

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

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

**DEFENDANT THE LAW OFFICES OF THOMAS J. POPOVICH, P.C.'S
INTERROGATORIES TO PLAINTIFF PAUL DULBERG**

NOW COMES Defendant, The Law Offices of Thomas J. Popovich, P.C., by and through its attorneys, Karbal, Cohen, Economou, Silk & Dunne, LLC, and pursuant to the provisions of Illinois Supreme Court Rule 213, propounds the following interrogatories on Plaintiff, Paul Dulberg, to be answered under oath within 28 days:

DEFINITIONS & INSTRUCTIONS

The pronoun “you” refers to Plaintiff, Paul Dulberg, to whom this production request is addressed, as well as their agents, representatives, employees, anyone acting on his behalf, and unless privileged, his attorneys.

The term “document” as used herein means all records, papers, and books, transcriptions, pictures, drawings, or diagrams of every nature, whether transcribed by hand or by mechanical, electronic, photographic, or other means, as well as sound reproduction of oral statements or conversations by whatever means made, whether in your actual or constructive possession or under your control or not, relating or pertaining in any way to the subject matters in connection with which it is used, and includes originals, all file copies, and all other copies, no matter how prepared, and all drafts prepared in connection with such writing, whether used or not, including by way of

illustration and not by way of limitation, the following: books, records, contracts, agreements, expense accounts, canceled checks, catalogues, price lists, sound and tape recordings, memorandum (including written memoranda of telephone conversations, other conversations, discussions, agreements, acts, and activities), minutes, diaries, calendar or desk pads, scrapbooks, notebooks, correspondence, emails, bulletins, circulars, forms, pamphlets, notices, statements, journals, postcards, letters, telegrams, reports, intra-office communications, photographs, microfilm, maps, and deposition transcripts, whether prepared by you for your own use or for transmittal or received by you.

The phrase “underlying case” refers to the lawsuit, *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*, case no. 12 L 178 in the circuit Court of McHenry County, Illinois.

INTERROGATORIES

1. Identify the person(s) answering and/or providing assistance in the answering of these interrogatories.

ANSWER:

2. Identify all persons who have knowledge of any matters relating to any of the facts, claims, damages, or defenses at issue in this case.

ANSWER:

3. Identify the address of the McGuire’s property described in paragraph 6 of your second amended complaint, and your address identified in paragraph 7 of the second amended complaint.

ANSWER:

4. Identify and describe how you were invited to the McGuires' property to see if you wanted any of the wood from the tree, as alleged in paragraph 12 of your second amended complaint.

ANSWER:

5. Identify how William McGuire physically assisted in cutting down the tree, including the date, time, and location of his assistance, and describe how and when he supervised David Gagnon's actions in cutting down the tree, as alleged in paragraph 13 of your second amended complaint.

ANSWER:

6. Identify and describe how Caroline McGuire supervised David Gagnon and William McGuire's actions, as alleged in paragraph 14 of the second amended complaint.

ANSWER:

7. Identify the date, time, the location, and the exact words exchanged between Gagnon and the McGuires on the one hand and you on the other as alleged in paragraph 15 of your second amended complaint, in which it is alleged that were asked to assist the trimming and removal of the tree.

ANSWER:

8. Identify what safety information was readily available to Caroline and William McGuire as alleged in paragraph 18 of your second amended complaint, and how you know this information.

ANSWER:

9. Did you request any protective equipment or other safety devices from the McGuires or Gagnon while you provided assistance to Gagnon in operating the chainsaw?

ANSWER:

10. Did you assist Gagnon with trimming and removal of the tree? If so, describe each and every action you took in assisting Gagnon with the cutting down or removal of the tree.

ANSWER:

11. Identify and describe each and every conversation between and David Gagnon while you were assisting him with trimming or cutting down the tree.

ANSWER:

12. Identify and describe each of your employers in the ten year period prior to the accident of June 28, 2011, including any self-employment. For each employer, identify your wage rate or salary, your title, your job description, your required duties, and your income for the ten year period prior to the accident in question.

ANSWER:

13. Did you suffer any serious personal injury and/or illness within ten years prior to the date of the occurrence? If so, describe where and how you were injured and/or became ill and describe the injuries and/or illness suffered.

ANSWER:

14. Have you suffered any serious personal injury and/or illness since the date of the occurrence? If so, state when, where, and how you were injured and/or became ill and describe the injury and/or illness suffered.

ANSWER:

15. Have you filed any claim for workers compensation benefits in the ten years prior to the underlying accident of June 28, 2011? If so, state the name and address of your employer, the date(s) of the accidents, the identity of the insurance company that paid you such benefits and the case nos. and jurisdictions where filed.

ANSWER:

16. State the personal injuries sustained by you as the result of the underlying occurrence.

ANSWER:

17. With regard to your injuries, state:

- (a) The name and address of each attending physician and/or health care professional;

- (b) The name and address of each consulting physician and/or health care professional;
- (c) The name and address of each person and/or laboratory taking an x-ray, MRI and/or other radiological tests of you;
- (d) The date or inclusive dates on which each of them rendered you service;
- (e) The amounts to date of respective bills for services; and
- (f) From which of them you have written reports

ANSWER:

18. As a result of your personal injuries from the underlying case, were you a patient or outpatient at any hospital and/or clinic? If so, state the names and addresses of all hospitals and/or clinics, the amounts of their respective bills and the date or inclusive dates of their services.

ANSWER:

19. As a result of your personal injuries from the underlying case, were you unable to work? If so, state:

- (a) The name and address of your employer, if any, at the time of the occurrence, your wage and/or salary, and the name of your supervisor and/or foreperson;
- (b) The date or inclusive dates on which you were unable to work;
- (c) The amount of wage and/or income lost by you; and
- (d) The name and address of your present employer and/or wage and/or salary.

ANSWER:

20. State any and all other expenses and/or losses you claim as a result of the occurrence in the underlying case or resulting from any alleged legal malpractice committed by Popovich or Mast. As to each expense and/or loss, state the date or dates it was incurred, the name of the person, firm, and/or company to whom such amounts are owed, whether the expense and/or loss

in question has been paid, and if so, by whom it was so paid and describe the reason and/or purpose for each expense and/or loss.

ANSWER:

21. Were any photographs, movies, and/or videotapes taken of the scene of the occurrence or the persons and/or equipment involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subject thereof, who now has custody of them, and the name, address, occupation and employer of the person taking them.

ANSWER:

22. Had you consumed any alcoholic beverage within the 12 hours immediately prior to the occurrence or had you used any drugs or medications within 24 hours immediately prior to the occurrence. If so, state the name(s) and address(es) of those from whom it was obtained, where it was used, the particular kind and amount of drug, medication, or alcohol so used by you, and the names and current residence addresses of all persons known by you to have knowledge concerning the use of said drug or medication or alcohol.

ANSWER:

23. Describe why you agreed to a binding mediation in the summer of 2016 as alleged in paragraph 52 of your second amended complaint.

ANSWER:

24. Identify the date on which you provided any settlement authority to Hans Mast or the Popovich firm, and the amount of any specific settlement authority to make any settlement demand upon the defendants in the underlying case.

ANSWER:

25. Identify and describe the date on which you received a copy of the settlement agreement from Mast in the underlying case, the date on which you executed the settlement agreement and the date on which you mailed the executed settlement agreement to Mast.

ANSWER:

26. Identify and describe the false and misleading information Mast and Popovich provided to you, and explain how you realized for the first time in December of 2016 that the information was false and misleading and the dismissal of the McGuires was a serious and substantial mistake, as alleged in paragraph 56 of your second amended complaint

ANSWER:

27. Identify and describe the expert opinions provided to you in December 2016 as alleged in paragraph 57 of your second amended complaint, including the identity of the expert, the opinions, and any other information provided by the expert which caused you to learn in the

summer of 2016 and become reasonably aware that Mast and Popovich did not properly represent you.

Respectfully submitted,

/s/ George K. Flynn

GEORGE K. FLYNN
KARBAL COHEN ECONOMOU SILK DUNNE,
LLC

GEORGE K. FLYNN
KARBAL COHEN ECONOMOU SILK DUNNE, LLC
ARDC No. 6239349
150 So. Wacker Drive, Suite 1700
Chicago, Illinois 60606
(312) 431-3700
Attorneys for Defendants
gflynn@karballaw.com