

From: Paul Dulberg <pdulberg@comcast.net>
Subject: **Fwd: Medical depositions**
Date: December 28, 2016 10:42:42 AM CST
To: paul_dulberg@comcast.net

From: Paul Dulberg <pdulberg@comcast.net>
Date: October 30, 2013 at 2:57:50 PM CDT
To: Hans Mast <hansmast@comcast.net>
Subject: **Re: Medical depositions**

Hans,

I don't believe that any reasonable person sitting in a jury is going to give dr talerico's 5 minute evaluation much credit next to dr Sagerman's extensive examinations. I'd bet the farm on Dr. Sagerman over Talerico any day.

Next issue?

Paul Dulberg
847-497-4250
Sent from my iPad

On Oct 30, 2013, at 2:08 PM, Hans Mast <hansmast@comcast.net> wrote:

I understand that Paul. The problem is that you are preaching to the choir. The jury - that will decide this case - doesn't know you or the doctor. If a treating doctor says he doesn't think you were injured badly, they can accept it or believe it. That is the jury's job. And in cases that have complicated medical issues, many times the jury will not be so accommodating and give you the benefit of the doubt. That's why Plaintiff's always have a more difficult time at trial, because they have the burden of proof. And, if the jury doesn't like the evidence they can find against you.

----- Original Message -----

From: Paul Dulberg <pdulberg@comcast.net>
To: Hans Mast <hansmast@comcast.net>
Sent: Wed, 30 Oct 2013 18:26:57 -0000 (UTC)
Subject: Re: Medical depositions

Lol, ok.

Hans, if your sick and this dr you don't know says your not, do you go see someone else or do you take his word for it and continue to suffer?

Ask dr Talerico that question.

This dr Talerico guy has no intimate knowledge of my injuries other than 2 very short visits that I walked out of feeling like I was waisting my time because there was no real examination.

I don't even agree with paying for his services.

I have been seeing Dr. Levin and Dr. Sagerman for a couple of years now. And I get to choose who is the best dr for me. Not David or his insurance.

Paul Dulberg
847-497-4250
Sent from my iPad

On Oct 30, 2013, at 1:09 PM, Hans Mast <hansmast@comcast.net> wrote:

Yes. That's how it works.
Sent from my iPhone

On Oct 30, 2013, at 12:57 PM, Paul Dulberg <pdulberg@comcast.net> wrote:

Quick ?

Are they pitting Dr. Talerico against My other dr's?

He only saw me twice for approx 5-10 minutes and there is a reason I stopped seeing dr Talerico.

Paul Dulberg
847-497-4250
Sent from my iPad

On Oct 30, 2013, at 9:34 AM, Hans Mast <hansmast@comcast.net> wrote:

Paul, here are my thoughts regarding your case. There are two issues. The first liability, or whether Mr. Gagnon is liable for your injury. If he is not proven liable, then it does not matter how badly you were hurt since he will not be found responsible for your damages. The second issue is your damages, or to what extent you were injured due to Mr. Gagnon's acts.

Both of these issues are strongly contested in your case.

As to liability, there were no witnesses to the accident. So, whether Mr. Gagnon will be held responsible for your damages is uncertain and a gamble. That is because it is your word against his word. Our argument is that you were simply holding a limb when he caused the chain saw to strike you. His argument is that you moved your arm in the path of the chain saw unexpectedly. If the jury determines that we did not prove your "version" of the accident, then they can find against you and in favor of Mr. Gagnon at trial.

As to damages, the issue is complicated. That is because your treating physicians do not all agree on exactly what injury you suffered or whether you had a fully recovery or not.

Dr. Talerico at MidAmerica Hand and Shoulder, saw you twice. The first time was in December, six months after your injury. He was not supportive of your claim in most respects. He didn't really feel there was anything wrong with you - as to the forearm. He said that you complained mostly of pain radiating down the forearm from the laceration site with numbness and tingling. On exam he noted no tenderness and it was mostly a normal presentation. Strength was good. He did not see any nerve problem. He prescribed physical therapy due to a muscular sort of symptomology - not nerve related. Apparently you did only 2 sessions of therapy and returned January, 2012. No new complaints at the time. The EMG was normal. He did not believe you were disabled. He continued you on therapy. He saw no evidence of nerve problems. The only symptoms were subjective - not represented by any abnormal exam finding.

Dr. Sagerman has also been deposed. I will summarize his testimony for your soon. His was more favorable, but still limited in what he related to the chain saw accident. Apparently he does not believe you presently have any symptoms relatable to the chain saw injury.

Think about these issues. I will provide you Dr. Sagerman's summary soon.

Hans

----- Original Message -----

From: Paul Dulberg <pdulberg@comcast.net>

To: Hans Mast <hansmast@comcast.net>

Sent: Fri, 25 Oct 2013 13:18:24 -0000 (UTC)

Subject: Medical depositions

Morning Hans,

Wanted to touch base this morning because the call from you about something not being medically linked has been on my mind.

I'm not sure what was said during that deposition with the drs that prompted the call but I have been thinking about what it could be. Most likely it was the right elbow procedure.

During my deposition I remember being asked if the two were linked and I answered yes. Let me explain my answer to you.

If the chainsaw had not gone through my arm then the procedure on my elbow wouldn't have happened. That procedure was exploratory to find what was bothering the arm from the chainsaw. Upon opening up the arm they did find some compressions which from my understanding was nothing unusual for a male of my age and very well may or may not have happened during my retreat from the

chainsaw when I ended up half way across the yard on the ground. Incidental finding or not it still would not have been found if I hadn't had the chainsaw incident. So as I see it they are linked good or bad and cannot be separated. The exploratory procedure was to find and possibly fix issues relating to the chainsaw incident. They also removed a ton of scar tissue in the forearm on the same day during the same exploratory procedure that was a direct result of the chainsaw.

Hope this helps explain things better.

Let me know,

Thanks,

Paul

Paul Dulberg

847-497-4250

Sent from my iPad