

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

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:

Paul Dulberg is the Plaintiff in this matter and is expected to testify in accordance with any deposition testimony he provided or provides. He has knowledge regarding the circumstances leading to the injury he sustained, the actual injury, the harm he suffered, including financial injury.

William McGuire ("William") has knowledge regarding the facts and circumstances leading to Dulberg's injury and the actual injury sustained.

Caroline McGuire ("Caroline") has knowledge regarding the facts and circumstances leading to Dulberg's injury and the actual injury sustained.

David Gagnon ("Gagnon") has knowledge regarding the facts and circumstances leading to Dulberg's injury and the actual injury sustained.

Notes to Julia:

A. "actual injury sustained" should be removed from both the McGuires and Gagnon answers.

Reason: None of them are treating Dr's. Thus, none of them have "actual knowledge of the injuries" other than what they might have heard through their attorneys or other unknown sources.

B. Should treating Dr's be listed here?

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: See answer to 5.

Notes to Julia:

A. Answer to 5 does not depict the "exact words exchanged" portion of

the question. Also, Dulberg didn't have a recording of the exact words so exact words are impossible to produce but Dulberg does have a recollection of the event in question.

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: See answer to 5.

Notes to Julia:

A. Not included in answer 5 is; Earlier in the day Dulberg did help William McGuire move branches to the garden and also started the chainsaw once for Gagnon while Gagnon was up in the tree. This is in Dulberg's deposition and I would refer the defense to that.

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. 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:

1. Migraine Headaches, treated at home.
2. 2002. Rear end collision at Hayden Dr and Johnsburg/Wilmot Rd., in McHenry, IL. See medical records produced.
3. Approx. 2004, Chest Infection. Treater: Dr. Seks. Treated with inhaler and antibiotics
4. 2005. Broken Foot. Treated at Centegra Hospital in McHenry. Scott Dulberg stepped on Paul Dulbergs bare right foot.

Notes to Julia:

A. the number 13 question appears to have the number 14 question attached at the end.

B. "Dr. Seks" should read Dr. Sek

14. Have you suffered any serious 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:

1. 2011 to present. Migraines.

Treaters: Dr. Levin

Dr. Terrance Lee

Investigation Continues.

2. 2013 Hemorrhoid related to stress. Treater: Dr. Conway

3. 2016 Dog Bite to Left Leg. Treater: Centegra, McHenry.

a. Dulberg broke up a fight between his dog and the neighbors dog when he was bitten by a neighbor's dog.

Investigation continues. No other major illness or injuries relevant to this case.

Notes to Julia:

A. I would consider the enlarged prostate treated by Dr Berger at the Uro Center in Lake Zurich as major and the dog bite as minor but perhaps I'm wrong? It's up to you.

B. I made a mistake. It's Dr Elterman and or Dr Tarnauskas at the Elterman Center in Skokie who continue to monitor the prostate for changes. I see one or the other depending on availability.

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: Investigation continues.

Medical costs, lost wages, loss of use, permanent disability resulting from injury, and pain and suffering.

Notes to Julia:

A. "whether the expense and/or loss in question has been paid" other than ongoing Medical treatments and prescriptions for Dystonia, all medical costs were paid in full by the Bankruptcy Trustee out of Dulberg's Bankruptcy Estate. The ongoing treatments and prescriptions are paid by Dulberg for initial out of pocket expenses. Then, Medicare and supplemental Medical and part D prescription drug Insurance kick in to cover the rest.

B. Dulberg still owes his mother Barbara Dulberg approximately \$70,000 for paying Dulberg's mortgage payments and the property taxes between the time of the bankruptcy and the SSDI award. This was a loan and is on record with (I think its called) the Illinois Department of Health and Human Services whom Dulberg had to file with them to receive aid until SSDI kicked in.

C. Dulberg may owe the State of Illinois for the aid received and may also owe Social Security Disability for the full amount if the social security rules change or it is ever determined that Dulberg is no longer permanently disabled. This amount Dulberg could potentially owe back grows every month.

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: Mast advised Dulberg that Illinois law does not permit a recovery against the McGuires in the circumstances of Dulberg's case and that Dulberg would not receive any recovery from the McGuires. Mast advised Dulberg that the judge would rule in favor of the McGuires on a motion for summary judgment. Mast further told Dulberg that Dulberg would retain his claim against Gagnon and be able to seek and receive a full recovery from Gagnon.

Notes to Julia:

A. Should we refer to Masts emails and all correspondence from October 2013 forward for documented proof and not just what was said in the meetings or telephone conversations?

B. "advised" should read "told" in all instances of this answer.

C. Should we add the letter between Mast and Barch dated October 22, 2013 that clearly shows that the "\$5,000 offer" Mast referred to in November/December 2013 emails, phone conversations and meetings from Barch was actually a counter offer to Masts original offer of \$7500 back in October 2013 which again we just learned of during the document exchange and was withheld from the case file to subsequent council?

D. Should we list all the documents to this question that we received during the recent document exchange that were not originally included with the case file and did not make it to subsequent council?
I believe withholding information is the same as being false and

misleading, But this is up to you.