

**IN THE TWENTY-SECOND JUDICIAL CIRCUIT
 MCHENRY COUNTY, ILLINOIS**

PAUL DULBERG,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 17 LA 377
)	JUDGE THOMAS A. MEYER
THE LAW OFFICES OF THOMAS J.)	
POPOVICH, P.C., and HANS MAST,)	
)	
Defendants.)	

Motion to Vacate Order

Julia Williams and Edward X. Clinton, on their own behalf, respectfully request that this Honorable Court vacate its October 17, 2022 order, in part, as follows:

I. Introduction

1. Julia Williams and Edward X. Clinton (“Clinton Law”) previously represented Plaintiff Paul Dulberg in this pending matter. Mr. Talarico is Plaintiff’s current counsel of record. On or around August 2, 2022, Mr. Talarico issued a subpoena to each Julia Williams and Edward X. Clinton requesting records in this case. Since that time, Ms. Williams and Mr. Clinton have been attempting to work with Mr. Talarico regarding the subpoena. On October 6, 2022, Mr. Talarico, without notice to Ms. Williams or Mr. Clinton, filed a Motion to Compel/Petition for Rule to Show Cause, which was granted. Ms. Williams and Mr. Clinton are now asking this Honorable Court to vacate portions of that order because the order may do great harm to Mr. Dulberg. Clinton Law has a legitimate professional concern that the service of the subpoena has waived the attorney-client privilege between Clinton Law and Dulberg for no good reason and at great risk of harm to Dulberg. Serving a subpoena on prior counsel and waiving the attorney-client privilege was a reckless act.

II. Relevant Facts

2. Edward X. Clinton, Jr. and Julia Williams, of the Clinton Law Firm, represented Plaintiff Paul Dulberg in this pending matter from November 8, 2018 to September 10, 2020.

3. On or around September 2, 2020, the Clinton Law Firm sent to Plaintiff Dulberg, via FedEx, all physical documents that Dulberg provided to the Clinton Law Firm and a flash drive containing the Clinton Law Firm's entire legal file, including but not limited to, pleadings, discovery, and communications with Plaintiff, opposing counsel, and third parties.

4. On or around March 26, 2021, the Clinton Law Firm sent a flash drive containing that same material as was sent in a flash drive to Mr. Dulberg to Mr. Talarico, including but not limited to, pleadings, discovery, and communications with Plaintiff, opposing counsel, and third parties.

5. In August 2022, Julia Williams of Williams Law LLC and "Of Counsel" with The Clinton Law Firm accepted service of two subpoenas, the first issued to her and the second issued to Edward X. Clinton, Jr. of The Clinton Law Firm. The subpoenas requested identical information. (Exhibit 1, Subpoenas)¹

6. On August 30, 2022, Julia Williams contacted Attorney Alphonse Talarico regarding the subpoena and produced by email that day the following documents:

- A. Hans Mast Deposition Transcript Full
- B. Hans Mast Deposition Transcript Mini
- C. Hans Mast Deposition Exhibit 12
- D. Hans Mast Deposition Exhibits 1-11, 13-15
- E. A folder containing all of the exhibits that were prepared, whether utilized or not, for Hans Mast deposition.

¹ Ms. Williams accepted service of both subpoenas, but was not served with any witness fee, as is stated in the Affidavit of Service.

7. Ms. Williams spoke with Mr. Talarico and identified her concern that the subpoena was too expansive as it requested attorney-client privileged documents and documents that were subject to the work product privilege. Ms. Williams further noted that Mr. Talarico was requesting documents and information that his client was entitled to without a subpoena. Ms. Williams expressed that The Clinton Law Firm would produce all the requested information but wished to avoid formally responding to the subpoena given the concern that the Dulberg was waiving the attorney-client privilege and the requirement to produce all documents to all parties of record.

8. On August 30th, Mr. Talarico stated that he would review the documents and advise Ms. Williams and Mr. Clinton if he required more information.

9. On September 8, 2022, Mr. Talarico emailed Ms. Williams and Mr. Clinton advising that the documents were not sufficient and he was seeking compliance with the subpoena.

10. On September 9, 2022, Ms. Williams again reiterated Clinton Law's concern about providing privileged documents to the Court and placing them in the public record and provided the following folders:

- a. All emails that were not subject to privilege
- b. Exhibit 12 to Hans Mast Deposition
- c. Exhibits Marked to Mast Deposition
- d. Proposed Exhibits for Mast Deposition

11. Again, on September 9, 2022, Mr. Talarico indicated that he would review the documents and advise if they were insufficient.

12. Ms. Williams and Mr. Clinton did not hear from Mr. Talarico again until September 29, 2022, when he advised Ms. Williams and Mr. Clinton that the documents were insufficient and seeking a formal response to the subpoena.

13. On September 29, 2022, counsel sent Mr. Talarico three separate emails including a response to the subpoena.

14. The first email outlined the attempts to provide the required documents and reiterating again the concern about privileged documents and stated the documents would be produced that day, thus neither Mr. Clinton nor Ms. Williams would appear on October 6, 2022.

15. The second email contained the privileged attorney client communication and was not produced in response to the subpoena, but informally to Mr. Talarico.

16. The third email was the formal response to the subpoena contained the following exhibits:

- a. Response to Subpoena
- b. Documents Bates Stamped "Dulberg Clinton Subpoena" 1-671
- c. Hans Mast Full Deposition Transcript
- d. Hans Mast Mini Deposition Transcript

17. All emails between Ms. Williams, Mr. Clinton, and Mr. Talarico are attached to this Motion. (Exhibit 2 Emails Dated August 30, 2022; Exhibit 3 Emails dated September 8, 2022; Exhibit 4 emails dated September 29, 2022)

18. At no time did Mr. Talarico indicate that Mr. Dulberg was waiving attorney-client privilege and did not address Clinton Law's serious concerns about other work product privileged documents.

19. Mr. Talarico did not respond to any of the September 29, 2022 emails indicating that he required further response to the subpoena or that the information was not sufficient for his needs.

20. Mr. Talarico did not respond to the email notifying Mr. Clinton or Ms. Williams that their appearance would still be required on October 6, 2022.

21. Mr. Talarico failed to participate in 201k communications to reach an agreement with Mr. Clinton and Ms. Williams regarding the subpoena and failed to advise Mr. Clinton or Ms. Williams that the Mr. Dulberg was waiving the attorney-client communication privilege.

22. On October 6, 2022, Mr. Talarico filed a Motion to Compel to compel Mr. Clinton and Ms. Williams to comply with the subpoena.

23. The Motion to Compel was not served upon Mr. Clinton or Ms. Williams.

24. Mr. Clinton and Ms. Williams have attempted to produce documents to Mr. Talarico that meet his needs, while protecting the client communication.

25. On October 17, 2022, this Court issued an order compelling Mr. Clinton and Ms. Williams to produce documents to this Honorable Court and waiving the attorney-client privilege. (Exhibit 5, Order).

26. Ms. Williams and Mr. Clinton were first notified of the petition when Mr. Talarico sent them a copy of the order entered on October 17, 2022. (Exhibit 6, Email)

27. Plaintiff failed to serve the Petition for Rule and Motion on Mr. Clinton or Ms. Williams, pursuant to the Supreme Court Rules 204(d), 219(a), 754(f).

28. In conjunction with this Motion, Mr. Clinton and Ms. Williams are providing this Honorable Court with a flash drive with all documents responsive to the subpoena for in-camera inspection, which will be labeled as follows:

- A. Dulberg Clinton Subpoena Response 2022 Sep 29
- B. Dulberg Clinton Subpoena 1-677²
- C. Hans Mast 062520 FULL
- D. Hans Mast 062520 MINI
- E. Dulberg Clinton Subpoena Privileged Communication 1-33
- F. Dulberg Subpoena Work Product Privilege 1-13

29. Mr. Clinton and Ms. Williams are requesting that this Honorable Court vacate the order granting the Motion to Compel/Petition for Rule to Show Cause as they were never served with the petition and never granted any opportunity to respond to the petition. Their due process

² An additional email chain regarding the Hans Mast deposition was located and is being produced with Bates stamp 672-677.

rights have been violated. That is not the main problem here. Clinton Law is concerned that Dulberg has agreed to waive the attorney-client privilege in this matter without due and proper consideration of the consequences of that action. This is a serious matter. Clinton Law requests that the Court personally inquire of Dulberg as to whether he understands the consequences of his waiver of the attorney client privilege with Clinton Law.

30. Clinton Law also request that the Court review the documents in camera without placing them in the public record. There is no just reason to waive the attorney client privilege in this case to obtain documents that were previously furnished to both Dulberg and Talarico and can be produced to Dulberg and Talarico without waiving the privilege.³

WHEREFORE, Mr. Clinton and Ms. Williams respectfully request that this Honorable Court (a) vacate its order granting Plaintiff's motion to compel/petition for rule; (b) review the documents that were produced in camera and (c) vacate its order waiving the attorney-client privilege and such further relief as this Honorable Court deems just and equitable.

Respectfully Submitted,

By: /s/ Edward X. Clinton, Jr.

By: /s/ Julia C. Williams

Edward X. Clinton, Jr.
ed@clintonlaw.net
Atty No 6206773
Julia C. Williams
juliawilliams@clintonlaw.net
ARDC No. 6296386
The Clinton Law Firm, LLC
111 West Washington Street, Suite 1437
Chicago, IL 60602
312-357-1515

³If there is a document we inadvertently failed to turn over, Clinton Law apologizes for that error. The Clinton Law Firm is willing to correct any error and produce all documents to Dulberg and Talarico. There is no reason to waive the attorney-client privilege to correct any error.

Exhibit 1

reveal the precise location of a device and the individual using the device or objects in response to the requests below on August 31, 2022, at 10:00 a.m. at the Law Office of Alphonse A. Talarico, 707 Skokie Boulevard Suite 600, Northbrook, Illinois 60062.

You are subpoenaed by the undersigned attorney, and unless excused from this subpoena by this attorney or the court, you must respond to this subpoena as directed. If you fail to respond to this subpoena, you may be in contempt of court.

DEFINITIONS:

I) Electronically Stored Information (ESI) means information that is stored in or on any electronic medium.

INSTRUCTIONS:

A) Please respond in numerical order stating the number and in chronological order therein.

B) Electronically Stored Information (ESI) shall be produced as exact duplicates of the original source files, in original format as source files, also including "Native," "Image," and "Load" files.

C) The required time period begins March 2, 2020 and ends on April 29, 2022.

D) Please see COMPLIANCE WITH SUBPOENA below.

PLEASE TAKE FURTHER NOTICE that, pursuant to this subpoena, Julia Christine Williams is requested to produce the following documents, Electronically Stored Information (ESI), or objects in response to the requests on August 31, 2022, at the Law Office of Alphonse A. Talarico, 707 Skokie Boulevard Suite 600, Northbrook, Illinois 60062:

1. The original transcript stamped "Original" of the discovery deposition of Hans Mast taken in this matter on June 25, 2020 including all pages, all indexes, all exhibits and all stenographic/shorthand notes.

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.
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.
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.
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.
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.
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.

Please note that the appearance of the respondent is excused, and no deposition will be taken, if the documents specified above are produced on or before August 26, 2022

NOTE TO WITNESS: Please contact attorney Alphonse A, Talarico at (312) 808-1410 for information as to the reimbursement of additional charges for production incurred by the respondent.

NOTE TO WITNESS: Enclosed with this subpoena is a check for statutory witness fees and mileage reimbursement in the amount of \$29.00 plus \$25.00 for production costs. The total money forwarded is \$54.00.

Dated: August 2, 2022

By:

/s/ Alphonse A. Talarico

Alphonse A. Talarico 6184530

Law Office of Alphonse A. Talarico

707 Skokie Boulevard #600

Northbrook, Illinois, 60062

Tel: (312) 808-1410

contact@lawofficeofalphonsetalarico.com

Attorney for Plaintiff Paul Dulberg

PROOF OF SERVICE

Gazelle Process & Investigations PLLC #117-001853 on oath states:

I am over the age of 18 and not a party to this case.

I served the foregoing Subpoena for Documents on Julia Christine Williams as follows:

By leaving a copy of the Subpoena for Documents with _____
personally at _____ on _____, 2022
at the hour of _____.m.

I also enclosed a check for \$54.00 for the witness and mileage fees plus production costs.

Pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that the signer verily believes the same to be true.

Gazelle Process & Investigations PLLC #117-001853

COMPLIANCE WITH SUBPOENA

The attached subpoena, by Illinois law, requires you and/or your organization to appear and to produce commanded documents on August 31, 2022, at the Law Office of Alphonse A. Talarico, attorney for Plaintiff Paul Dulberg.

DEPONENT:

JULIA CHRISTINE WILLIAMS,
Individually and as Manager of
Williams Law, LLC
111 West Washington Street Suite 1437
Chicago, IL 60602-2708

Your actual appearance will be waived if the commanded documents are mailed, by certified or registered mail, or delivered to our office on or before April 26, 2022 prior to that date and you inform us so by that date.

Please sign and date this form and return it to us with your records and a copy of this subpoena .

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:

_____ 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:

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

Check all that apply from the following:

_____ The records produced in response to this subpoena were kept in the course of the regularly conducted activity of Julia Christine Williams and Williams Law LLC.

_____ The records produced in response to this subpoena were made by the regularly conducted activity as a regular practice of Julia Christine 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: _____, 2022

Position: _____

Name: _____

(Print)

(Signature)

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reveal the precise location of a device and the individual using the device or objects in response to the requests below on August 31, 2022, at 1:00 p.m. at the Law Office of Alphonse A.

Talarico, 707 Skokie Boulevard Suite 600, Northbrook, Illinois 60062.

You are subpoenaed by the undersigned attorney, and unless excused from this subpoena by this attorney or the court, you must respond to this subpoena as directed. If you fail to respond to this subpoena, you may be in contempt of court.

DEFINITIONS:

I) Electronically Stored Information (ESI) means information that is stored in or on any electronic medium.

INSTRUCTIONS:

A) Please respond in numerical order stating the number and in chronological order therein.

B) Electronically Stored Information (ESI) shall be produced as exact duplicates of the original source files, in original format as source files, also including 'Native,' 'Image,' and 'Load' files.

C) The required time period begins March 2, 2020 and ends on April 29, 2022.

D) Please see COMPLIANCE WITH SUBPOENA below.

PLEASE TAKE FURTHER NOTICE that, pursuant to this subpoena, Edward X. Clinton is requested to produce the following documents, Electronically Stored Information (ESI), or objects in response to the requests on August 31, 2022, at the Law Office of Alphonse A. Talarico, 707 Skokie Boulevard Suite 600, Northbrook, Illinois 60062:

1. The original transcript stamped "Original" of the discovery deposition of Hans Mast taken in this matter on June 25, 2020 including all pages, all indexes, all exhibits and all stenographic/shorthand notes.

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.
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.
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.
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.
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.
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.

Please note that the appearance of the respondent is excused, and no deposition will be taken, if the documents specified above are produced on or before August 26, 2022

NOTE TO WITNESS: Please contact attorney Alphonse A. Talarico at (312) 808-1410 for information as to the reimbursement of additional charges for production incurred by the respondent.

NOTE TO WITNESS: Enclosed with this subpoena is a check for statutory witness fees and mileage reimbursement in the amount of \$29.00 plus \$25.00 for production costs. The total money forwarded is \$54.00.

Dated: August 2, 2022

By:

/s/ Alphonse A. Talarico

Alphonse A. Talarico 6184530

Law Office of Alphonse A. Talarico

707 Skokie Boulevard #600

Northbrook, Illinois, 60062

Tel: (312) 808-1410

contact@lawofficeofalphonsetalarico.com

Attorney for Plaintiff Paul Dulberg

PROOF OF SERVICE

Gazelle Process & Investigations PLLC #117-001853 on oath states:

I am over the age of 18 and not a party to this case.

I served the foregoing Subpoena for Documents on Edward X. Clinton as follows:

By leaving a copy of the Subpoena for Documents with _____
personally at _____ on _____, 2022
at the hour of _____.m.

I also enclosed a check for \$54.00 for the witness and mileage fees plus production costs.

Pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that the signer verily believes the same to be true.

Gazelle Process & Investigations PLLC #117-001853

COMPLIANCE WITH SUBPOENA

The attached subpoena, by Illinois law, requires you and/or your organization to appear and to produce commanded documents on August 31, 2022, at the Law Office of Alphonse A. Talarico, attorney for Plaintiff Paul Dulberg.

DEPONENT:

EDWARD X. CLINTON,
Individually and as Manager of
Clinton Law Firm, LLC
111 West Washington Street Suite 1437
Chicago, Illinois 60602-2708

Your actual appearance will be waived if the commanded documents are mailed, by certified or registered mail, or delivered to our office on or before April 26, 2022 prior to that date and you inform us so by that date.

Please sign and date this form and return it to us with your records and a copy of this subpoena .

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:

_____ 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:

_____ I am the Custodian of Records for Edward X. Clinton and Clinton Law Firm LLC, and I have personal knowledge of the record-keeping procedures of 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:

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

_____ The records produced in response to this subpoena were made by the regularly conducted activity as a regular practice of Edward X. Clinton and Clinton Law Firm 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: _____, 2022


Position: _____

Name: _____

(Print)

(Signature)

Exhibit 2

From: Julia Williams juliawilliams@clintonlaw.net 
Subject: Re: Dulberg v Mast et al; Mast Dep and Exh H
Date: August 30, 2022 at 9:28 AM
To: alphonsetalarico@gmail.com
Cc: Ed Clinton ed@clintonlaw.net, Mary Winch marywinch@clintonlaw.net



Dear Mr. Talarico,

Attached are the remaining exhibits for the Mast dep.

Best regards,

Julia Williams
Of Counsel
The Clinton Law Firm
111 W. Washington, Ste. 1437
Chicago, IL 60602
P: 312.357.1515
F: 312.201.0737
juliawilliams@clintonlaw.net

This message may be privileged and confidential. If you are not the intended recipient, please delete the email and notify the sender immediately.

On Aug 30, 2022, at 9:23 AM, Julia Williams <juliawilliams@clintonlaw.net> wrote:

Dear Mr. Talarico,

Attached is exhibit H and the Mast dep. I will give you a call to discuss.

Best regards,

Julia Williams
Of Counsel
The Clinton Law Firm
111 W. Washington, Ste. 1437
Chicago, IL 60602
P: 312.357.1515
F: 312.201.0737
juliawilliams@clintonlaw.net

This message may be privileged and confidential. If you are not the intended recipient, please delete the email and notify the sender immediately.

[Click to Download](#)

Hans Mast 062520 FULL.pdf
2.8 MB

[Click to Download](#)

Hans Mast 062520 MINI.pdf
2.7 MB

[Click to Download](#)

EX 0012 Hans Mast 062520.pdf
27.4 MB



EX 0001 Hans
Mast 0...20.pdf



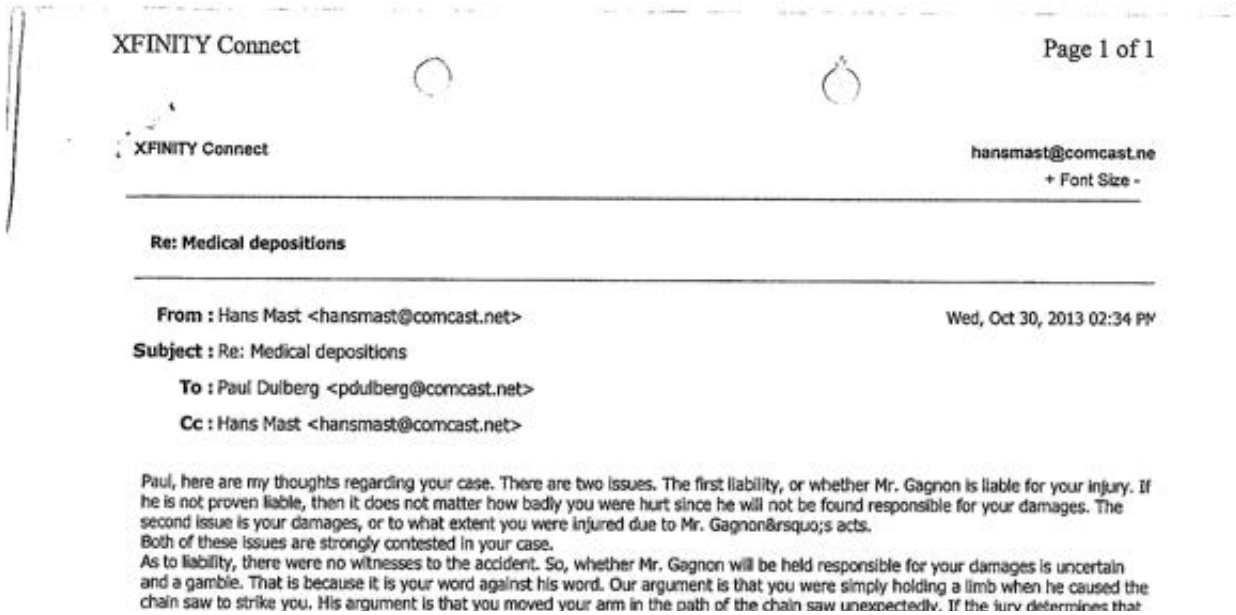
EX 0002 Hans
Mast 0...20.pdf



EX 0003 Hans
Mast 0...20.pdf



EX 0004 Hans
Mast 0...20.pdf



From: Julia Williams juliawilliams@clintonlaw.net
Subject: Attorney Work Product Mast Dep Exhibits
Date: August 30, 2022 at 9:38 AM
To: alphonsetalarico@gmail.com
Cc: ed@clintonlaw.net, marywinch@clintonlaw.net



Attorney Work Product

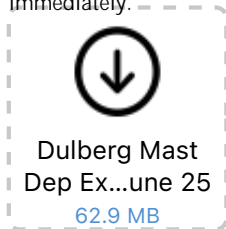
Dear Alphonse,

Attached is the file with the exhibits that were used and then the ones not used.

Best regards,

Julia Williams
Of Counsel
The Clinton Law Firm
111 W. Washington, Ste. 1437
Chicago, IL 60602
P: 312.357.1515
F: 312.201.0737
juliawilliams@clintonlaw.net

This message may be privileged and confidential. If you are not the intended recipient, please delete the email and notify the sender immediately.



From: Julia Williams juliawilliams@clintonlaw.net
Subject: Fwd: Dulberg v Popovich Firm et al; Mast Deposition Exhibits
Date: August 30, 2022 at 9:40 AM
To: alphonsetalarico@gmail.com
Cc: ed@clintonlaw.net, marywinch@clintonlaw.net



Dear Alphonse,

Here is the email producing the exhibits to opposing counsel.

Best regards,

Julia Williams
Of Counsel
The Clinton Law Firm
111 W. Washington, Ste. 1437
Chicago, IL 60602
P: 312.357.1515
F: 312.201.0737
juliawilliams@clintonlaw.net

This message may be privileged and confidential. If you are not the intended recipient, please delete the email and notify the sender immediately.

Begin forwarded message:

From: Julia Williams <juliawilliams@clintonlaw.net>
Subject: Dulberg v Popovich Firm et al; Mast Deposition Exhibits
Date: June 23, 2020 at 4:25:46 PM CDT
To: George Flynn <gflynn@KARBALLAW.COM>
Cc: marywinch@clintonlaw.net, ed@clintonlaw.net

Dear George,

I am attaching the deposition exhibits that I may use on Thursday. I don't believe there will be any additions between now and then, but if there are they will be minor and I will do my best to send them ahead of time. Obviously, I may not use all of these.

I have not used US Legal or done any remote depositions so you will have to forgive any errors. My understanding is that in the video conferencing system I will be able to upload the document in Pdf or other format (I am only using PDFs), then you and the court reporter will be able to download it. The court reporter will label the exhibits and include them in the transcript after the deposition is complete. You are not required to print any of the documents—unless of course you would like to do that.

I did my best to label the exhibits in the number order that I believe I will use them. That being said, things change in depositions and they may have to be renumbered. In an effort to not make it super confusing, I used descriptive names as well.

If you have questions/concerns, please let me know. Otherwise, I will see you remotely on Thursday and we'll hope that everything goes smoothly.

Best Regards,

Julia Williams
Of Counsel
The Clinton Law Firm
111 W. Washington, Ste. 1437
Chicago, IL 60602
P: 312.357.1515
F: 312.201.0737
juliawilliams@clintonlaw.net

This message may be privileged and confidential. If you are not the intended recipient, please delete the email and notify the sender immediately.

[Click to Download](#)

Dulberg Mast Dep Exh 1 Retainer Contract.pdf
64 KB

[Click to Download](#)

Dulberg Mast Dep Exh 2 Complaint.pdf
349 KB

[Click to Download](#)

Dulberg Mast Dep Exh 3 Intake Memo .pdf
149 KB

[Click to Download](#)

Dulberg Mast Dep Exh 4 Letter Re settlement offer \$7,500.pdf
89 KB

[Click to Download](#)

Dulberg Mast Dep Exh 5 Mast Email 2013 Oct 30.pdf
92 KB

[Click to Download](#)

Dulberg Mast Dep Exh 6 Email 2013 Nov 18.pdf
99 KB

[Click to Download](#)

Dulberg Mast Dep Exh 7 Letter w settlement offer 2013 Nov 18.pdf
65 KB

[Click to Download](#)

Dulberg Mast Dep Exh 8 Memo 2013 Nov 20 re mtg.pdf
57 KB

[Click to Download](#)

Dulberg Mast Dep Exh 9 Emails Dulberg Mast 2013 Nov 20.pdf
205 KB

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[Click to Download](#)

Dulberg Mast Dep Exh 10 memo re settlement acceptance 2013 Dec .pdf
34 KB

[Click to Download](#)

Dulberg Mast Dep Exh 11 settlement acceptance.pdf
55 KB

[Click to Download](#)

Dulberg Mast Dep Exh 12 Legal Research .pdf
35.1 MB

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Dulberg Mast Dep Exh 13 McGuire Interrog Answers.pdf
719 KB

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Dulberg Mast Dep Exh 14 Gagnon Interrog Answers.pdf
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Dulberg Mast Dep Exh 15 Gagnon Policy.pdf
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Dulberg Mast Dep Exh 16 Motion to Withdraw.pdf
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Dulberg Mast Dep Exh 17 William McGuire Dep.pdf
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Dulberg Mast Dep Exh 18 Memo re William Dep.pdf
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Dulberg Mast Dep Exh 19 Carolyn McGuire Dep .pdf
4.7 MB

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Dulberg Mast Dep Exh 20 Carolyn McGuire Dep Memo.pdf
181 KB

[Click to Download](#)

Dulberg Mast Dep Exh 21 Gagnon Dep.pdf
9.5 MB

[Click to Download](#)

Dulberg Mast Dep Exh 22 Gagnon Dep Memo.pdf
273 KB

[Click to Download](#)

Dulberg Mast Dep Exh 23 Emails re Gagnon Value 2015 Mar 12.pdf
206 KB

Exhibit 3

From: Julia Williams juliawilliams@clintonlaw.net
Subject: Re: Records Subpoenas Dulberg v. Mast et al 17 LA 377
Date: September 9, 2022 at 9:55 AM
To: Alphonse Talarico contact@lawofficeofalphonsetalarico.com
Cc: Ed Clinton ed@clintonlaw.net



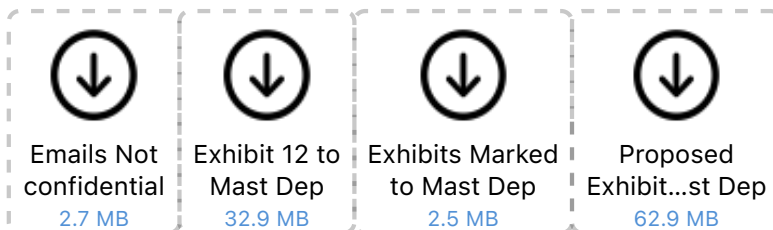
Good Morning,

Here they are. Let me know if there are any problems.

Best regards,

Julia Williams
Of Counsel
The Clinton Law Firm
111 W. Washington, Ste. 1437
Chicago, IL 60602
P: 312.357.1515
F: 312.201.0737
juliawilliams@clintonlaw.net

This message may be privileged and confidential. If you are not the intended recipient, please delete the email and notify the sender immediately.



On Sep 9, 2022, at 9:52 AM, Alphonse Talarico <contact@lawofficeofalphonsetalarico.com> wrote:

Dear Julia C. Williams,

The promised attachments were not included in your email.

Please send so I can evaluate what you are stating.

Your anticipated cooperation is greatly appreciated,
Alphonse A. Talarico
3128081410

From: Julia Williams <juliawilliams@clintonlaw.net>
Sent: Thursday, September 8, 2022 4:30 PM
To: Ed Clinton <ed@clintonlaw.net>
Cc: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>
Subject: Re: Records Subpoenas Dulberg v. Mast et al 17 LA 377

Dear Mr. Talarico,

As I stated previously, we would prefer not to issue a formal response to the subpoena as it requests privileged attorney-client communication between our office and Mr. Dulberg, as well as work product in the form of notes.

Instead, I am attaching here all of my communications (emails) about the Mast Deposition with third parties as well as the deposition and exhibits. These documents would be what we would produce in our response.

Attached you will find all of the emails regarding Hans Mast deposition between our firm and third parties as well as the transcript and documents.

I did not produce emails between our firm and Mr. Dulberg, but as I recall those emails were included with the file that we produced previously via flash drive.

As I stated when we spoke previously, we are happy to produce what you need, but we do not want to breach any attorney-client privilege by responding to the subpoena formally.

If you would prefer for us to respond formally to the subpoena we will do so, but we will be objecting to any request for attorney-client communication and attorney work product. We could also agree to narrow the request to (a) exclude attorney-client privileged communication and work product between and among, Julia Williams, Edward Clinton, Jr., The Clinton Law Firm, Paul Dulberg and any successor counsel for Dulberg, and (b) exclude any work product.

Best regards,

Julia Williams
Of Counsel
The Clinton Law Firm
111 W. Washington, Ste. 1437
Chicago, IL 60602
P: 312.357.1515
F: 312.201.0737
juliawilliams@clintonlaw.net

This message may be privileged and confidential. If you are not the intended recipient, please delete the email and notify the sender immediately.

On Sep 8, 2022, at 2:33 PM, Ed Clinton <ed@clintonlaw.net> wrote:

Alphonse,

Can you send me the subpoena?

Ed

On Sep 8, 2022, at 2:31 PM, Alphonse Talarico <contact@lawofficeofalphonsetalarico.com> wrote:

Dear Attorneys Julia C. Williams and Edward X. Clinton,

After careful consideration of all concepts raises and a careful review of work product, I find that neither Records Subpoena has been complied with and therefore demand such compliance.

As a courtesy to two fellow members of the bar I have reset the original document compliance date to be on or before September 22, 2022 and the records deposition to be :

- for Julia C. Williams on October 6, 2022 starting at 10:00 AM
- for Edward X. Clinton October 6, 2022 starting at 1:00 PM

all other instructions and the location where to send/appear shall remain the same as stated in the subpoenas.

Your anticipated cooperation is greatly appreciated,

Alphonse A. Talarico

||| Aphonse A. Talano
(312) 808-1410

Exhibit 4

From: Julia Williams juliawilliams@clintonlaw.net
Subject: Re: Dulberg v. Popovich et al 17 LA 377
Date: September 29, 2022 at 10:39 AM
To: Alphonse Talarico contact@lawofficeofalphonsetalarico.com
Cc: Ed Clinton ed@clintonlaw.net



Dear Mr. Talarico,

We will be responding formally to the subpoena request by separate email today, but will be objecting to the disclosure of attorney-client communication and work product.

As a courtesy to you, by separate email, we will be producing to you, but not as a formal response to the subpoena, the privileged communication between our office and Mr. Dulberg regarding the Hans Mast deposition.

I note that on 8.30.2022, we did provide the Exh. 12 and mini and full versions of the transcript. At that time, we spoke. I stated that I was concerned that the request included request for privileged work product as well as attorney-client communication. You stated you would review and let us know if you required a formal response.

On 9.8.2022, you again reached out indicating that the response was insufficient and you did need more document. I reiterated my concern about a formal response because of the issue of disclosing attorney-client communication and work product and noted that noted that your client is entitled to the majority of the documents without a subpoena,. I did then produce to you informally via email, that day, (a) all communications with third parties regarding the deposition of Hans Mast, (b) all exhibits used in the deposition, (c) all proposed exhibits, including exhibits that were not utilized, and (d) the full and mini version of the transcript. I also requested that you narrow the scope of the subpoena to exclude attorney client communication.

At that time, you indicated that you would review the materials and let us know if you needed more.

I am now receiving this message that states you represented to the court that we have produced "nothing." This is simply untrue. We have been trying to work with you to avoid the issue of producing attorney-client privileged information that would ultimately be produced to opposing counsel in the pending case.

Furthermore, prior to the issuance of the subpoena and when you first filed your appearance in this case, we produced to you on a flash drive, as Mr. Dulberg's successor counsel, the entirety of our file, including communications between our firm and Mr. Dulberg as well as third party communications.

I am hopeful that our response to the subpoena and the informal production of communication between our office and Mr. Dulberg closes this matter. We will not be appearing at your office on Oct. 6.

Best regards,

Julia Williams
Of Counsel
The Clinton Law Firm
111 W. Washington, Ste. 1437
Chicago, IL 60602
P: 312.357.1515
F: 312.201.0737
juliawilliams@clintonlaw.net

This message may be privileged and confidential. If you are not the intended recipient, please delete the email and notify the sender immediately.

On Sep 28, 2022, at 10:57 AM, Alphonse Talarico <contact@lawofficeofalphonsetalarico.com> wrote:

Dear Attorneys Williams and Clinton,

I have previously informed you that the response to the records subpoena emailed to me by Julia C. Williams was not in full compliance. Nor was the non-response by Attorney Clinton compliant.

As a courtesy to members of the Bar I emailed a revised date to comply, that being September 22, 2022 for document compliance.

As of today, I have not received full compliance with either subpoena and the revised date for your appearance at my office was set for October 6, 2022.

If you don't intend on appearing for the deposition on October 6, 2022 please let me know by return email within the next 24 hours.

If you both will appear on October 6, 2022 I will make the appropriate arrangements.

If I do not receive a response or if either or both of you respond in the negative. I

will not proceed with finalizing the arrangements.

Please note that the subpoenas served upon both of you were discussed at the most recent status on September 16, 2022 and Judge Meyer instructed me to inform you of the following "The ball is in their court. They've done nothing. And you may want to pass that information on to them that unless or until I see something filed on their behalf objecting to the scope of your subpoena, I assume it's appropriate and should be complied with...All right. Yeah. I expect if they're not going to give full compliance - - and based on what you're telling me they're acknowledging it's not full compliance - - if they are not going to give full compliance, they need to come to court."

P.S. Please respond in writing only by email.

Your anticipated cooperation is greatly appreciated,
Alphonse A. Talarico

From: Julia Williams juliawilliams@clintonlaw.net
Subject: Dulberg Communications with Clinton Firm re Hans Mast Dep
Date: September 29, 2022 at 11:00 AM
To: Alphonse Talarico contact@lawofficeofalphonsetalarico.com
Cc: Ed Clinton ed@clintonlaw.net, Mary Winch marywinch@clintonlaw.net



Julia Williams has shared OneDrive for Business files with you. To view them, click the links below.

- ✉ [Court today-1.eml](#) ✉ [Lost wages issue-1.eml](#)
- ✉ [Thumb Drive of Gooch Files-1.eml](#) ✉ [Retainer.eml](#)
- ✉ [Release and copy of court order.eml](#) ✉ [Discovery Documents.eml](#)
- ✉ [Dulberg v Popovich; Gooch File.eml](#) ✉ [Interrogatories-documents discovery.eml](#)
- ✉ [Court today.eml](#) ✉ [Dulberg v Mast et al; Discovery and Court Order.eml](#)
- ✉ [Lost wages issue.eml](#) ✉ [Thumb Drive of Gooch Files.eml](#)

Attorney-Client Privileged and Work Product Privileged Communication

Dear Mr. Talarico,

Attached please find the attorney-client communication between our firm and Mr. Dulberg about the Hams Mast deposition. I am not producing this in a formal response to your subpoena, but rather informally as there is no concern of privilege with successor counsel, but we are maintaining privilege as it relates to opposing counsel.

Best regards,

Julia Williams
Of Counsel
The Clinton Law Firm
111 W. Washington, Ste. 1437
Chicago, IL 60602
P: 312.357.1515
F: 312.201.0737
juliawilliams@clintonlaw.net

This message may be privileged or confidential. If you are not the intended recipient, please notify the sender and delete this message immediately.

From: Julia Williams juliawilliams@clintonlaw.net
Subject: Dulberg v Mast et al; Subpoena to Clinton Law
Date: September 29, 2022 at 10:52 AM
To: contact@lawofficeofalphonsetalarico.com, ed@clintonlaw.net
Cc: marywinch@clintonlaw.net



Dear Mr. Talarico,

Enclosed please find the response and documents related to the document subpoena issued on or around August 2, 2022.

Best regards,

Julia Williams
Of Counsel
The Clinton Law Firm
111 W. Washington, Ste. 1437
Chicago, IL 60602
P: 312.357.1515
F: 312.201.0737
juliawilliams@clintonlaw.net

This message may be privileged and confidential. If you are not the intended recipient, please delete the email and notify the sender immediately.



Dulberg Clinton
Subpo...29.pdf



Dulberg Clinton
Subpo...62.pdf



Dulberg Clinton
Subpo...71.pdf



Dulberg Clinton
Subpo...42.pdf



Dulberg Clinton
Subpo...15.pdf



Hans Mast
06252...LL.pdf



Hans Mast
06252...INI.pdf

Exhibit 5

STATE OF ILLINOIS, CIRCUIT COURT McHenry <input type="checkbox"/> COUNTY		NOTICE OF COURT DATE FOR MOTION		<i>For Court Use Only</i>
Instructions ▼ Directly above, enter the name of the county where the case was filed. Enter the name of the person who started the lawsuit as Plaintiff/Petitioner. Enter the name of the person being sued as Defendant/Respondent. Enter the Case Number given by the Circuit Clerk.		Paul Dulberg Plaintiff / Petitioner (First, middle, last name) v. Hans Mast & Law Offices of Thomas J. Popovich, P.C. Defendant / Respondent (First, middle, last name)		17 LA 377 Case Number

In 1, enter:

-The court date and time of your hearing. Call your Circuit Clerk to get this information.

If e-filing in Cook County, you may get the date when you e-file.

-The courtroom and address of the court building.

-The call-in or video information for remote appearances (if applicable).

-The clerk's phone number and website.

All this information is available from the Circuit Clerk, you can find their contact information at: illinoiscourts.gov/court/circuit-court/circuit-court-clerks/.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Enter your complete address, telephone number, and email address, if you have one.

1. Hearing InformationThe hearing for the *Motion* I filed is scheduled:

a. On 10/13/2022 at 10:00 ☒ a.m. ☐ p.m. in 201
Date Time Courtroom

In-person at:2200 N. Seminary Avenue, Woodstock, Illinois 60098*Courthouse Address**City**State**ZIP*

OR

Remotely (You may be able to attend this court date by phone or video conference. This is called a "Remote Appearance.")

By telephone: 888-882-6878*Call-in number for telephone remote appearance*By video conference: https://zoom.us/my/mchenrycourtroom201*Video conference website*272-959-8070*Video conference log-in information (meeting ID, password, etc.)*Call the Circuit Clerk at: 815.334.4190

or visit their website at

*Local Circuit Clerk's phone #*https://www.mchenrycountyil.gov/county-clerk to find out more about how to do this.*Website***I certify that everything in the *Notice of Court Date for Motion* is true and correct. I**

understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

/s/ Alphonse A. Talarico*Your Signature*707 Skokie Boulevard #600*Street Address*Alphonse A. Talarico*Print Your Name*Northbrook, Illinois 60062*City, State, ZIP*contact@lawofficeofalphonsetalarico.com*Email*(312) 808-1410*Telephone*6184530*Attorney # (if any)*

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

PROOF OF DELIVERY

In **1a**, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you **must** enter the lawyer's information.

In **1b**, check the box to show how you are sending the document.

CAUTION: If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options.

In **c**, fill in the date and time that you are sending the document.

In **2**, if you are sending the document to more than 1 party or lawyer, fill in **a**, **b**, and **c**. Otherwise leave **2** blank.

In **2a**, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you **must** enter the lawyer's information.

In **2b**, check the box to show how you are sending the document.

CAUTION: If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options.

In **c**, fill in the date and time that you are sending the document.

1. I am sending the Notice of Court Date for Motion

a. To:

Name: George K. FlynnFirstMiddleLastAddress: 200 S. Wacker Drive, Suite 2550 Chicago, Illinois 60606Street, Apt #CityStateZIPEmail address: gflynn@karballaw.com

b. By:

☒ An approved electronic filing service provider (EFSP)☐ Email (not through an EFSP)

Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.

☐ Personal hand delivery to:☐ The party☐ The party's family member who is 13 or older, at the party's residence☐ The party's lawyer☐ The party's lawyer's office☐ Mail or third-party carrierc. On: 10/06/2022 at: 4:30 ☐ a.m. ☒ p.m.
Date Time**2. I am sending this document:**

a. To:

Name: _____

FirstMiddleLast

Address: _____

Street, Apt #CityStateZIP

Email address: _____

b. By:

☐ An approved electronic filing service provider (EFSP)☐ Email (not through an EFSP)

Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.

☐ Personal hand delivery to:☐ The party☐ The party's family member who is 13 or older, at the party's residence☐ The party's lawyer☐ The party's lawyer's office☐ Mail or third-party carrierc. On: _____ at: _____ ☐ a.m. ☐ p.m.
Date

If you are sending your document to more than 2 parties or lawyers, check the box and file the *Additional Proof of Delivery* with this form.

☐ I have completed an *Additional Proof of Delivery* form.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

I certify that everything in the *Proof of Delivery* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

/s/ Alphonse A. Talarico
Your Signature

707 Skokie Boulevard Suite 600
Street Address

Alphonse A. Talarico
Print Your Name

Northbrook, Illinois, 60062
City, State, ZIP

(312) 808-1410
Telephone

contact@lawofficeofalphonsetalarico.com
Email

6184530
Attorney # (if any)

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Enter your complete address, telephone number, and email address, if you have one.

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT

McHENRY COUNTY, ILLINOIS

PAUL DULBERG,)	
)	
Plaintiff,)	
)	
v.)	Case No. 17LA 377
)	
THE LAW OFFICE OF THOMAS J.)	
POPOVICH, P.C., and HANS MAST)	
)	
Defendants.)	

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

Northbrook, Illinois 60022

(312) 808-1410

ARDC No. 6184530

contact@lawofficeofalphonsetalarico.com

alphonsetalarico@gmail.com

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

GEORGE K. FLYNN
Karbal Cohen Economou Silk Dunne, LLC
200 South Wacker Drive, Suite 2550
Chicago, Illinois 60606
(312) 431-3700
Attorneys for Defendants
gflynn@karballaw.com

Exhibit 6

ORDER

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

PAUL DULBERG,

Plaintiff,

vs.

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

Defendants.

No. 17 LA 377

KATHERINE M. KEEFE
Clerk of the Circuit Court

***** FILED *****

10/17/2022 8:16 AM

McHenry County, Illinois
22nd Judicial Circuit

ORDER

This matter coming to be heard for continued status on Defendants' Motion for Summary Judgment, and Plaintiff's Motion to Compel/Petition for Rule to Show Cause directed at Julia C. Williams and Edward X. Clinton, it is hereby ordered:

IT IS ORDERED:

- 1) Plaintiff's motion to compel is granted as follows: Williams and Clinton are ordered to produce all documents responsive to Dulberg's subpoena to the court for an In Camera inspection within 14 days. Williams and Clinton must appear on November 4, 2022 at 9:15. a.m. if they do not produce all responsive documents to the court within 14 days.
- 2) Plaintiff Paul Dulberg hereby waives attorney-client privilege for the limited purpose Williams' and Clinton's compliance with Plaintiff's subpoenas to them.
- 3) Plaintiff's response to Popovich's and Mast's Motion for Summary Judgment must be filed and served by December 28, 2022.
- 4) Popovich's and Mast's reply in support of Motion for Summary Judgment must be filed and served by January 19, 2023.
- 5) Hearing on Popovich's and Mast's Motion for Summary Judgment is set for February 1, 2023 at 10:00 a.m.

Zoom information for Room 201:

Link: <https://zoom.us/my/mchenrycourtroom201>;

Meeting ID: 272-959-8070

Personal Link Name: mchenrycourtroom201;

Password: no password required

Prepared by:

Atty. No. George K. Flynn/ARDC No. 6239349

Name: Karbal, Cohen, Economou,

Silk & Dunne, LLC

Attorney for: Defendants

Address: 200 S. Wacker Drive, Suite 2550

City: Chicago, IL 60606

Telephone: (312) 431-3700

E-Mail: gflynn@karballaw.com

10/17/2022

....., 2022

ENTER:

Thomas A. Meyer

.....

Judge

Judge's No.

Thomas Meyer

CLERK OF CIRCUIT COURT OF MCHENRY COUNTY

Exhibit 7

From: Alphonse Talarico contact@lawofficeofalphonsetalarico.com 

Subject: Order Entered October 17 2022 Dulberg v. Hans Mast et al

Date: October 17, 2022 at 10:17 AM

To: Julia Williams juliawilliams@clintonlaw.net, Ed Clinton ed@clintonlaw.net, jwilliams@williamslawchicago.com, Julia@McLauchlanLawGroup, Julia.c.floyd@gmail.com

AT

Dear Ms. Williams and Mr. Clinton,

Please see the attached Order signed by the Honorable Thomas A. Meyer.

Thank you,
Alphonse A. Talarico
(312) 808-1410



Order October
13 202...- -.pdf