

T Kost <tkost999@gmail.com>

Memo of our conversation by phone:

2 messages

T Kost <tkost999@gmail.com>
To: Paul Dulberg <Paul Dulberg@comcast.net>

Fri, Dec 16, 2022 at 9:47 AM

Suggestion or evidence of collusion between opposing attorneys most probably nullifies any future claim of Rule 211 by the opposing attorneys.

A very good example is during the Gagnon deposition when it appears that Mast, Accardo and Barch all agreed that the court reporter can be an imposter (someone pretending to be "Maggie Orton"). Do they have the right to stipulate among themselves to replace the court reporter with someone pretending to be "Maggie Orton"?

Is their stipulating to replace Maggie Orton with an imposter in writing or on the court record in any other way?

Can they later claim that it was within their legal authority to replace Maggie Orton with an imposter because neither Mast, Barch or Accordo made a timely objection, so by Rule 211 it is now too late to challenge the placement of an imposter for Maggie Orton?

In our current case there is evidence that we are currently presenting to the court that shows that Williams was informed about the importance of Tilschner v Spangler in writing and in detail on at least 6 different occasions. A reasonable person can conclude that Williams is not telling the truth when she claimed in the court transcript that she has no memory of any connection between Tilschner v Spangler and exhibit 12 (She only remembers Lajato). A reasonable person can also conclude that she suppressed the document Tilschner v Spangler to sabotage Dulberg's case against Mast and Popovich and for the benefit of the defendents. (Cui Bono? Who benefitted from the suppression of Tilschner v Spangler? Obviously the defendents.)

With this evidence before the court, can Williams and Flynn now claim that Rule 211 should govern the issue of exhibit 12? Suggestion or evidence of collusion between opposing attorneys most probably nullifies any future claim of Rule 211 by the opposing attorneys.

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Pauls other argument: No written or stated stipulation between attorneys exists in the record.

On June 25 2020 at 12:31 PM Flynn sent an email to Williams stating "Just wanted to write while it is fresh in my mind, but I'd like to close the dangling issues from your client's deposition, including the production of communications with Mr. Gooch in view of the "discovery rule" issues." (Dulberg Master File\Dulberg Emails 2020 August 19\Dulberg -3)

On July 30, 2020 at 10:05 AM Williams sent an email to Dulberg which contained the following answers to Dulberg's questions:

In response to Dulberg's question: What happened with the objections raised during Dulberg's deposition when Dulberg was questioned about conversations with

Dulberg's former counsel Gooch? Did you get a ruling or does that still need to be argued before judge Meyer?

Williams replied "There has been no motion practice on the issue and thus, there is no ruling. Your future counsel will need to bring that before the

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Judge at some point."

In response to Dulberg's question: Similar to the last question, Have the objections in the Mast deposition been worked out or ruled on by judge Meyer?

Williams replied "There has been no motion practice on the issue and thus, there is no ruling. Your future counsel will need to bring that before the Judge at some point."

(I don't know where the source email is.)

Paul Dulberg <Paul_Dulberg@comcast.net>

Fri, Dec 16, 2022 at 12:31 PM

To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

Dear Mr Talarico,

I was writing this but my Brother Tom put it together much better than I. So, I am forwarding it directly to you (see the forwarded email below).

Also, as a reminder, we discussed that Mr Flynn had the motion to exclude prior to Julia Williams appearing. Mr Flynn had Julia Williams on the record and was granted permission by the court to ask Julia Williams about the Mast deposition and Exhibit 12. Mr Flynn chose not to ask about any waivers with Julia Williams over the deposition nor waivers on any of the exhibits but in his responses to our motion to exclude he now raises a waver claim that could have been cleared up with a simple question when Julia Williams appeared and the court gave permission for Flynn to ask questions.

Thank you, Paul

Begin forwarded message:

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