

**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 HANS MAST 'S RESPONSE TO PLAINTIFF'S FIRST SET OF
DOCUMENT REQUESTS**

NOW COMES Defendant, Hans Mast ("Mast"), by and through his attorneys, KARBAL, COHEN, ECONOMOU, SILK & DUNNE LLC, and for his Response to Plaintiff's First Set of Document Requests, states as follows:

DEFINITIONS

1. The term "documents" is defined to include all written, typed, printed, transcribed, filed, or graphic matter of every kind and description, including originals, copies of originals or copies of copies, drafts, carbon copies, printouts, including, but not limited to, letters, reports, memoranda (including those of telephone or other conversations), emails, text messages, instant messaging (such as GChat or Facebook Messenger), minutes, communications, plans, specifications, blueprints, drawings, job site logs, shop drawings, agreements, working papers, financial statements and records, accounting data, property records, travel records, purchase orders, invoices, receipts, checks, checkbooks, bank accounts, legal documents, stenographic notes, photostats, photographs, microfilms, summaries, discs, reels, tapes, computer programs, computer printouts, films, or other forms of mechanical or electrical transcription of information, tables, diary entries, schedules, desk calendars or pads, or advertisements.
2. "And" as well as "or" are to be construed either disjunctively or conjunctively so as to bring within the scope of this request any matters which otherwise may be construed as outside its scope.
3. Whenever appropriate, the singular form of a word should additionally be interpreted in the plural and the plural form of a word should additionally be interpreted in the singular.

4. The term "relating to in any way" means in any way logically or factually connected with the matter set forth.
5. The term "pertaining to" means, without limitation, embodying, mentioning, relating to, or concerning directly or indirectly, in whole or in part the subject matter identified.
6. The terms "refer to" or "relate to" mean the following inclusive: (i) constitute, (ii) contain, (iii) support, (iv) modify, (v) contradict, (vi) criticize, (vii) discuss, (viii) mention, (ix) describe, (x) evaluate, (xi) arise from, or (xii) make in connection with.
7. The term "person" shall include all natural persons and corporations, partnerships, limited partnerships, joint ventures, sole proprietorships, trusts, associations, firms, companies, business styles, clubs or other business or legal entities of any kind.
8. "In your possession, custody or control" includes all documents held or controlled by you in *any* capacity including, but not limited to, your capacity as officer, director, trustee, or agent for your own account or the account of others, and includes your present or former attorneys, accountants, officers, employees, directors, trustees, agents, or other persons purporting to act on your behalf in any capacity.
9. "Communication" means a transfer, attempted transfer, or request for a transfer of information by a person including, without limitation, transfers, attempted transfers, or requests for transfer of information between parts or divisions of a person other than a natural person, or any file thereof.
10. Plaintiff is not seeking any communications between Defendant and its counsel of record.
11. 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.
12. 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.

**DOCUMENTS AND COMMUNICATIONS
FOR WHICH PRIVILEGE IS CLAIMED**

If any document called for herein is not produced by you on the ground that it is privileged or otherwise protected against discovery by any rule of law, provide the following information in writing at the time and place specified for production of documents with respect to each such document:

1. Identify the document by stating the title of the document, the identity of the author(s) and recipient(s) of the document, the length of the document, and detailed description of the contents of the document;
2. Identify the present location and possessors of the original and each copy of the document and state the date or approximate date on which said recipient(s) received such original or copy;
3. Identify all other persons to whom the contents of the document have been disclosed, state the date such disclosure took place and the means of such disclosure, and identify all persons involved in the disclosure; and
4. State the privilege or other rule of law relied upon by you and the facts supporting your position with respect thereto.

DOCUMENTS TO BE PRODUCED

1. All communications, correspondence, emails or text messages from between Plaintiffs and Defendants.

RESPONSE: See attached documents bates labeled POP 000001 through POP 001455.

2. A copy of Defendant's complete file for the Dulberg Case, including all pleadings, orders, discovery, settlement documents, billing records, arbitration pleadings, correspondence, emails, text messages, memoranda and notes whether in handwriting or transcribed.

RESPONSE: See attached documents bates labeled POP 000001 through POP 001455.

3. Any and all communications, correspondence, emails or text messages to any third-party witness, including expert witnesses, concerning the Dulberg Case.

RESPONSE: See attached documents bates labeled POP 000001 through POP 001455.

4. All drafts concerning the Dulberg Case, including any drafts of interrogatory answers or expert disclosures.

RESPONSE: None other than those documents ultimately served or filed in the underlying matter.

5. All internal memoranda or notes concerning the Dulberg Case.

RESPONSE: See attached documents bates labeled POP 000001 through POP 001455.

6. All invoices concerning the Dulberg Case.

RESPONSE: See attached documents bates labeled POP 000001 through POP 001455.

7. All time entries concerning the Dulberg Case.

RESPONSE: None.

8. A copy of any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy judgment.

RESPONSE: See declarations page, bates labeled POP 000001 through POP 000002.

Note that premium and deductible information has been redacted.

9. A copy of any documents, electronically stored information, and tangible things that the Defendant may use to support any claim or defense.

RESPONSE: None other than those documents being produced herewith, bates labeled POP 000001 through POP 001455, including transcripts of the depositions from the underlying case in defendant's counsel's possession (Paul Dulberg, David Gagnon, Carolyn McGuire, Bill McGuire, Michael McArtor). Investigation continues.

10. A copy of all documents identified in your response to the Complaint, 213 discovery responses, or other pleadings or discovery responses in the above captioned case.

RESPONSE: None other than those produced herewith bates labeled POP 000001 through POP 001455.

Respectfully submitted,

/s/ George K. Flynn

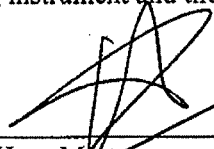
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Verification

Under penalties provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, I certify that I have read the foregoing instrument and the same is complete in accordance with the request to the best of my knowledge.

By:


Hans Mast