:

 x I have personal knowledge of the record-keeping procedures of the Clinton Law Firm, LLC and Julia Christine Williams and Williams Law LLC and the manner of creation for all records produced responsive to this subpoena.

 I am an employee of or manager of Edward X. Clinton and Clinton Law Firm LLC, and I have personal knowledge of the record-keeping procedures of Edward X. Clinton and Clinton Law Firm LLC and the manner of creation for all records produced responsive to this subpoena.

 I have no personal knowledge of the record-keeping procedures of Edward X. Clinton and Clinton Law Firm LLC and the manner of creation for all records produced responsive to this subpoena.

Check **all** that apply from the following:

 x The records produced in response to this subpoena were kept in the course of the regularly conducted activity of Edward X. Clinton, Clinton Law Firm LLC, Julia C. Williams, and Williams Law LLC.

 x The records produced in response to this subpoena were made by the regularly conducted activity as a regular practice of Edward X. Clinton, Clinton Law Firm LLC, Julia C. Williams, and Williams Law LLC.

_____ The records produced in response to this subpoena were made at or near the time of the occurrences set forth by, or from information transmitted by, a person with knowledge of the matters set forth within the records.

Date: September 29, 2022

Position: Attorney

Name: Julia C. Williams

(Print)
Julia C. Williams
(Signature)

SERVICE LIST

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