

**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

**DEFENDANTS THE LAW OFFICES OF THOMAS J. POPOVICH, P.C.
AND HANS MAST'S ANSWER TO PLAINTIFF'S
RULE 213(F) INTERROGATORIES TO DEFENDANTS**

NOW COME Defendants, The Law Offices of Thomas J. Popovich, P.C. and Hans Mast (collectively "Popovich"), by and through their attorneys, KARBAL, COHEN, ECONOMOU, SILK & DUNNE LLC, and for their Answer to Plaintiff's Rule 213(f) Interrogatories to Defendants, state as follows:

1. Please identify the name, address, and telephone number of every individual "Lay Witness" who will testify at trial on behalf of the Plaintiff, and identify the subject matter of each witness' testimony.

ANSWER:

A. It is likely that Hans Mast will testify regarding the facts and circumstances surrounding the underlying accident and injuries, the prosecution of the case of *Dulberg v. Gagnon, et. al.*, and regarding the nature, scope and representation of Dulberg by Popovich and Mast in the prosecution of the underlying case. It is expected that he will testify consistent with his testimony in the instant matter.

B. It is likely that Thomas Popovich will testify regarding the facts and circumstances surrounding the underlying accident and injuries, the prosecution of the case of *Dulberg v.*

Gagnon, et. al., and regarding the nature, scope and representation of Dulberg by Popovich and Mast in the prosecution of the underlying case. It is expected that he will testify consistent with his testimony in the instant matter.

C. Paul Dulberg will be called as an adverse witness pursuant to 735 ILCS 5/2-1102 and IRE 611(c). It is likely that he will testify regarding the facts and circumstances surrounding the underlying accident and injuries, the prosecution of the case of *Dulberg v. Gagnon, et. al.*, and regarding the nature, scope and representation of Dulberg by Popovich and Mast in the prosecution of the underlying case. It is expected that he will testify consistent with his testimony in the underlying case, and any deposition ultimately conducted in the instant matter.

D. It is likely that Bill McGuire will testify regarding the facts and circumstances surrounding the underlying accident and injuries, the prosecution of the case of *Dulberg v. Gagnon, et. al.*, and regarding the nature, scope and representation of Dulberg by Popovich and Mast in the prosecution of the underlying case. It is expected that he will testify consistent with his testimony in the underlying case, and any deposition ultimately conducted in the instant matter.

E. It is likely that Carolyn McGuire will testify regarding the facts and circumstances surrounding the underlying accident and injuries, the prosecution of the case of *Dulberg v. Gagnon, et. al.*, and regarding the nature, scope and representation of Dulberg by Popovich and Mast in the prosecution of the underlying case. It is expected that she will testify consistent with her testimony in the underlying case, and any deposition ultimately conducted in the instant matter.

F. It is likely that Michael McArtor will testify regarding the facts and circumstances surrounding the underlying accident and injuries, the prosecution of the case of *Dulberg v.*

Gagnon, et. al., and regarding the nature, scope and representation of Dulberg by Popovich and Mast in the prosecution of the underlying case. It is expected that he will testify consistent with his testimony in the underlying case, and any deposition ultimately conducted in the instant matter.

G. It is likely that David Gagnon will testify regarding the facts and circumstances surrounding the underlying accident and injuries, the prosecution of the case of *Dulberg v. Gagnon, et. al.*, and regarding the nature, scope and representation of Dulberg by Popovich and Mast in the prosecution of the underlying case. It is expected that he will testify consistent with his testimony in the underlying case, and any deposition ultimately conducted in the instant matter.

H. Dr. Marcus Talerico is expected to testify concerning the facts, nature and scope of his treatment of Paul Dulberg's injuries allegedly sustained in the underlying accident, and consistent with his deposition testimony in the underlying case, and any future deposition in the instant case. To the extent that he may be considered a Rule 213 (f) (2) witness, defendants reserve the right to identify him as an independent expert witness at the appropriate time.

I. Dr. Scott Sagerman is expected to testify concerning the facts, nature and scope of his treatment of Paul Dulberg's injuries allegedly sustained in the underlying accident, and consistent with his deposition testimony in the underlying case, and any future deposition in the instant case. To the extent that he may be considered a Rule 213 (f) (2) witness, defendants reserve the right to identify him as an independent expert witness at the appropriate time.

J. Dr. Apiwat Ford is expected to testify concerning the facts, nature and scope of his treatment of Paul Dulberg's injuries allegedly sustained in the underlying accident, and consistent with his deposition testimony in the underlying case, and any future deposition in the

instant case. To the extent that he may be considered a Rule 213 (f) (2) witness, defendants reserve the right to identify him as an independent expert witness at the appropriate time.

K. Dr. Kujawa is expected to testify concerning the facts, nature and scope of his treatment of Paul Dulberg's injuries allegedly sustained in the underlying accident, and consistent with his deposition testimony in the underlying case, and any future deposition in the instant case. To the extent that he may be considered a Rule 213 (f) (2) witness, defendants reserve the right to identify him as an independent expert witness at the appropriate time.

2. Please identify the name, address and telephone number of every independent Expert Witness who will testify at trial on behalf of the Plaintiff, and identify the subject matter of each witness' testimony.

ANSWER: Defendants have not identified all Illinois Supreme Court Rule 213(f)(2) witnesses, and will disclose same at the appropriate court mandated time.

3. Please identify the name, address, and telephone number of every Controlled Expert Witness who will testify at trial on behalf of Plaintiff, and for each Controlled Expert Witness, please identify:

1. the subject matter on which the witness will testify;
2. the conclusions and opinions of the witness and the bases therefor;
3. the qualifications of the witness; and
4. any reports prepared by the witness about the case.

ANSWER: Defendants have not identified Illinois Supreme Court Rule 213(f)(3) expert witnesses, and will disclose same at the appropriate mandated time.

Respectfully submitted,

/s/ George K. Flynn

GEORGE K. FLYNN
KARBAL COHEN ECONOMOU SILK DUNNE, LLC

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