

Date : 7/5/2022 11:58:55 AM
From : "Paul Dulberg"
To : "Law Office Of Alphonse Talarico"
BCc : "Paul Dulberg" , "Tom Kost"
Subject : Re: Hans Mist Exhibit 12 History
Dear Mr Talarico,

This part is still a work in progress but I am getting tired and thought I should share where I'm at before the humidity get to me.

In light of Mr Flynn and his clients committing forgery when Mr Flynn knowingly and intentionally submitted Hans Mist Exhibit 12 to both us and the court, I thought I would make a few points for each issue we found so we don't forget or confuse issues and look at all issues with exhibit 12.

FLYNN - DEFENDANTS

- Pre Hans Mast Deposition, Mr Flynn received some documents that Julia Williams was intending to use as her exhibits during Hans Masts deposition. (Discussion of this may be found on the record in Hans Masts Deposition)
- On the record in the Hans Mast deposition, Julia Williams electronic document (which was supposed to be exhibit 12) is somehow mysteriously corrupted and can't be seen by the court reporter or the defendants (Bizarre Discussion of this and unbelievable WIFI outages and not being able to see the exhibits being uploaded may be found on the record in Hans Masts Deposition)
- Again on the record in Hans Mast's deposition, Mr Flynn ordered a copy of the Hans Mast deposition directly from the court reporter Barbara G. Smith. (Discussion of this may be found on the record in Hans Masts Deposition)
- Mr Flynn receives a copy of the deposition (minus exhibit 12) from Barbara G. Smith and makes no attempt to obtain a copy of exhibit 12 stamped by the court reporter.
- Mr Flynn, in a response, cites the Hans Mast deposition but does not include the exhibits mentioned.
- Mr Flynn is ordered by the court to produce the exhibit referenced in Mr Flynn's response.
- Mr Flynn produced to the plaintiff and to the court a document stamped Hans Mist Exhibit 12.
- Plaintiff subpoenaed Barbara G Smith's records and now knows with 100 percent certainty that neither Mr Flynn nor his clients ever received any version (with or without an exhibit stamp) of exhibit 12 from the court reporter Barbara G. Smith.

Summary: Mr Flynn and his clients, while in possession of an official copy of the deposition from Barbara G. Smith that does not contain an exhibit 12, intentionally and knowingly produced Hans Mist exhibit 12 as authentic while omitting the fact that there was no official copy of exhibit 12 recorded on the record. To put it simply, Mr Flynn and his clients knowingly and willfully committed intentional forgery in response to the courts order.
See 720 ILCS 5/17-3) (from CH.38, par. 17-3) Sec. 17-3. Forgery.

JULIA WILLIAMS - ED CLINTON

- Pre Hans Mast deposition Dulberg sends Julia Williams 2 files, questions_for_mast.txt and evidence_list.txt with clear questions about Tilshner v Spangler to be asked.
- Pre Hans Mast Deposition, Julia Williams sent Mr Flynn documents that she intended to use as exhibits in Hans Masts deposition. (Discussion of this may be found on the record in Hans Masts Deposition)
- On the record in the Hans Mast deposition, Julia Williams electronic document (which was supposed to be exhibit 12) is somehow mysteriously corrupted and can't be seen by the court reporter or the defendants (Bizarre Discussion of this and unbelievable WIFI outages and not being able to see the exhibits being uploaded may be found on the record in Hans Masts Deposition)
- Nowhere on the record or off the record does Julia Williams mention Tilschner v Spangler during the Hans Mast exhibit.
- Again on the record in Hans Mast's deposition, Julia Williams ordered a copy of the Hans Mast deposition directly from the court reporter Barbara G. Smith. (Discussion of this may be found on the record in Hans Masts Deposition)
- After the Hans Mast deposition the court reporter twice requests a new copy of exhibit 12 from Julia Williams for the record but the file the court reporter received back still could not read the first 22 of 27 pages and the court reporter decides to release the deposition without exhibit 12. (Discussion of this may be seen in the files subpoenaed from Barbara G. Smith)
- Julia Williams makes no attempt to obtain a copy of exhibit 12 stamped by the court reporter when Julia Williams receives the official copy of the deposition that is missing exhibit 12.
- Julia Williams case file does not contain the forged Hans Mist Exhibit 12 that later Flynn produces to the court but Julia Williams does send Dulberg an Email with the Hans Mist Exhibit 12 as an attachment.
- Flynn's version of Hans Mist exhibit 12 and the Julia Williams email attachment sent to Dulberg appear to look identical however they are very different in their construction layers.

- The official copy of the deposition found within Julia Williams case files have no exhibit 12 and the exhibit stamps on the rest of the exhibits are in different locations on the pages and on different printable layers than those found in Barbara G. Smith's subpoenaed documents.

Questions:

- Did Julia Williams intentionally commit forgery when she emailed Dulberg the Hans Mist Exhibit 12?

In my opinion yes because Julia Williams was asked twice by the court reporter for exhibit 12 after the deposition, Julia Williams supplied it once after the deposition and never went back to the court reporter for an official stamped copy but rather emailed Dulberg Hans Mist exhibit 12 knowing it did not come from the court reporter and Julia Williams did not keep a copy of Hans Mist exhibit 12 in her case file.

- Who created the Hans Mist exhibit 12?

Not the court reporter, not Dulberg and not the court. This leaves only Mast, Popovich, Flynn, Williams, Clinton and or one of their agents as the author(s) of the forged document.

- Was all this nonsense about WIFI outages but still being connected and communicating over zoom, the witness not being able to see the exhibits that were uploaded via zoom yet proceeding as if it was all okay, Williams not asking a single question about *Tilshner v Spangler*, etc... all part of a secrete deal between Williams and Flynn to reduce Dulberg's case against Mast and Popovich from intentional legal malpractice down to simple negligent malpractice to limit and cap Dulberg's potential recovery to within the Popovich firm's insurance limits and the underlaying case amounts?

My answer is yes because of but not limited to the following reasons:

if the WIFI went down the zoom meeting would have not just made the exhibits impossible to see but would have dropped Mast from the video conference deposition entirely and that clearly did not happen.

Flynn describes having a different pages of the exhibit than the court reporter during the deposition and because of this discrepancy no one can be sure the witness Mast had the entire exhibit yet both Williams and Flynn pressed forward with the proceeding as if it didn't matter. Julia Williams failure to ask Dulberg's questions of Mast about the *Tilshner v Spangler* case that Mast lost in front of the appellate court yet used on dulberg as to why the McGuire's were not liable.

Julia Williams calling Dulberg's natural born brother "a friend" in the Mast deposition when the term "a friend" was only previously used by Mast in a memorandum to describe who attended the meeting where *Tilshner v Spangler* and the McGuire liability was discussed.

Julia Williams and Flynn's lack of interest in receiving a copy of exhibit 12 stamped by the court reporter after it was missing from their perspective copies

Julia Williams emailing Dulberg Hans Mist exhibit 12 as authentic years before Mr Flynn presented Hans Mist exhibit 12 to the court as authentic.

I can add more here but I need to think about it

I would like to get Flynn's response that was missing Exhibit 12 that prompted the court ordering Mr Flynn to produce the exhibit only to check and see if Flynn's other exhibits that he ordered

directly from the court reporter are as different from the the court reporters as Williams are (exhibit stickers on non printable layers vs printable layers and in different locations.

On Jul 5, 2022, at 11:54 AM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Dear Mr Talarico,

It is important to understand the history behind why exhibit 12 was forged and what Williams, Clinton and Flynn were trying to accomplish.

The following documents were given to Julia Williams on around July 10, 2019 (in a folder called "To_Julia"- This is a reference to my file system before I received the case file from the Clinton Firm - I still need to go through the Clinton files and locate them but I know they are there because I came across where they placed them before):

_READ_ME

questions_for_mast

timeline_of_mcguire_settlement

missing_files

The following documents were given to Julia Williams and Ed Clinton just before Mast's deposition and these same points were discussed in a telephone conference which included Ed Clinton, Julia Williams, Paul Dulberg and Thomas Kost a few days before the Mast deposition around June 20, 2020:

questions_for_mast

evidence_list

These documents prove that Clinton and Williams were clearly informed that Dulberg had evidence of intentional tort against Mast and Popovich since July, 2019. They were given detailed evidence with bates-numbered documents to prove Dulberg's claim of intentional tort. I used the word "smoking gun" to describe the

evidence in July, 2019, in the document _READ_ME. I also used capital letters in the title so Williams will read this document first.

The June 20, 2020 questions for Mast are presented on 6 topics which are clearly marked. They are a more developed version of what was sent on July 10, 2019. Questions on each topic are carefully written in the order they should be asked.

The document 'evidence_list' gives the 6 pieces of evidence needed to prove intentional tort. The term "evidence_list" means evidence of intentional tort. I explained this clearly to Clinton and Williams during the telephone conference. I said these 6 facts taken together give "overwhelming evidence" that Popovich and Mast acted intentionally and not through simple negligence.

Williams and Clinton were clearly informed there was "smoking gun" evidence of intentional tort from July, 2019 and that there was "overwhelming evidence" of intentional tort in June, 2020 and they were shown what it was in detail.

Exhibit 12 consists of the case law Mast presented to Dulberg at the November 20, 2013 meeting. It is very important to understand that the Tilschner v Spangler case is missing and that Williams, working together with Flynn, did this intentionally.

Tilschner v Spangler was the primary target and exhibit 12 was intentionally manipulated to hide it.

WHY WILLIAMS AND FLYNN HID TICHLER V SPANGLER

Clinton and Williams knew about the significance of the Tilschner v Spangler case from the first meeting between them, Dulberg, and Kost. They were clearly told about the significance of the case; that it was Mast's legal theory for why he considered the McGuires not to be liable for Dulberg's injury. They knew this even before we had our first proof that Mast and Popovich acted intentionally (in July, 2019).

Williams and Clinton were informed in detail from July, 2019 onward that the Tilschner v Spangler case and the November 20, 2013 meeting is vital evidence that shows that Mast and Popovich intentionally sent out the \$7,500 dollar offer to settle with the McGuires on October 22, 2013 without Dulberg's knowledge or consent. A month after sending out the \$7,500 offer to settle, Mast told Dulberg the legal theory of why the McGuires are not liable for the injury. It is because of Tilschner v Spangler. Mast gave exact details of the legal theory he used to explain why the McGuires are not liable for the injury.

So, it is most accurate to think of the forgery of exhibit 12 as a 2 stage process:

Stage 1: Make any reference to Tilschner vs Spangler disappear so Mast and Popovich can claim that Dulberg was never told the detailed, exact legal theory on which Mast's decision is based.

Stage 2: While doing this, Clinton's forger accidentally screwed up when attaching an exhibit tag.

The true purpose of the forgery was to remove Tilschner v Spangler as Mast's and Popovich's legal theory that they actually told Dulberg. This is done to turn the Mast and Popovich legal theory into some 'general theory', the specifics of which they can't recall.

MAST AND POPOVICH PERSONALLY ARGUED TILSCHNER V SPANGLER AT THE APPELLATE COURT LEVEL IN 2011

It is also very important to understand that it was Mast and Popovich that personally argued the Tilschner v Spangler legal theory at the appellate court level in 2011.

They must know the arguments behind the legal theory in detail since it was their argument before the appellate court.

How is it possible to forget details of what was maybe the only case you have argued before the appellate court in your life? And then Mast forgets the connection between the Tilschner case and the Dulberg case or doesn't seem to realize or remember one exists because the Dulberg case "was so long ago"? Seriously?

It is not credible that Mast or Popovich can claim to not remember the Tilschner v Spangler case. It would be like forgetting who your first girlfriend was or who your first child was. It isn't just any case. It is the one case they took to the appellate level and they can't forget losing an appellate case. They can't forget getting burned on that level. They also can't forget the reason why they lost.

Details of the Tilschner v Spangler case are important here. Popovich and Mast lost because they were unable to cite a single case in Illinois Supreme Court history where restatement of torts 318 was accepted as a valid tort. The appellate court found that according to current established Illinois law, one would have to show at

least one example of the Illinois Supreme Court acknowledging a tort before a complaint can be based on that tort as legal theory.

Popovich and Mast could not find a single example in the history of the Illinois Supreme Court in which restatement of torts 318 was treated as valid. To make the argument that restatement of torts 318 is applicable in Illinois, they would have had to do quite a bit of research into Supreme Court decisions on this subject.

Only 2 years later Mast claimed to Dulberg that his case is a parallel case to Tilschner v Spangler with the same conclusions.

He is now claiming:

- 1) He has no recollection of any connection between Tilschner v Spangler and the Dulberg case
- 2) He has no specific recollection of telling Dulberg that the Tilschner v Spangler case is the reason why the McGuires aren't liable.
- 3) His only memory is that he looked at 'some general cases' and came to general conclusions.

CONCLUSIONS

From this information we can see the true job of Julia Williams and Ed Clinton. They were working to limit the tort to 'negligent tort' and hide evidence of 'intentional tort'.

And Williams was working secretly with Flynn to do this. Together they targeted the November 20, 2013 meeting because details of the meeting contain ample evidence that Mast and Popovich were working intentionally. The evidence of Tilschner v Spangler as legal theory to explain why Mast claimed the McGuires were not liable is too damning. They knew this. The timing of the meeting (a month after the \$7,500 offer was made) is also too damning. They also knew this. Just like I told Williams and Clinton from July, 2019, this evidence really is a "smoking gun" and the evidence for intentional tort really is "overwhelming".

This history explains why they were targeting exhibit 12. Exhibit 12 contains the whole 'legal theory' Mast used. Using Tilschner v Spangler as legal theory, combined with the \$7,500 offer sent out a month earlier, proved intentional tort beyond doubt. They needed to kill that connection.

This explanation proves:

- 1) Williams was secretly working with Flynn to weaken and destroy Dulberg's "smoking gun" evidence of intentional tort. (conspiracy to work against Dulberg)
- 2) The Williams and Flynn motivation for treating exhibit 12 as they did (hide any reference to Tilschner v Spangler).

And remember, we have proof that:

- 3) Flynn committed forgery (no matter who created the original document).
- 4) Williams and Clinton committed forgery.

And we know why they did it: To keep the complaint as "negligent tort" and to not allow the complaint to become "intentional tort".

REFERENCES

Tilschner v Spangler appellate court explanations at these links:

<https://caselaw.findlaw.com/il-court-of-appeals/1567312.html>

<https://casetext.com/case/tilschner-v-spangler>

<https://law.justia.com/cases/illinois/court-of-appeals-second-appellate-district/2011/2100111.html>

<https://www.leagle.com/decision/inilco20110512229>

