

Subject: RE: from tom

Date: Wednesday, October 3, 2018 at 12:54:40 PM Central Daylight Time

From: Thomas W. Gooch III

To: Paul Dulberg

As you know I have a permanent disability. You may not know I am on medication to control pain and spasms and this medication does not allow me to focus on complex subjects for a prolonged time. Since I do not understand your last email and I don't have much time before appearing in court I need to know where I stand.

You seem to have been very focused when you delivered to me your research notes on the elements of legal malpractice, not that I need the written lecture on what legal malpractice consists of

Are you thinking of not continuing to represent me in this case?

Yes I am considering withdrawing on your behalf. I need no research from you on legal malpractice answering my questions on facts is helpful when I ask. I want no more involvement from your brother, Obviously he can talk to you all you want, I can't prevent that but if I perceive further interference from him then I will have to re-evaluate my continued ability to competently represent you. I will not allow him to be here in my office for any purpose.

Are you going to submit a second amended complaint on October 10 and appear in court?

We may seek an extension, we appear on court dates as a general rule always. You do not and have not had any court dates that require your appearance.

Will I be given enough time to review the complaint before it is submitted?

When I determine the complaint is in my opinion legally sufficient it gets filed, naturally you will get a copy of it for your records.

May I comment on it or request changes to it or ask questions about it?

You, not your brother, can ask all the questions you wish. I generally do not ask a client if a complaint is legally sufficient, nor do I want a client drafting a complaint that I have to sign. Most clients do not know the difference between pleading conclusions of law or fact, pleading evidence or the correct pleading of ultimate material factual allegations. In as much as you have advised you are on pain medicine unable to "focus on complex subjects I question how much you could help in any event. I can get a lot done when I don't have to answer emails like this one.

I do not want to offend anyone, so I need to know what I can comment on or ask questions about.

Making demands and lecturing me on the law are great ways to be offensive, likewise demanding to know when you will be called and comments about caring about anyone else we represent or other cases is not conducive to not offending us.

gouch

From: Paul Dulberg <pdulberg@comcast.net>
Sent: Wednesday, October 03, 2018 11:02 AM
To: Thomas W. Gooch III <gouch@goochfirm.com>; Sabina Walczyk <swalczyk@goochfirm.com>; Office Office <office@goochfirm.com>; Nikki <nikki@goochfirm.com>
Subject: Re: from tom

Hello Tom and Sabina,

I didn't understand the last email I received so I need some clarification. I was never rude or not courteous to your staff and your staff was always courteous to me. Yesterday I talked with Nikki briefly just to confirm that the office received the email and find out when I should expect to receive the second amended brief for review. She was friendly and courteous. I said nothing rude or offensive.

I never ordered you or anyone to call me yesterday. I honestly don't know why you believe I did. I was not aware there was anything offensive in the attachment I sent. As I read it again I still can't see anything offensive in it.

As you know I have a permanent disability. You may not know I am on medication to control pain and spasms and this medication does not allow me to focus on complex subjects for a prolonged time. Since I do not understand your last email and I don't have much time before appearing in court I need to know where I stand.

Are you thinking of not continuing to represent me in this case?

Are you going to submit a second amended complaint on October 10 and appear in court?

Will I be given enough time to review the complaint before it is submitted?

May I comment on it or request changes to it or ask questions about it?

I do not want to offend anyone, so I need to know what I can comment on or ask questions about.

I have no memory of any inappropriate behavior when talking to Nikki yesterday. Please let me know how I can communicate with your staff or what I can include in an email in the future so you are not offended again.

Sorry if I did anything wrong.

Sincerely,

Paul Dulberg

On 10/2/2018 1:06 PM, Thomas W. Gooch III wrote:

Mr. Duhlberg;

I have your attachment and am deeply offended by it.

I more upset over being ordered to call you today. I am preparing for trial and frankly don't have time to read or comment on your attempts to educate me on what legal malpractice is all about, I particularly don't have time to read outdated cases on the elements of a legal malpractice case, nor do I have any intention of quoting the law you sent to me.

You understand full well I'm sure that I have been doing this for a very long time, if I need help on understanding the law I will get from someone who knows how to do legal research, you and your brother don't.

If I have anymore of this authoritative comments or instructions I will have to give particular thought to withdrawing my appearance and letting you represent your self or find someone else, understand this is not an empty threat, I will tolerate any more of this. If I need a factual question answered and I'm sure I will in the course of this litigation then I will ask you but kindly stop with rudimentary research. The Google searches of you and your brother are not replacements for my law license.

I generally don't have a problem with relatives helping out and being involved just so long as the client understands that the relatives involvement may waive the attorney client privilege. However at this point your brother has become more the problem then helpful. While I can not prevent him from injecting himself into your case through you, I am no longer willing to have him present at conferences or communicate directly with me.

At this point with everything I have going and the attitude you are displaying I have serious doubts as continuing to represent you. Kindly do not communicate with my staff on the telephone in the manner you chose today

Sincerely

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From: Paul Dulberg <pdulberg@comcast.net>
Sent: Tuesday, October 02, 2018 9:11 AM
To: Thomas W. Gooch III <gooch@goochfirm.com>; Sabina Walczyk <swalczyk@goochfirm.com>; Office Office <office@goochfirm.com>; Nikki <nikki@goochfirm.com>
Subject: Fwd: from tom

Hi Tom and Sabina,
Please see the attached file.
contact me with any questions.
Thank you,
Paul

----- Forwarded Message -----
Subject:from tom
Date:Tue, 2 Oct 2018 07:32:00 -0500
From:T Kost <tkost999@gmail.com>
To:me <pdulberg@comcast.net>

see attached