

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

PAUL DULBERG,

Plaintiff,

vs.

THE LAW OFFICES OF THOMAS J.  
POPOVICH, P.C., and HANS MAST,

Defendants.

No. 17 LA 377

**DEFENDANT THE LAW OFFICES OF THOMAS J. POPOVICH, P.C. 'S ANSWER TO  
PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANTS**

NOW COMES Defendant, The Law Offices of Thomas J. Popovich, P.C. ( "Popovich"),  
by and through its attorneys, KARBAL, COHEN, ECONOMOU, SILK & DUNNE LLC, and for  
its Answer to Plaintiff's First Set of Interrogatories, states as follows:

**DEFINITIONS**

1. The term "Document" as used herein shall mean and refer to all written and graphic matters of any kind or description, however, produced, reproduced, or transcribed whether draft, revision or final, original or reproduction, and also tangible or intangible from which written or graphic matters may be generated, produced or transcribed, including, but not limited to, all advertisements, affidavits, agreements, announcements, appointment records, assignments, balance sheets, bills, books, books of account, bulletins, cable grams, catalogues, certificates, charters, charts, checks, communications, computations, computer printouts, computer tapes, discs or other data-storage devices, contracts, correspondence, data processing materials, delivery records, diaries, drafts, drawings, estimates, field notes, financial analysis, financial statements, interoffice and intraoffice communications, instructions, invoices, itemizations, jottings, journals, letters, licenses, lists, manuals, meeting reports, memoranda, memoranda of all conversations including telephone calls, microfilm, minutes, notes, notations, notices, opinions, pamphlets, papers, permits, photocopies, photographs, plans, proofs, publications, receipts, reportings, statements, statistical records, studies, summaries, tapes, telegrams, telex messages, transcripts, writing or work papers and all non-identical copies thereof which are in your possession, custody or control or which are in the possession, custody or control of your attorneys, accountants, or any of your agents or of which you have knowledge of current or former existence. The term "Document" also includes any copies of a Document if the copies are in any way whatsoever not identical copies of the original, by reason of additional writing notations or otherwise.

2. As used herein, one thing shall “Relate” or be “Related” to another if the former constitutes, contains, embodies, evidences, reflects, identifies, states or refers to, or is in any way legally, logically or factually relevant to, or connected with, the latter.

3. “Identify,” as used herein with respect to a natural person, shall mean state such person’s name, residence address, business address, employment and job title, both at the time of the events and at the present time.

4. “Identify,” as used herein with respect to an entity, shall mean state the entity’s name, address, principal place of business, and its legal structure (*i.e.*, corporation), registered agent and identify all individuals acting on its behalf.

5. “Identify” as used herein with respect to a communication, shall mean to state the date of that communication, the identity of the person who were parties to that communication, the identity of the person who were witnesses (other than the parties to the communication) to the communication; whether the communication was face-to-face and/or over the telephone or other telecommunications, and if face-to-face, the location of the communication, and the identity of any documents that pertain to that communication.

6. “Online” shall mean electronic information transmitted through telecommunications lines or networked lines, including but not limited to web pages, blogs, web postings, electronic mail systems, instant messenger systems, or twitter.

7. “You” shall mean Defendant Hans Mast, Defendant Law Offices of Thomas Popovich as well as any attorney, paralegal, staff, or other agent acting on his/her/its behalf. If an agent is acting on your behalf, identify the agent.

8. The term “Defendant” refers to Defendant Hans Mast, Defendant Law Offices of Thomas Popovich, and any attorneys, paralegals or staff persons who worked on their behalf or on the Dulberg Matter, as defined below.

9. The term “Dulberg Matter” refers to the case of Paul Dulberg v. David Gagnon, Caroline McGuire, and Bill McGuire, 12 LA 178, filed in Circuit Court of the Twenty Second Judicial Circuit, McHenry County, and any ancillary legal representation of Paul Dulberg related to that filed case, the arbitration, and/or all legal services provided to Paul Dulberg regarding the facts alleged in the case that was filed.

### **INSTRUCTIONS**

1. In answering these Interrogatories, you are required to furnish all information that is available to you or subject to reasonable inquiry by you, including information in your possession, or in possession of your attorneys, experts or other person(s) directly or indirectly employed by, or connected with you or your attorneys, and anyone otherwise subject to you or your attorneys’ control.

2. The singular shall include the plural and the plural shall include the singular.

3. A masculine, feminine or neuter pronoun shall not exclude the other genders.
4. Separate answers are required to be given for each interrogatory, responses to separate interrogatories should not be joined together, nor should they be joined with Responses to Document Requests.
5. If any response calls for information that you claim is privileged or otherwise protected from disclosure, you shall comply with the requirements contained in Supreme Court Rule 213.
6. If you object to any interrogatory, you shall indicate which portion of the interrogatory is objected to and the basis of this objection, and answer the portion of the interrogatory that is not objectionable.
7. These interrogatories are continuing in nature with answers to be supplemented as you obtain or locate further information.
8. In accordance with Supreme Court Rule 213, attach an affidavit attesting to the completeness and accuracy of your answers.
9. Unless otherwise identified, the time frame for this request is April 1, 2012 to the present.

#### **INTERROGATORIES**

1. Identify the person or agent of an entity responding to these interrogatories.

**ANSWER:** Thomas J. Popovich.

2. Identify any person or agent of an entity who assisted in answering any discovery requests in this case, including the specific request that was responded to and the information provided.

**ANSWER:** Thomas J. Popovich with assistance of counsel, George Flynn of Karbal, Cohen, Economou, Silk, & Dunne, LLC.

3. Identify any person or agent of an entity who provided information in responding to any pleading in this matter.

**ANSWER:** Hans Mast and Thomas J. Popovich.

4. Identify any person or entity that has information related to the facts alleged in the complaint and/or affirmative defenses in this matter, along with the subject of the information.

**ANSWER:** It is likely that the plaintiff Paul Dulberg has information related to the facts alleged in the complaint, as well as both defendants, Hans Mast and Thomas J. Popovich.

5. Identify any person likely to have discoverable information that you may use to support any claims or defenses in this matter, along with the subject of the information.

**ANSWER:** As for the underlying matter, it is likely that the fact witnesses who were deposed, including Paul Dulberg, Bill McGuire, Carolyn McGuire, Michael McArtor, and David Gagnon likely have discoverable information relating to the claims or defenses in the matter. It is also likely that Dr. Marcus Talerico, Dr. Scott Sagerman, Dr. Apiwat Ford, and Dr. Kujawa possess information regarding Dulberg's injuries.

6. Describe in detail any legal services requested of you by Plaintiff.

**ANSWER:** Generally, Hans Mast of the Law Offices of Thomas J. Popovich, P.C. was primarily responsible for prosecuting personal injury claims on behalf of the plaintiff in connection with his alleged injury of June 28, 2011.

7. Describe in detail all legal services, including advice to settle, provided to Plaintiff and the basis for that advice.

**ANSWER:** Objection. Interrogatory is overly broad and unduly burdensome, and calls for a narrative response more appropriate for a deposition. Notwithstanding and without waiving said objections, and pursuant to Illinois Supreme Court Rule 213(e), please see all correspondence between Mast and Dulberg in connection with the underlying case, produced in response to Plaintiff's request for the production of documents.

8. Describe in detail all investigation conducted regarding the Dulberg Case.

**ANSWER:** Written discovery was exchanged with the defendants in the underlying matter, and discovery depositions of all those witnesses identified in response to interrogatory no. 5, were conducted. Counsel for defendants has ordered and is possession of copies of the transcripts of Paul Dulberg, David Gagnon, Carolyn McGuire, Bill McGuire, and Michael McArtor.

9. Describe in detail on[sic] discovery performed on this case.

**ANSWER:** See answer to interrogatory no. 8.

10. Describe in detail all communications, correspondence, and discussions with any expert retained by You or Plaintiff in this case.

**ANSWER:** None at this time. Defendants reserve the right to identify expert witnesses at the appropriate court mandated time.

11. Do you maintain any insurance policy or insurance agreement under which an insurance business may be liable to satisfy all or party of a possible judgment in this above captioned action or to indemnify or reimburse for payments made to satisfy the judgment? If yes, please identify the insurance business and policy limits.

**ANSWER:** Yes. See attached declaration page. Premium and Deductible information have been redacted.

12. Have you notified the insurance business which may be liable to satisfy all or party of a possible judgment in this above captioned action or to indemnify or reimburse for payments made to satisfy the judgment of the pending claims?

**ANSWER:** Yes.

Respectfully submitted,

*/s/ George K. Flynn*

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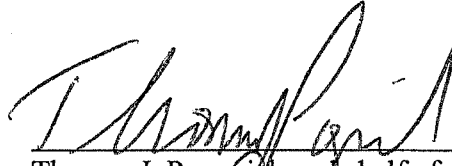
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### Verification

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes them to be true.

By:

A handwritten signature in black ink, appearing to read "Thomas J. Popovich", written over a horizontal line.

Thomas J. Popovich on behalf of  
The Law Offices of Thomas J. Popovich, P.C.