



From: PAUL DULBERG paul_dulberg@comcast.net  
Subject: Fwd: End of Gooch communications
Date: November 17, 2018 at 12:14 PM
To: juliawilliams@clintonlaw.net
Cc: ed@clintonlaw.net

PD



Re/ from
tom.eml



Re/ from
tom.eml



Dulberg _ The
Law Of...al_.eml



Dulberg v_
Popovich.eml



Re/ Dulberg v_
Popovich.eml



Re/ Dulberg v_
Popovich.eml



Dulberg v_
Mast.eml

From: Thomas W. Gooch III gooch@goochfirm.com

Subject: RE: from tom

Date: October 2, 2018 at 1:06 PM

To: Paul Dulberg pdulberg@comcast.net, Sabina Walczyk swalczyk@goochfirm.com, Office Office office@goochfirm.com, Nikki nikki@goochfirm.com

TG

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comment on your attempts to educate me on what legal malpractice is all about, I particularly don't have time to read outdated cases on the elements of a legal malpractice case, nor do I have any intention of quoting the law you sent to me.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

Thomas W Gooch
The Gooch Firm
209 S. Main Street
Wauconda, Illinois 60084
847.526.0110
Gooch@goochfirm.com
WWW.Goochfirm.com

This communication is covered by the Electronic Communications Privacy Act, found at 18 U.S.C. 2510 et. seq. and is intended to remain confidential and is subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error please immediately alert the sender by reply e-mail and then delete this

addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and all attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

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

From: Thomas W. Gooch III gooch@goochfirm.com
Subject: RE: from tom
Date: October 3, 2018 at 12:56 PM
To: Paul Dulberg pdulberg@comcast.net

TG

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.

gooch

From: Paul Dulberg <pdulberg@comcast.net>
Sent: Wednesday, October 03, 2018 11:02 AM
To: Thomas W. Gooch III <gooch@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

I'm 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

Thomas W Gooch
The Gooch Firm
209 S. Main Street
Wauconda, Illinois 60084
847.526.0110

Gooch@goochfirm.com

WWW.Goochfirm.com

This communication is covered by the Electronic Communications Privacy Act, found at 18 U.S.C. 2510 et. seq. and is intended to remain confidential and is subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and all attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the

purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.


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

From: Office Office office@goochfirm.com 
Subject: Dulberg . The Law Offices of Thomas J. Popovich, PC, et al.
Date: October 8, 2018 at 12:35 PM
To: Paul Dulberg pdulberg@comcast.net
Cc: Thomas W. Gooch III gooch@goochfirm.com, Sabina Walczyk swalczyk@goochfirm.com, Nikki nikki@goochfirm.com

00

Dear Mr. Dulberg:

Attached please find the Plaintiff's discovery requests to the Defendants in regards to the above-referenced matter.

Please note their responses are due by November 5, 2018. Whenever I receive them, I will forward to you.

Melissa J. Podgorski
Paralegal
The Gooch Firm
209 South Main Street
Wauconda, Illinois 60084
(847) 526-0110 (phone)
(847) 526-0603 (fax)

This communication is covered by the Electronic Communications Privacy Act, found at 18 U.S.C. 2510 et. seq. and is intended to remain confidential and is subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and all attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.



Ptf Ints to Def
10.8.18.pdf



Ptf RFP to Def
10.8.18.pdf



Ptf 213(f)(1-3)
Ints to....18.pdf

**THE UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS**

PAUL DULBERG,)	
	)	Case No.: 2017 LA 377
Plaintiff,)	
v.)	
)	
THE LAW OFFICES OF THOMAS J.)	
POPOVICH, P.C. and HANS MAST,)	
)	
Defendants.)	

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANTS

To: George Flynn (gflynn@clausen.com)
Clausen Miller, P.C.
10 South LaSalle Street, 16th Floor
Chicago IL 60603

NOW COMES Plaintiff, PAUL DULBERG ("DULBERG") by and through his attorneys THE GOOCH FIRM, and hereby submits his First Set of Interrogatories pursuant to Illinois Supreme Court Rule 213 to Defendants, THE LAW OFFICES OF THOMAS J. POPOVICH, P.C. and HANS MAST (hereafter collectively referred to as "DEFENDANTS"), along with Instructions and Definitions. Plaintiff requests a written response within twenty-eight (28) days of service.

DEFINITIONS

The following Definitions are to be considered applicable with respect to each interrogatory contained herein:

1. "Billings" or "bills" means the monthly bills charged **DULBERG** at any time regardless of whether full or partial payments were made.

2. "Billing records" also can mean records of time billed or recorded on behalf of other clients of **THE LAW OFFICE OF THOMAS J. POPOVICH, P.C. and HANS MAST** by any time keeper during the relevant period on days when that time keeper performed tasks pursuant to the engagement letter for **DULBERG**.

3. "Calendar" means the master calendar of **THE LAW OFFICE OF THOMAS J. POPOVICH, P.C. and HANS MAST** and all individual calendars of any person involved in the underlying case during the relevant time period.

4. "Client file" means any documents gathered or received by **THE LAW OFFICE OF THOMAS J. POPOVICH, P.C. and HANS MAST** during their representation of **DULBERG** in the underlying matter.

5. "Consultant[s]" means and refers to persons, whether retained as experts or as non-experts, contacted by you or on your behalf to provide information, opinions, and/or review of materials or tangible things relating or referring to the positions or potential positions taken by you in preparation of any documents, hearings, or settlement negotiations.

6. "Document[s]" means any written, graphic or recorded matter any object or tangible thing of every kind of description, or any combination thereof, and without limitation, whether draft, revision or final; whether original or reproduction; however produced and reproduced; whether such object, record or communication is written, typewritten, printed by hand or recorded, and including without limitation, correspondence, contracts, memorandums of understanding, term sheets, proposals, quotes, notes, memoranda, letters, reports, minutes, resolutions, summaries, telegrams, publications, invoices, purchase orders, estimations, accounting records and work papers, accounts, accounts payables, cash flow statements, commission agreements and commission statements, conferences (including but not limited to reports and/or summaries thereof), annual or other periodic reports, applications, appointment books, appraisals, assignments, assignment of beneficial interest, audit reports, calendar entries or notations, calendars, checks, checkbooks, canceled checks, cards, cartridges, cash flow statements, cassettes certificates, change orders, charts, release orders, checks, registers, receipts, statements, financial statements, filings with any government agency (including but not limited to federal, state, local or foreign governments) inventories, investigations and summaries of investigations, periodicals, photographs, slides or negatives, photographs and negatives, pictures or other matter which is able to be seen or read without mechanical or electrical assistance, plans, plates, pleadings, policies, press releases, proformas, programs, projections, promissory notes, promotional literature and materials, proof, proof of claims, records, records of meetings (including but not limited to notes, reports and summaries of conferences or interviews, whether formal or informal), recordings or transcriptions (including but n limited to notes, reports, and summaries of conferences or interviews, whether formal or informal), communiques, contracts, agreement, amendment, addendums, modifications and cancellations to contracts, recordings, transcriptions of recordings, inspection reports, videotapes, audiotapes, e-mails, facsimiles, diaries, schedules, files, file folders, original or preliminary notes, outlines, papers, personal records, loan documents, manuals or excerpts therefrom, retainer agreements, statements of income and expense, statements or books of account, statistical or information accumulations or compilations, tax returns, handbooks, and business records and shall include, without limitation,

originals, duplicates, all file copies, all other copies (with or without notes or changes thereon) no matter how prepared, drafts, data, disks, tapes, databases, back-up tapes, zip-drives and disks, compilations, computer files, directories and any other computerized data or information, working papers, routing slips and similar materials, and including all documents which relate to the subject matter of this action.

7. “Engagement letter” and/or “engagement agreement” means the letter or agreement or retainer agreement between **THE LAW OFFICE OF THOMAS J. POPOVICH, P.C. and HANS MAST and DULBERG.**

8. “Identify” and “describe” means and refer to:

- a. Provide a detail of all facts and circumstances supporting your contentions, and/or the act, occurrence, statement, communication and/or conduct which is the subject of the interrogatory and provide the date of such act, occurrence, statement or communication, the persons present, persons involved, persons who witnessed and/or persons who have knowledge of such facts, circumstances, acts, occurrences, statements, and/or communications;
- b. Provide the name, address and telephone number of all persons having knowledge of such facts and circumstances and/or of all persons present, involved and/or who witnessed the same;
- c. Provide the title of any responsive documents relating to the subject of the interrogatory, the person who created such documents, the persons who were the recipients of such documents, the date such documents were created and the present location of the documents; and
- d. Provide the name, address, and telephone number of any company which is the subject of the interrogatory.

9. “Objects” and “tangible things” means and refers to material items or assets capable of being perceived or capable of being appraised at an actual or approximate value.

10. “Person” or “person[s]” means and refer to any natural person, partnership, corporation, joint venture, business organization whether public or private, and/or other entity and including its officers, directors, partners, joint venturers, employees, consultants, representatives, and agents.

11. “Refer[ing]” or “relate[ing] to” means to be legally, factually and/or logically connected to.

12. “Relevant time period” means the time from **May 1, 2012 to the present.**

13. “Task” means and refers to each discrete duty, assignment or job performed by you and/or any of your employees for which you are charging fees to **DULBERG**, as contained in the Engagement Agreement.

14. “Timekeeper” means any attorney employee of **THE LAW OFFICE OF THOMAS J. POPOVICH, P.C. and HANS MAST** or non-attorney employee of **THE LAW OFFICE OF THOMAS J. POPOVICH, P.C. and HANS MAST** who during the relevant time period performed any task on behalf of **DULBERG** in the underlying case.

15. “Timesheets” means and refers to the maintaining, tracking or keeping record of time for legal services performed by you and/or your consultants, whether such timesheets are kept contemporaneously or non-contemporaneously, typewritten or handwritten, and/or retained in or on pre-printed forms, calendars, logs, diaries, folders, files, computer-generated forms or forms contained within computer programs, including but not limited to software designed for and used by legal firms and/or accounting departments to track time for services such as time slips and/or Excel spreadsheets and print-outs of computer generated forms.

16. “Underlying matter” means and refers to **PAUL DULBERG** and any and all other matters involving **DULBERG**.

17. “You,” “your,” and “yours” means and refers to, **THE LAW OFFICE OF THOMAS J. POPOVICH, P.C. and HANS MAST** whether acting in this name or any alias names or surnames used by you, and/or including your agents, representatives, attorneys, accountants, employees, and/or anyone acting at your direction and/or on your behalf or at your request.

18. “Your counsel” means and refers to your attorneys representing you in this case, and/or your counsel’s agents, representatives and/or anyone acting at their direction or their request on your behalf.

19. Whenever used herein, the singular shall include the plural and vice versa.

20. Whenever used herein, “and” may be understood to mean “or” and vice versa whenever such construction results in a broader request for information.

21. To the extent any paragraph is objected to, please set forth all reasons for your objection, specifically identifying the legal basis for any objection based upon a claim of work product or any common law or statutory privilege as required by S. Ct. Rule 201(n).

22. Duplicitous Request: It is not the intention of this production request to duplicate responses. If any request duplicates another request, only one response is required. Reference may be made to the previous response.

INTERROGATORIES

1. Please state your name and State Bar Number.

ANSWER:

2. With respect to your education, please identify each institution of higher learning that you ever attended, including the law school from which you graduated. Also, as to each institution, please set forth the following information specifically and in detail:

- a. State each declared major/minor area of study.
- b. Set forth each bar association of which you are a member.

ANSWER:

3. Do you maintain that you concentrate your practice in any particular type of area of the law? If so, please set forth the following information:

- a. A description of the legal work, area of law, or type of matter in which your practice is concentrated
- b. For how many years have you engaged in the practice of law concentrated in a particular area.

ANSWER:

4. Have you ever been suspended, censured, reprimanded or otherwise disciplined by the Illinois Supreme Court or the Attorney Registration and Disciplinary Commission of the Illinois Supreme Court?

ANSWER:

5. Did you ever enter, at any time, into or establish an attorney-client relationship with the Plaintiff? If your answer is anything other than an unconditional "no," please set forth the following information specifically and in detail:

- a. The date upon which the relationship was first established, and if the relationship was ever terminated, the date or dates of each such termination.
- b. The nature and description of the legal services that you agreed to provide.
- c. Please identify every contract, retainer agreement, letter of engagement or

writing that relates to the establishment of your relationship with the Plaintiff by stating a brief summary of its contents. Alternatively, in lieu of your answer, please attach the document.

ANSWER:

6. Commencing from the date when the Plaintiff first contacted you through the date of your answers to these Interrogatories, state whether you are covered or were covered by a policy of professional liability insurance (i.e., malpractice insurance) which is providing coverage or which has denied or reserved coverage for the claim of the Plaintiff? If the answer is no, see 2(c). If the answer is yes, see 2(a)-2(b):

- a. Please provide the name of the insurer and the policy number.
- b. If coverage has been reserved or denied, describe the reasons of for the denial or reservation and attach any document you have received from the insurer relating to the reservation or denial.
- c. If you are not covered by a policy of professional liability coverage, please state the last time you were insured.

ANSWER:

7. Do you have possession of Plaintiff's client file created during the time period you represented Plaintiff?

ANSWER:

8. Did you ever represent the Plaintiff with respect to any matters other than those which are the subject of this litigation?

ANSWER:

9. Set forth the name and title of each individual who participated in the preparation, investigation, evaluation, and analysis of any aspect of your representation of the Plaintiff, including but not limited to present and former attorneys, secretaries, paralegals, investigators, law clerks, student assistants, and other individuals who participated in the handling or preparation of the Plaintiff's matter.

ANSWER:

10. With respect to each meeting, telephone conversation, mailed letters or other

correspondence, and email discussions you had with the Plaintiff, please set forth the following:

- a. The mode of the communication, date/time of the communication and the substance of the communication.
- b. Identify any/all correspondence that mentions or refers to the communication by stating its date and authors. Include a brief description of the contents of the correspondence or, alternatively, attach a copy of it to your answers to these Interrogatories.

ANSWER:

11. Did you ever refuse to communicate with the Plaintiff or act on his behalf

ANSWER:

12. Did you withdraw from representation of the Plaintiff?

ANSWER:

13. With respect to the pending action against you and the firm for legal malpractice and with respect to the Plaintiff, please identify each drafting of work that you engaged in on the Plaintiff's behalf, and with respect to each, please set forth the following information specifically and in detail:

- a. A description of the work performed. The date that the work was performed, the approximate amount of time spent, and the amount charged to the Plaintiff for said work.

ANSWER:

14. State the name, title and telephone number of any employee of any Defendant during your period of representation of the Plaintiff.

ANSWER:

15. State the name of the person responsible for assembling monthly bills/invoices and sending them to the Plaintiff during the time period you represented Plaintiff.

ANSWER:

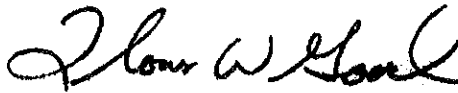
16. If any person listed in Interrogatory No. 15 is no longer employed by you, identify that person by name and providing telephone number.

ANSWER:

17. Describe all documents reviewed by anyone in the course of preparation of the responses to these interrogatories.

ANSWER:

Respectfully submitted,
THE GOOCH FIRM
on behalf of Plaintiff, PAUL DULBERG,



THOMAS W. GOOCH, III

THE GOOCH FIRM
209 South Main Street
Wauconda, IL 60084
(847) 526-0110
ARDC No. 3123355
gooch@goochfirm.com

**THE UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS**

PAUL DULBERG,)	
Plaintiff,	)	Case No.: 2017 LA 377
v.)	
)	
THE LAW OFFICES OF THOMAS J.)	
POPOVICH, P.C. and HANS MAST,)	
)	
Defendants.)	

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO
DEFENDANTS**

To: George Flynn (gflynn@clausen.com)
Clausen Miller, P.C.
10 South LaSalle Street, 16th Floor
Chicago IL 60603

NOW COMES Plaintiff, PAUL DULBERG ("DULBERG") by and through his attorneys THE GOOCH FIRM, and hereby respectfully moves that Defendants, THE LAW OFFICES OF THOMAS J. POPOVICH, P.C. and HANS MAST (hereafter collectively referred to as "DEFENDANTS"), along with their attorneys and agents, produce at THE GOOCH FIRM, 209 South Main Street, Wauconda, Illinois 60084, within 28 days for inspection and copying the following:

DEFINITIONS

The following Definitions are to be considered applicable with respect to each Request contained herein:

1. "Billings" or "bills" means the monthly bills charged **DULBERG** at any time regardless of whether full or partial payments were made.
2. "Billing records" also can mean records of time billed or recorded on behalf of other clients of **DEFENDANTS** by any time keeper during the relevant period on days when that time keeper performed tasks pursuant to the engagement letter for **DULBERG**.

3. “Calendar” means the master calendar of **DEFENDANTS** and all individual calendars of any person involved in the underlying case during the relevant time period.

4. “Client file” means any documents gathered or received by **DEFENDANTS** during its representation of **DULBERG** in the underlying matter.

5. “Consultant[s]” means and refers to persons, whether retained as experts or as non-experts, contacted by you or on your behalf to provide information, opinions, and/or review of materials or tangible things relating or referring to the positions or potential positions taken by you in preparation of the prenuptial agreement.

6. “Document[s]” means any written, graphic or recorded matter any object or tangible thing of every kind of description, or any combination thereof, and without limitation, whether draft, revision or final; whether original or reproduction; however produced and reproduced; whether such object, record or communication is written, typewritten, printed by hand or recorded, and including without limitation, correspondence, contracts, memorandums of understanding, term sheets, proposals, quotes, notes, memoranda, letters, reports, minutes, resolutions, summaries, telegrams, publications, invoices, purchase orders, estimations, accounting records and work papers, accounts, accounts payables, cash flow statements, commission agreements and commission statements, conferences (including but not limited to reports and/or summaries thereof), annual or other periodic reports, applications, appointment books, appraisals, assignments, assignment of beneficial interest, audit reports, calendar entries or notations, calendars, checks, checkbooks, canceled checks, cards, cartridges, cash flow statements, cassettes certificates, change orders, charts, release orders, checks, registers, receipts, statements, financial statements, filings with any government agency (including but not limited to federal, state, local or foreign governments) inventories, investigations and summaries of investigations, periodicals, photographs, slides or negatives, photographs and negatives, pictures or other matter which is able to be seen or read without mechanical or electrical assistance, plans, plates, pleadings, policies, press releases, proformas, programs, projections, promissory notes, promotional literature and materials, proof, proof of claims, records, records of meetings (including but not limited to notes, reports and summaries of conferences or interviews, whether formal or informal), recordings or transcriptions (including but not limited to notes, reports, and summaries of conferences or interviews, whether formal or informal), communiques, contracts, agreement, amendment, addendums, modifications and cancellations to contracts, recordings, transcriptions of recordings, inspection reports, videotapes, audiotapes, e-mails, facsimiles, diaries, schedules, files, file folders, original or preliminary notes, outlines, papers, personal records, loan documents, manuals or excerpts therefrom, retainer agreements, statements of income and expense, statements or books of account, statistical or information accumulations or compilations, tax returns, handbooks, and business records and shall include, without limitation, originals, duplicates, all file copies, all other copies (with or without notes or changes thereon) no matter how prepared, drafts, data, disks, tapes, databases, back-up tapes, zip-drives and disks,

compilations, computer files, directories and any other computerized data or information, working papers, routing slips and similar materials, and including all documents which relate to the subject matter of this action.

7. “Engagement letter” and/or “engagement agreement” means the letter or agreement between **DEFENDANTS** and/or his firm and **DULBERG**.

8. “Identify” and “describe” means and refer to:

- a. Provide a detail of all facts and circumstances supporting your contentions, and/or the act, occurrence, statement, communication and/or conduct which is the subject of the interrogatory and provide the date of such act, occurrence, statement or communication, the persons present, persons involved, persons who witnessed and/or persons who have knowledge of such facts, circumstances, acts, occurrences, statements, and/or communications;
- b. Provide the name, address and telephone number of all persons having knowledge of such facts and circumstances and/or of all persons present, involved and/or who witnessed the same;
- c. Provide the title of any responsive documents relating to the subject of the interrogatory, the person who created such documents, the persons who were the recipients of such documents, the date such documents were created and the present location of the documents; and
- d. Provide the name, address, and telephone number of any company which is the subject of the interrogatory.

9. “Objects” and “tangible things” means and refers to material items or assets capable of being perceived or capable of being appraised at an actual or approximate value.

10. “Person” or “person[s]” means and refer to any natural person, partnership, corporation, joint venture, business organization whether public or private, and/or other entity and including its officers, directors, partners, joint venturers, employees, consultants, representatives, and agents.

11. “Refer[ing]” or “relate[ing] to” means to be legally, factually and/or logically connected to.

12. “Relevant time period” means the time from **May 1, 2012 to the present**.

13. “Task” means and refers to each discrete duty, assignment or job performed by you and/or any of your employees for which you are charging fees to **DULBERG**, as contained in the Engagement Agreement.

14. “Timekeeper” means any attorney employee of **DEFENDANTS** or non-attorney employee of **DEFENDANTS** who during the relevant time period performed any task on behalf of **DULBERG** in the underlying case.

15. “Timesheets” means and refers to the maintaining, tracking or keeping record of time for legal services performed by you and/or your consultants, whether such timesheets are kept contemporaneously or non-contemporaneously, typewritten or handwritten, and/or retained in or on pre-printed forms, calendars, logs, diaries, folders, files, computer-generated forms or forms contained within computer programs, including but not limited to software designed for and used by legal firms and/or accounting departments to track time for services such as time slips and/or Excel spreadsheets and print-outs of computer generated forms.

16. “Underlying matter” means and refers to **DEFENDANTS Client/Matter Case Number 2012 LA 178** and any and all other matters involving **DULBERG**.

17. “You,” “your,” and “yours” means and refers to, **DULBERG**, whether acting in this name or any alias names or surnames used by you, and/or including your agents, representatives, attorneys, accountants, employees, and/or anyone acting at your direction and/or on your behalf or at your request.

18. “Your counsel” means and refers to your attorneys representing you in this case, and/or your counsel’s agents, representatives and/or anyone acting at their direction or their request on your behalf.

19. Whenever used herein, the singular shall include the plural and vice versa.

20. Whenever used herein, “and” may be understood to mean “or” and vice versa whenever such construction results in a broader request for information.

21. To the extent any paragraph is objected to, please set forth all reasons for your objection, specifically identifying the legal basis for any objection based upon a claim of work product or any common law or statutory privilege as required by S. Ct. Rule 201(n).

22. Duplicitous Request: It is not the intention of this production request to duplicate responses. If any request duplicates another request, only one response is required. Reference may be made to the previous response.

REQUESTS FOR PRODUCTION

1. Where a party has given a statement to some person or entity other than his attorney or insurer, said statement shall be produced by the person or entity to whom it was given or transferred.

RESPONSE:

2. All documents, memoranda, notes, correspondence, pleadings, settlement agreements, contracts, check, bills, invoices, or other documentary material in your possession or under your control identified in your answers to Plaintiff's First Set of Interrogatories.

RESPONSE:

3. A list giving the name, addresses and specialties of all expert witnesses other than purely consultant experts who are not to testify at the trial, omitting all persons already listed above.

RESPONSE:

4. Copies of the reports from all experts listed in paragraph 3.

RESPONSE:

5. All documents in your possession or under your control which relate in any way to **DULBERG**, as known to you on or before your last day of representation.

RESPONSE:

6. The entire client file maintained by you during your representation of **DULBERG** and following said representation not otherwise produced pursuant to Interrogatory No. 5.

RESPONSE:

7. All emails and/or text messages not otherwise produced which was sent between any member of Defendants law firm, employees and/or agents, relating to **DULBERG** or the underlying cause of action.

RESPONSE:

8. Unless otherwise produced pursuant to requests set forth above, produce any other documents including work produce, which pertains in any way to the underlying case or this cause of action.

RESPONSE:

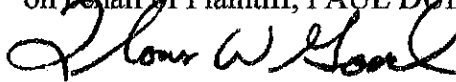
9. If privilege is claimed as to any document please produce the usual and customary privilege log.

RESPONSE:

10. Plaintiff further requests that each party and/or its attorneys furnish an affidavit stating whether the production is complete in accordance with this request for production.

RESPONSE:

Respectfully submitted by,
THE GOOCH FIRM,
on behalf of Plaintiff, PAUL DULBERG,



THOMAS W. GOOCH, III

THE GOOCH FIRM
209 South Main Street
Wauconda, IL 60084
847.526.0110
ARDC: 3123355
gooch@goochfirm.com
office@goochfirm.com

**THE UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS**

PAUL DULBERG,)	
Plaintiff,	)	Case No.: 2017 LA 377
v.)	
)	
THE LAW OFFICES OF THOMAS J.)	
POPOVICH, P.C. and HANS MAST,)	
)	
Defendants.)	

PLAINTIFF'S 213F (1), (2) & (3) INTERROGATORIES TO DEFENDANTS

To: George Flynn (gflynn@clausen.com)
Clausen Miller, P.C.
10 South LaSalle Street, 16th Floor
Chicago IL 60603

NOW COMES your Plaintiff, PAUL DULBERG, by and through his attorneys THE GOOCH FIRM, and for his Supreme Court Rule 213(f) Interrogatories Propounded to the Defendants, THE LAW OFFICES OF THOMAS J. POPOVICH and HANS MAST, states as follows:

1. Pursuant to Illinois Supreme Court Rule 213(f)(1), provide the following of each witness who will testify at Trial as a lay witness:

- (a) his or her name, address, telephone number, occupation, and current employment;
- (b) the subject matter of his or her expertise;
- (c) his or her educational background, academic qualifications, employment history, employment experience, and any other matters which you contend qualify him or her as an expert;
- (d) the identification of any and all statements, reports, letters, tape recordings, photographs, memoranda, or

documentation of any type furnished to or obtained by said expert or experts;

- (e) the substance of all facts and opinions which he or she could testify, if called as a witness;
- (f) the bases and grounds for each such opinion;
- (g) the identification of all documents and other tangible evidence relied upon by the opinion witness as a basis for his or her opinion;
- (h) the contractual agreement for his or her retention in this case, including the amount of his or her compensation, whether the compensation has already been paid, and whether any compensation is contingent on the outcome of this litigation;
- (i) the identification of each book, article, paper, or public statement by the opinion witness which relates to the subject matter of his or her expertise; and
- (j) the name and document number of each judicial, administrative or legislative proceeding which he or she has testified or otherwise (as by deposition or affidavit) given evidence within the last ten (10) years, plus the name of the court or other body before which the evidence was given.

ANSWER:

2. Pursuant to Illinois Supreme Court Rule 213(f)(2), provide the following of each witness who will testify at Trial as an independent expert witness:

- (a) his or her name, address, telephone number, occupation, and current employment;
- (b) the subject matter of his or her expertise;
- (c) his or her educational background, academic qualifications, employment history, employment experience, and any other matters which you contend qualify him or her as an expert;
- (d) the identification of any and all statements, reports, letters, tape recordings, photographs, memoranda, or

documentation of any type furnished to or obtained by said expert or experts;

- (e) the substance of all facts and opinions which he or she could testify, if called as a witness;
- (f) the bases and grounds for each such opinion;
- (g) the identification of all documents and other tangible evidence relied upon by the opinion witness as a basis for his or her opinion;
- (h) the contractual agreement for his or her retention in this case, including the amount of his or her compensation, whether the compensation has already been paid, and whether any compensation is contingent on the outcome of this litigation;
- (i) the identification of each book, article, paper, or public statement by the opinion witness which relates to the subject matter of his or her expertise; and
- (j) the name and document number of each judicial, administrative or legislative proceeding which he or she has testified or otherwise (as by deposition or affidavit) given evidence within the last ten (10) years, plus the name of the court or other body before which the evidence was given.

ANSWER:

3. Pursuant to Illinois Supreme Court Rule 213(f)(3), provide the following of each witness who will testify at Trial as a controlled expert witness:

- (a) his or her name, address, telephone number, occupation, and current employment;
- (b) the subject matter of his or her expertise;
- (c) his or her educational background, academic qualifications, employment history, employment experience, and any other matters which you contend qualify him or her as an expert;
- (d) the identification of any and all statements, reports, letters, tape recordings, photographs, memoranda, or

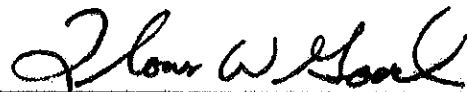
documentation of any type furnished to or obtained by said expert or experts;

- (e) the substance of all facts and opinions which he or she could testify, if called as a witness;
- (f) the bases and grounds for each such opinion;
- (g) the identification of all documents and other tangible evidence relied upon by the opinion witness as a basis for his or her opinion;
- (h) the contractual agreement for his or her retention in this case, including the amount of his or her compensation, whether the compensation has already been paid, and whether any compensation is contingent on the outcome of this litigation;
- (i) the identification of each book, article, paper, or public statement by the opinion witness which relates to the subject matter of his or her expertise; and
- (j) the name and document number of each judicial, administrative or legislative proceeding which he or she has testified or otherwise (as by deposition or affidavit) given evidence within the last ten (10) years, plus the name of the court or other body before which the evidence was given.

ANSWER:

Respectfully submitted by

THE GOOCH FIRM on behalf of Plaintiff,
PAUL DULBERG,



THOMAS W. GOOCH, III

THE GOOCH FIRM
209 S. Main Street
Wauconda, IL 60084
847-526-0110
gooch@goochfirm.com
office@goochfirm.com
ARDC No. 3123355

**THE UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS**

PAUL DULBERG,)	
Plaintiff,	)	Case No.: 2017 LA 377
v.)	
)	
THE LAW OFFICES OF THOMAS J.)	
POPOVICH, P.C. and HANS MAST,)	
)	
Defendants.)	

PROOF OF SERVICE OF DISCOVERY DOCUMENTS

To: George Flynn (gflynn@clausen.com)
Clausen Miller, P.C.
10 South LaSalle Street, 16th Floor
Chicago IL 60603

I HEREBY CERTIFY THE FOLLOWING DOCUMENTS WERE SERVED TO THE ABOVE NAMED:

- 1) Plaintiff's First Request for Production of Documents to Defendants;
- 2) Plaintiff's First Set of Interrogatories to Defendants; and
- 3) Plaintiff's 213(f) (1)(2) & (3) Interrogatories to Defendants.

Via McHenry County E-file system and email from Wauconda, Illinois before 5:00 p.m. on October 8, 2018.

Thomas W. Gooch, III
Thomas W. Gooch, III

THE GOOCH FIRM
209 S, Main Street
Wauconda, Illinois 60084
847 526 0110
gooch@goochfirm.com
office@goochfirm.com
ARDC No. 3123355

From: Nikki nikki@goochfirm.com 

Subject: Dulberg v. Popovich

Date: October 9, 2018 at 3:20 PM

To: pdulberg@comcast.net

Cc: Office Office office@goochfirm.com, Thomas W. Gooch III gooch@goochfirm.com, Sabina Walczyk swalczyk@goochfirm.com

N

Mr. Dulberg,

Attached to this email are Motion for Additional Time to File a Second Amended Complaint and Motion to Withdraw, which were filed this afternoon, October 9, 2018 via Odyssey E-File System. I will send you file-stamped copies once received. We will also be sending file-stamped copies to your home address.

Thank you,

Nikki Justiniani
Office Assistant

The Gooch Firm
209 S. Main Street
Wauconda, IL 60084

P: 847-526-0110

F: 847-526-0603

E: nikki@goochfirm.com

This communication is covered by the Electronic Communications Privacy Act, found at 18 U.S.C. 2510 et. seq. and is intended to remain confidential and is subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and all attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

THE UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PAUL DULBERG,
Plaintiff

)
v.

THE UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PAUL DULBERG,)	
Plaintiff,)	
	)	No.: <u>17 LA 377</u>
v.)	
)	
THE LAW OFFICES OF THOMAS J.)	
POPOVICH, P.C. and HANS MAST,)	
Defendants.)	

NOTICE OF MOTION

TO: George Flynn (gflynn@clausen.com)
Clausen Miller, P.C.
10 South LaSalle Street, 16th Floor
Chicago IL 60603

Please take notice that on **October 15, 2018 at 9:00 a.m.**, or as soon thereafter as counsel may be heard, I shall appear before **The Honorable Judge Meyer** in **Room 201**, or any judge sitting in his stead, in the courtroom usually occupied by him in the McHenry County Courthouse, Woodstock, Illinois, and then and there present, **Motion to Withdraw**.

/s/Thomas W. Gooch, III
Thomas W. Gooch, III

PROOF OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedures, the undersigned certifies that he served a copy of the foregoing to whom it is addressed via email and Odyssey E-filing system from Wauconda, Illinois on October 9, 2018, before 5:00 p.m.

/s/Thomas W. Gooch, III

Thomas W. Gooch, III
THE GOOCH FIRM
209 South Main Street
Wauconda, Illinois 60084
847-526-0110
ARDC No. 3123355
gooch@goochfirm.com
office@goochfirm.com

THE UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PAUL DULBERG,

Plaintiff,

v.

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

Defendant.

)
)
)
)
)
)
)
)
)
)
)

No. 17 LA 377

MOTION TO WITHDRAW

NOW COMES Thomas W. Gooch, III and THE GOOCH FIRM as and for their Motion to Withdraw their Appearance on behalf of Plaintiff, PAUL DULBERG, and in support of the Motion as aforesaid, state to the Court the following:

1) That serious and substantial differences in the handling of this case have arisen between the client and the undersigned.

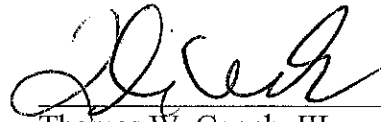
2) That there has been a complete and irretrievable breakdown in the attorney-client relationship, communications and the handling of this matter, making further representation of the Plaintiff impossible under these circumstances.

3) That Plaintiff should be given 21 days or longer to retain new counsel or to file a *pro se* appearance, and until such time as he has retained new counsel or filed his *pro se* appearance, all notices should be sent to:

Mr. Paul Dulberg
4606 Heydew Ct.
McHenry, IL 60051

WHEREFORE your movant prays this Honorable Court grant THE GOOCH FIRM and Thomas W. Gooch, III leave to withdraw their appearance on behalf of Plaintiff, PAUL DULBERG, *instante*, and for any other relief deemed equitable and just.

Respectfully submitted by, by
THE GOOCH FIRM,

A handwritten signature in black ink, appearing to read 'T. Gooch', written over a horizontal line.

Thomas W. Gooch, III

Thomas W. Gooch, III
THE GOOCH FIRM
209 S. Main Street
Wauconda, IL 60084
847-526-0110
ARDC No.: 3123355
gooch@goochfirm.com
office@goochfirm.com

THE UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PAUL DULBERG,)	
Plaintiff,)	
	)	No.: <u>17 LA 377</u>
v.)	
)	
THE LAW OFFICES OF THOMAS J.)	
POPOVICH, P.C. and HANS MAST,)	
Defendants.)	

NOTICE OF MOTION

TO: George Flynn (gflynn@clausen.com)
Clausen Miller, P.C.
10 South LaSalle Street, 16th Floor
Chicago IL 60603

Please take notice that on **October 15, 2018 at 9:00 a.m.**, or as soon thereafter as counsel may be heard, I shall appear before **The Honorable Judge Meyer** in **Room 201**, or any judge sitting in his stead, in the courtroom usually occupied by him in the McHenry County Courthouse, Woodstock, Illinois, and then and there present, **Motion for Additional Time to File a Second Amended Complaint.**

/s/Thomas W. Gooch, III
Thomas W. Gooch, III

PROOF OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedures, the undersigned certifies that he served a copy of the foregoing to whom it is addressed via email and Odyssey E-filing system from Wauconda, Illinois on October 9, 2018, before 5:00 p.m.

/s/Thomas W. Gooch, III

Thomas W. Gooch, III
THE GOOCH FIRM
209 South Main Street
Wauconda, Illinois 60084
847-526-0110
ARDC No. 3123355
gooch@goochfirm.com
office@goochfirm.com

PAUL DULBERG,
Plaintiff,

v.

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

No.: 17 LA 377

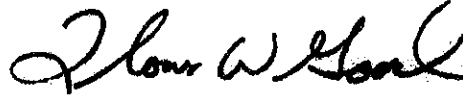
MOTION FOR ADDITIONAL TIME TO FILE A SECOND AMENDED COMPLAINT

NOW COMES, your Plaintiff, PAUL DULBERG, (hereinafter referred to as “DULBERG”) by and through his attorneys, THE GOOCH FIRM, and for his Motion states to the Court the following:

1. That on September 12, 2018 this Honorable Court granted Plaintiff until October 10, 2018 to file his Second Amended Complaint.
2. That recently, there has been a break down of communication between Plaintiff and his attorneys.
3. THE GOOCH FIRM, is concurrently filing a Motion to Withdraw their appearance on behalf of Plaintiff, PAUL DULBERG.
4. Plaintiff will need additional time to file his Second Amended Complaint, after the twenty-one (21) days to hire new counsel expires.

WHEREFORE your Plaintiff PAUL DULBERG prays this Honorable Court grants Plaintiff additional time to file his Second Amended Complaint, after retaining new counsel or filing his *pro se* appearance, and for all other relief this Honorable Court deems equitable and just.

Respectfully submitted by
THE GOOCH FIRM, on behalf of
PAUL DULBERG, Plaintiff,

A handwritten signature in black ink, appearing to read "Thomas W. Gooch, III". The signature is fluid and cursive, with the first name "Thomas" being the most prominent.

Thomas W. Gooch, III

THE GOOCH FIRM
209 S. Main Street
Wauconda, IL 60084
847-526-0110
gooch@goochfirm.com
office@goochfirm.com
ARDC: 3123355

From: Nikki nikki@goochfirm.com 

Subject: RE: Dulberg v. Popovich

Date: October 9, 2018 at 4:43 PM

To: pdulberg@comcast.net

Cc: Office Office office@goochfirm.com, Thomas W. Gooch III gooch@goochfirm.com, Sabina Walczyk swalczyk@goochfirm.com

N

Mr. Dulberg,

Attached is an Amended Notice of Motion including a certified mail receipt number.

Thank you,

Nikki Justiniani
Office Assistant

The Gooch Firm
209 S. Main Street
Wauconda, IL 60084
P: 847-526-0110
F: 847-526-0603
E: nikki@goochfirm.com

This communication is covered by the Electronic Communications Privacy Act, found at 18 U.S.C. 2510 et. seq. and is intended to remain confidential and is subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and all attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

From: Nikki

Sent: Tuesday, October 9, 2018 3:18 PM

To: 'pdulberg@comcast.net' <pdulberg@comcast.net>

Cc: Office Office <office@goochfirm.com>; Thomas W. Gooch III <gooch@goochfirm.com>; Sabina Walczyk <swalczyk@goochfirm.com>

Subject: Dulberg v. Popovich

Mr. Dulberg,

Attached to this email are Motion for Additional Time to File a Second Amended Complaint and Motion to Withdraw, which were filed this afternoon, October 9, 2018 via Odyssey E-File System. I will send you file-stamped copies once received. We will also be sending file-stamped copies to your home address.

Thank you,

Nikki Justiniani

~~XXXX XXXXXX~~
Office Assistant

The Gooch Firm
209 S. Main Street
Wauconda, IL 60084
P: 847-526-0110
F: 847-526-0603
E: nikki@goochfirm.com

This communication is covered by the Electronic Communications Privacy Act, found at 18 U.S.C. 2510 et. seq. and is intended to remain confidential and is subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and all attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.



Amended NOM-
Motion...raw.pdf

THE UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PAUL DULBERG,)	
Plaintiff,)	
	)	No.: <u>17 LA 377</u>
v.)	
)	
THE LAW OFFICES OF THOMAS J.)	
POPOVICH, P.C. and HANS MAST,)	
Defendants.)	

AMENDED NOTICE OF MOTION

TO: George Flynn (gflynn@clausen.com)
Clausen Miller, P.C.
10 South LaSalle Street, 16th Floor
Chicago IL 60603

Please take notice that on **October 15, 2018 at 9:00 a.m.**, or as soon thereafter as counsel may be heard, I shall appear before **The Honorable Judge Meyer** in **Room 201**, or any judge sitting in his stead, in the courtroom usually occupied by him in the McHenry County Courthouse, Woodstock, Illinois, and then and there present, **Motion to Withdraw**.


/s/Thomas W. Gooch, III
Thomas W. Gooch, III

PROOF OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedures, the undersigned certifies that he served a copy of the foregoing to whom it is addressed via email, certified mail article #70161370000149242814, and Odyssey E-filing system from Wauconda, Illinois on October 9, 2018, before 5:00 p.m.

/s/Thomas W. Gooch, III

Thomas W. Gooch, III
THE GOOCH FIRM
209 South Main Street
Wauconda, Illinois 60084
847-526-0110
ARDC No. 3123355
gooch@goochfirm.com
office@goochfirm.com

From: Nikki nikki@goochfirm.com 
Subject: RE: Dulberg v. Popovich
Date: October 11, 2018 at 10:20 AM
To: Paul Dulberg pdulberg@comcast.net
Cc: Office Office office@goochfirm.com



Mr. Dulberg,

File-stamped copies are attached.

Thank you,

Nikki Justiniani
Office Assistant

The Gooch Firm
209 S. Main Street
Wauconda, IL 60084
P: 847-526-0110
F: 847-526-0603
E: nikki@goochfirm.com

This communication is covered by the Electronic Communications Privacy Act, found at 18 U.S.C. 2510 et. seq. and is intended to remain confidential and is subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and all attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

From: Nikki
Sent: Wednesday, October 10, 2018 11:46 AM
To: 'Paul Dulberg' <pdulberg@comcast.net>
Cc: Office Office <office@goochfirm.com>; Thomas W. Gooch III <gooch@goochfirm.com>; Sabina Walczyk <swalczyk@goochfirm.com>
Subject: RE: Dulberg v. Popovich

Mr. Dulberg,

Thank you for notifying us your correct address. I have revised this in our records and will send notices to correct address.

Nikki Justiniani
Office Assistant

The Gooch Firm
209 S. Main Street
Wauconda, IL 60084
P: 847-526-0110

P: 847-526-0110
F: 847-526-0603
E: nikki@goochfirm.com

This communication is covered by the Electronic Communications Privacy Act, found at 18 U.S.C. 2510 et. seq. and is intended to remain confidential and is subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and all attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

From: Paul Dulberg <pdulberg@comcast.net>
Sent: Wednesday, October 10, 2018 9:34 AM
To: Nikki <nikki@goochfirm.com>
Cc: Office Office <office@goochfirm.com>; Thomas W. Gooch III <gooch@goochfirm.com>; Sabina Walczyk <swalczyk@goochfirm.com>
Subject: Re: Dulberg v. Popovich

Mr Gooch,
In the Motion to withdraw under 3.) "all notices should be sent to:" you have provided the wrong address.
It should read as follows;

Paul Dulberg
4606 Hayden Ct.
McHenry, IL. 60051

Please correct and resubmit.

Thank you for your services,
Paul

On 10/9/2018 3:17 PM, Nikki wrote:

Mr. Dulberg,

Attached to this email are Motion for Additional Time to File a Second Amended Complaint and Motion to Withdraw, which were filed this afternoon, October 9, 2018 via Odyssey E-File System. I will send you file-stamped copies once received. We will also be sending file-stamped copies to your home address.

Thank you,

Nikki Justiniani
Office Assistant

The Gooch Firm
209 S. Main Street
Wauconda, IL 60084
P: 847-526-0110
F: 847-526-0603

E: nikki@goochfirm.com

This communication is covered by the Electronic Communications Privacy Act, found at 18 U.S.C. 2510 et. seq. and is intended to remain confidential and is subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and all attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

**** FILED **** Env: 2483569
McHenry County, Illinois
17LA000377
Date: 10/9/2018 3:14 PM
Katherine M. Keefe
Clerk of the Circuit Court

THE UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PAUL DULBERG,)	
Plaintiff,)	
	)	No.: <u>17 LA 377</u>
v.)	
)	
THE LAW OFFICES OF THOMAS J.)	
POPOVICH, P.C. and HANS MAST,)	

THE UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PAUL DULBERG,)
Plaintiff,)
) No.: 17 LA 377
v.)
)
THE LAW OFFICES OF THOMAS J.)
POPOVICH, P.C. and HANS MAST,)
Defendants.)

NOTICE OF MOTION

TO: George Flynn (gflynn@clausen.com)
Clausen Miller, P.C.
10 South LaSalle Street, 16th Floor
Chicago IL 60603

Please take notice that on **October 15, 2018 at 9:00 a.m.**, or as soon thereafter as counsel may be heard, I shall appear before **The Honorable Judge Meyer** in **Room 201**, or any judge sitting in his stead, in the courtroom usually occupied by him in the McHenry County Courthouse, Woodstock, Illinois, and then and there present, **Motion to Withdraw**.

/s/Thomas W. Gooch, III
Thomas W. Gooch, III

PROOF OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedures, the undersigned certifies that he served a copy of the foregoing to whom it is addressed via email and Odyssey E-filing system from Wauconda, Illinois on October 9, 2018, before 5:00 p.m.

/s/Thomas W. Gooch, III

Thomas W. Gooch, III
THE GOOCH FIRM
209 South Main Street
Wauconda, Illinois 60084
847-526-0110
ARDC No. 3123355
gooch@goochfirm.com
office@goochfirm.com

THE UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PAUL DULBERG,)
Plaintiff,)
) No.: 17 LA 377
v.)
)
THE LAW OFFICES OF THOMAS J.)
POPOVICH, P.C. and HANS MAST,)
Defendants.)

NOTICE OF MOTION

TO: George Flynn (gflynn@clausen.com)
Clausen Miller, P.C.
10 South LaSalle Street, 16th Floor
Chicago IL 60603

Please take notice that on **October 15, 2018 at 9:00 a.m.**, or as soon thereafter as counsel may be heard, I shall appear before **The Honorable Judge Meyer** in **Room 201**, or any judge sitting in his stead, in the courtroom usually occupied by him in the McHenry County Courthouse, Woodstock, Illinois, and then and there present, **Motion for Additional Time to File a Second Amended Complaint.**

/s/Thomas W. Gooch, III
Thomas W. Gooch, III

PROOF OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedures, the undersigned certifies that he served a copy of the foregoing to whom it is addressed via email and Odyssey E-filing system from Wauconda, Illinois on October 9, 2018, before 5:00 p.m.

/s/Thomas W. Gooch, III

Thomas W. Gooch, III
THE GOOCH FIRM
209 South Main Street
Wauconda, Illinois 60084
847-526-0110
ARDC No. 3123355
gooch@goochfirm.com
office@goochfirm.com

THE UNITED STATES OF AMERICA
 IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
 McHENRY COUNTY, ILLINOIS

PAUL DULBERG,)	
)	
Plaintiff,)	
)	
v.	)	No. 17 LA 377
)	
THE LAW OFFICES OF THOMAS J.)	
POPOVICH, P.C., and HANS MAST,)	
)	
Defendant.)	

MOTION TO WITHDRAW

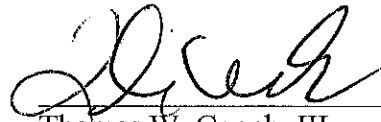
NOW COMES Thomas W. Gooch, III and THE GOOCH FIRM as and for their Motion to Withdraw their Appearance on behalf of Plaintiff, PAUL DULBERG, and in support of the Motion as aforesaid, state to the Court the following:

- 1) That serious and substantial differences in the handling of this case have arisen between the client and the undersigned.
- 2) That there has been a complete and irretrievable breakdown in the attorney-client relationship, communications and the handling of this matter, making further representation of the Plaintiff impossible under these circumstances.
- 3) That Plaintiff should be given 21 days or longer to retain new counsel or to file a *pro se* appearance, and until such time as he has retained new counsel or filed his *pro se* appearance, all notices should be sent to:

Mr. Paul Dulberg
 4606 Heydew Ct.
 McHenry, IL 60051

WHEREFORE your movant prays this Honorable Court grant THE GOOCH FIRM and Thomas W. Gooch, III leave to withdraw their appearance on behalf of Plaintiff, PAUL DULBERG, *instante*, and for any other relief deemed equitable and just.

Respectfully submitted by, by
THE GOOCH FIRM,

A handwritten signature in black ink, appearing to read 'T. Gooch', written over a horizontal line.

Thomas W. Gooch, III

Thomas W. Gooch, III
THE GOOCH FIRM
209 S. Main Street
Wauconda, IL 60084
847-526-0110
ARDC No.: 3123355
gooch@goochfirm.com
office@goochfirm.com

THE UNITED STATES OF AMERICA
IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PAUL DULBERG,)	
Plaintiff,)	
	)	No.: <u>17 LA 377</u>
v.)	
)	
THE LAW OFFICES OF THOMAS J.)	
POPOVICH, P.C. and HANS MAST,)	
Defendants.)	

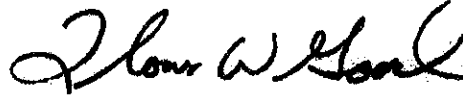
MOTION FOR ADDITIONAL TIME TO FILE A SECOND AMENDED COMPLAINT

NOW COMES, your Plaintiff, PAUL DULBERG, (hereinafter referred to as "DULBERG") by and through his attorneys, THE GOOCH FIRM, and for his Motion states to the Court the following:

1. That on September 12, 2018 this Honorable Court granted Plaintiff until October 10, 2018 to file his Second Amended Complaint.
2. That recently, there has been a break down of communication between Plaintiff and his attorneys.
3. THE GOOCH FIRM, is concurrently filing a Motion to Withdraw their appearance on behalf of Plaintiff, PAUL DULBERG.
4. Plaintiff will need additional time to file his Second Amended Complaint, after the twenty-one (21) days to hire new counsel expires.


WHEREFORE your Plaintiff PAUL DULBERG prays this Honorable Court grants Plaintiff additional time to file his Second Amended Complaint, after retaining new counsel or filing his *pro se* appearance, and for all other relief this Honorable Court deems equitable and just.

Respectfully submitted by
THE GOOCH FIRM, on behalf of
PAUL DULBERG, Plaintiff,

A handwritten signature in black ink, appearing to read "Thomas W. Gooch, III". The signature is fluid and cursive, with the first name "Thomas" being the most prominent.

Thomas W. Gooch, III

THE GOOCH FIRM
209 S. Main Street
Wauconda, IL 60084
847-526-0110
gooch@goochfirm.com
office@goochfirm.com
ARDC: 3123355

From: Office Office office@goochfirm.com 
Subject: Dulberg v. Mast
Date: October 15, 2018 at 4:36 PM
To: Paul Dulberg pdulberg@comcast.net
Cc: Thomas W. Gooch III gooch@goochfirm.com, Sabina Walczyk swalczyk@goochfirm.com, Nikki nikki@goochfirm.com

00

Dear Mr. Dulberg:

Attached please find the Order that was entered today in regards to the above-referenced matter.

Please note your motion for extension of time was granted along with our motion to withdraw. You have **21 days** to file your appearance or retain new counsel in this matter.

The next court date is November 3, 2018 at 9:00 a.m.

Melissa J. Podgorski
Paralegal
The Gooch Firm
209 South Main Street
Wauconda, Illinois 60084
(847) 526-0110 (phone)
(847) 526-0603 (fax)

This communication is covered by the Electronic Communications Privacy Act, found at 18 U.S.C. 2510 et. seq. and is intended to remain confidential and is subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and all attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.



ORDER
10.15.18.pdf

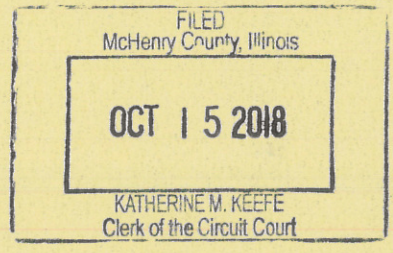
IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT

STATE OF ILLINOIS)
) SS
COUNTY OF MCHENRY)

GEN. NO. 17 LA 377
☐ Jury ☐ Non-Jury

Dulberg

vs. Mast



Date: 10/15/18 Plaintiff's Attorney S. Walczyk Defendant's Attorney G. Flynn

ORDER

Matter before the Court on Plaintiff's Motion for Extension of Time and Motion to Withdraw Plaintiff appearing in open court, the Court fully advised in the premises

IT IS ORDERED:

- 1.) Plaintiff's Motion for Extension of Time is granted and entered and continued. Thomas W Gooch + The Gooch Firm granted leave to withdraw Appearance.
- 2.) Plaintiff granted 21 days to file his appearance or retain new counsel
- 3.) All further notices to be sent to:
Mr. Paul Dulberg
4606 Hayden Ct
McHenry, IL 60051
- 4.) Status of attorney/pleadings set for November 13, 2018 at 9:00 am

Prepared by: SWalczyk
Attorney for: P Dulberg
Attorney Registration No.: 6315819 Judge: [Signature]