

From: Paul Dulberg Paul_Dulberg@comcast.net
Subject: Re: 735 ILCS 5/13-214.3 (e) and (5 ILCS 70/1.06) (from Ch. 1, par. 1007) Sec. 1.06
Date: August 3, 2020 at 1:32 PM
To: The Clinton Law Firm juliawilliams@clintonlaw.net
Cc: Ed Clinton ed@clintonlaw.net

PD

Hi Julia,

Yes, you are correct, I will be raising the defense that "Should have Known" begins when the injury was realized and not some third parties (Saul Ferris) speculation took place, if and when the statute of limitations reappears again. If I had acted on Saul Ferris's assumed speculation it would have been premature and I couldn't have filed against Mast any sooner anyway. FYI, Saul Ferris's letter did not say Mast did anything wrong. When I spoke with Saul back in 2015, he simply thought he could have gotten a little more than Mast did if he had been able to read the actual policy. So reading more into Saul Ferris's letter without context is just wrong.

And as far as McGuire liability - They hired Gagnon and since Gagnon provided nothing to do the job other than his labor by definition he is the McGuire's direct hire and not an independent contractor irregardless of what they testified to after the fact. This is something Mast still got wrong during his recent deposition and probably needs to be reeducated about.

As I read through Ed's letter dated 7/27/2020 nothing is new that we didn't have to prove since your first representation of me with the exception of COVID-19 and the fee contingency because of the impact it may have on your firm.

I can understand this.

So, I am willing to pick up the costs of expert witnesses, trial, etc... out of my pocket.

And yes, I believe I have enough in cash to do this. If I fall a little short, I have family who will back me financially in this and I can always tap into my home since it is paid off.

Would that satisfy your fears of COVID with the economic impact of a fee contingency and allow us to move forward together?

If so, please forward me a new fee agreement showing that I am to cover all costs.

I had to do this with the Baudins as well.

Thanks,
Paul

On Aug 3, 2020, at 12:52 PM, Julia Williams <juliawilliams@clintonlaw.net> wrote:

Dear Paul,

The statute of limitations issue has not been raised again by counsel. When it does, you can certainly raise these arguments in defense.

Best Regards,

Julia Williams
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On Aug 2, 2020, at 8:09 AM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Hi Julia,

I think I got caught up in the statute of limitations stuff too much and started to believe things that may not be true.

Doesn't the statute of limitations begin when the underlying case came to rest such as after the ADR award?

I ask because if the underlying case was lost or had a smaller judgement there wouldn't be any harm to file a malpractice suit.

If I am right then everything below this and Saul Ferris's letter (the point at which the defense claims I should have known) is junk because the underlying case had not come to rest yet.

I do get confused but let me know if I am right.

Thanks,
Paul

On Aug 1, 2020, at 1:21 AM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Hi Julia,

I believe I know why Ed and you don't believe me when I say 735 ILCS 5/13-214.3 (e) If the person entitled to bring the action is under the age of majority or under other legal disability at the time the cause of action accrues, the period of limitations shall not begin to run until majority is attained or the disability is removed apples.

I believe the definition below is the legal disability used in 735 ILCS 5/13-214.3 (e)

(5 ILCS 70/1.06) (from Ch. 1, par. 1007)

Sec. 1.06. "Person under legal disability" means a person 18 years or older who (a) because of mental deterioration or physical incapacity is not fully able to manage his or her person or estate, or (b) is a person with mental illness or is a person with developmental disabilities and who because of his or her mental illness or developmental disability is not fully able to manage his or her person or estate, or (c) because of gambling, idleness, debauchery or excessive use of intoxicants or drugs, so spends or wastes his or her estate as to expose himself or herself or his or her family to want or suffering.
(Source: P.A. 88-380.)

Attached to this email is my diagnosis from Rosecrance that was used at my disability hearing for SSDI. This same diagnosis was named by Dr McMasters only she added anxiety - still trying to find the paper I have with her independent diagnosis

It shows that I suffer from recurring major depression. Key word is recurring. It hit me hard again the day I read your and Ed's letter and hasn't let up yet. Just like after Mast pulled out on me in 2015 and I was scrambling to find new counsel and ran into Saul Ferris who wrote the letter you said would show I should have known. How could I have known when I was trying to find new counsel while suffering from a major depression. Sometimes it lasts days, weeks or months. I am powerless as to how long the episodes last. This is why my old business partner Mike McArtor pays my utilities and other bills for me. When I'm in a major depression I can't remember to do it. It's also why my brother Tom steps in to help me with the legal stuff. On top of that, the medication I take for the chainsaw injury is called Gabapentin. They give the Maximum dose of 3,000 mg every day. I hate that I have to take it. One of the side effects is memory loss. You witnessed my memory loss during my deposition when I couldn't answer simple questions. It happens and I have no control over it.

On the physical side I have issues as well. I can no longer cook anything other than simple meals. I can't do the simple things like pull off or put on vacuum accessories or scrub my shower or wash my floors, etc. It takes me 40 minutes to shower and almost an hour to get dressed. I am determined, I do get things done but everything takes much longer and it's really frustrating.

My permanent disability was for both physical and mental disabilities

Both SSDI and the state of Illinois recognize me as both physically and mentally disabled permanently. I just can't see how judge Meyer can disagree because the defense argues some nonsense they know nothing about.

SSDI is nailing me what they legally can to help me prove to you and the court that this is real but they said they are not legally able to give me stuff used at the hearings from the various Dr's and other specialists. I should be receiving their paperwork in about a week and am going to contact the attorney who handled the SSDI case and see if I can get the Dr reports and testimonies that way.

I don't have to be dying or in a comma to be considered legally disabled under the definition in (5 ILCS 70/1.06) (from Ch. 1, par. 1007) Sec. 1.06. The mental and physical disabilities with the side effects of the medications I have to take is enough.

I know you two quit, but I just don't like it when I'm told I'm not qualified for subsection (e) when I know I am.

Like it says in the rosecrance document about me under strengths, Survivor - not willing to give up

<Rosecrance-TreatmentPlan (dragged).pdf>

