


**From:** Julia Williams juliawilliams@clintonlaw.net  

**Subject:** Fwd: Dulberg v Mast et al. Discovery Requests

**Date:** March 22, 2019 at 11:34 AM

**To:** PAUL DULBERG paul\_dulberg@comcast.net, Mary Winch marywinch@clintonlaw.net, Ed Clinton ed@clintonlaw.net

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JW

Dear Paul,

Attached please find the discovery requests we sent to opposing counsel today.

Best Regards,

Julia Williams  
Of Counsel  
The Clinton Law Firm  
111 W. Washington, Ste. 1437  
Chicago, IL 60602  
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IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT  
MCHENRY COUNTY, ILLINOIS

PAUL DULBERG,	)	
PLAINTIFF,	)	
	)	
v.	)	Case No. 17 LA 377
	)	
THE LAW OFFICES OF THOMAS POPOVICH,	)	
and HANS MAST,	)	
DEFENDANTS.	)	

**PAUL DULBERG'S FIRST SET OF DOCUMENT REQUESTS**

PAUL DULBERG, ("PLAINTIFF") by and through her attorneys, The Clinton Law Firm, LLC, and pursuant to Illinois Supreme Court Rule 214 requests the following documents from Defendants Thomas Popovich and Hans Mast, 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.
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 hand writing or transcribed.
3. Any and all communications, correspondence, emails or text messages to any third-party witness, including expert witnesses, concerning the Dulberg Case.
4. All drafts concerning the Dulberg Case, including any drafts of interrogatory answers or expert disclosures.
5. All internal memoranda or notes concerning the Dulberg Case.
6. All invoices concerning the Dulberg Case.
7. All time entries concerning the Dulberg Case.
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.

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

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.

Respectfully submitted

/s/ Julia C. Williams  
Julia C. Williams

Edward X. Clinton, Jr., ARDC No. 6206773  
Julia C. Williams, ARDC No. 6296386  
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IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT  
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PAUL DULBERG,	)	
PLAINTIFF,	)	
	)	
v.	)	Case No. 17 LA 377
	)	
THE LAW OFFICES OF THOMAS POPOVICH,	)	
and HANS MAST,	)	
DEFENDANTS.	)	

**PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANTS**

Plaintiff PAUL DULBERG, by and through her attorneys, The Clinton Law Firm, LLC, hereby serves this First Set Of Interrogatories upon Defendants to be answered under oath within 28 days of service hereof, pursuant to Illinois Supreme Court Rule 213.

**DEFINITIONS**

1. The term "Document" as used herein shall mean and refer to all written and graphic matters of any kind or description, however, produced, reproduced, or transcribed whether draft, revision or final, original or reproduction, and also tangible or intangible from which written or graphic matters may be generated, produced or transcribed, including, but not limited to, all advertisements, affidavits, agreements, announcements, appointment records, assignments, balance sheets, bills, books, books of account, bulletins, cable grams, catalogues, certificates, charters, charts, checks, communications, computations, computer printouts, computer tapes, discs or other data-storage devices, contracts, correspondence, data processing materials, delivery records, diaries, drafts, drawings, estimates, field notes, financial analysis, financial statements, interoffice and intraoffice communications, instructions, invoices, itemizations, jottings, journals, letters, licenses, lists, manuals, meeting reports, memoranda, memoranda of all conversations including telephone calls, microfilm, minutes, notes, notations, notices, opinions, pamphlets,

papers, permits, photocopies, photographs, plans, proofs, publications, receipts, reportings, statements, statistical records, studies, summaries, tapes, telegrams, telex messages, transcripts, writing or work papers and all non-identical copies thereof which are in your possession, custody or control or which are in the possession, custody or control of your attorneys, accountants, or any of your agents or of which you have knowledge of current or former existence. The term “Document” also includes any copies of a Document if the copies are in any way whatsoever not identical copies of the original, by reason of additional writing notations or otherwise.

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

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

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

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



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

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

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

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

### **INSTRUCTIONS**

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

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

3. A masculine, feminine or neuter pronoun shall not exclude the other genders.

4. Separate answers are required to be given for each interrogatory, responses to separate interrogatories should not be joined together, nor should they be joined with Responses to Document Requests.

5. If any response calls for information that you claim is privileged or otherwise protected from disclosure, you shall comply with the requirements contained in Supreme Court Rule 213.

6. If you object to any interrogatory, you shall indicate which portion of the interrogatory is objected to and the basis of this objection, and answer the portion of the interrogatory that is not objectionable.

7. These interrogatories are continuing in nature with answers to be supplemented as you obtain or locate further information.

8. In accordance with Supreme Court Rule 213, attach an affidavit attesting to the completeness and accuracy of your answers.

9. Unless otherwise identified, the time frame for this request is April 1, 2012 to the present.

### **INTERROGATORIES**

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

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

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

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

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

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

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

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

9. Describe in detail on discovery performed on this case.

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

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

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

Respectfully Submitted,

Dated: March 22, 2019

By: /s/ Julia C. Williams  
One of Plaintiff's Attorneys

Edward X. Clinton, Jr.<sup>[1]</sup><sub>SEP</sub>

Julia C. Williams, *Of Counsel*<sup>[1]</sup><sub>[SEP]</sub>  
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IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT  
MCHENRY COUNTY, ILLINOIS

PAUL DULBERG,	)	
PLAINTIFF,	)	
	)	
v.	)	Case No. 17 LA 377
	)	
THE LAW OFFICES OF THOMAS POPOVICH,	)	
and HANS MAST,	)	
DEFENDANTS.	)	

**PLAINTIFFS' RULE 213(F) INTERROGATORIES TO DEFENDANT**

Plaintiff Paul Dulberg, by and through his attorneys, The Clinton Law Firm, request that Defendants answer 213(f) interrogatories within 28 days as provided by Rule 213:

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:**

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:**

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:**

Dated: March 22, 2019

Respectfully submitted

/s/ Julia C. Williams  
Julia C. Williams

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Julia C. Williams, ARDC No. 6296386  
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