

From: Paul Dulberg pdulberg@comcast.net
Subject: Re: PAUL DULBERG v. THE LAW OFFICES OF THOMAS J. POPOVICH, P.C, et al. (Circuit Court of McHenry County, IL No. No. 17 LA 377)
Date: August 31, 2020 at 11:15 AM
To: The Clinton Law Firm juliawilliams@clintonlaw.net

PD

Hi Julia,

Thank you for clarifying Flynn's position.

Yes, December 8th was when I discovered the damage. That damage led me to see Gooch and ask if I had a case. After reviewing the underlying case Gooch agreed I had a case against Mast and Popovich.

I read through his supplemental request again and it seems the only requested information that wouldn't be privileged had to do with Boudin just after the ADR award but there are no emails or documents to turn over because it was a verbal conversation.

I think Flynn is pressuring the wrong points and barking up the wrong tree with such an irrational request, perhaps to buy time or just to charge his client more money, I don't care what his reason is but I know it's not sound.

Sorry your still having to answer this stuff but it takes time to find new counsel.

Thank you again and stay safe,
Paul

On Aug 31, 2020, at 10:51 AM, Julia Williams <juliawilliams@clintonlaw.net> wrote:

Hi Paul,

Generally communication with your counsel (Gooch) would be confidential as attorney client communication. Hence the objections we made in your deposition.

George then followed up with supplemental discovery.

George is seeking information about when you discovered your claim. In your depositions, you stated that you discovered the claim when you hired Gooch and he stated that you had a viable legal malpractice claim. George is seeking information related to the discovery of your claim as it relates to the running of the statute of limitations. He is attempting to determine when you discovered the claim against Mast/Popovich firm. If was not until you met with Gooch, then he wants information related to that. He is going to argue that you opened the door to this by stating that you only discovered the claim when you met with Gooch and thus, at least, the initial communication with Gooch should be relevant and discoverable as to the issue of "discovery" for the purposes of statute of limitations.

It seems to me you actually 'discovered' the claim slightly before you saw Gooch, when you realized that you may have been able to collect against the McGuires after the binding mediation with Gagnon—that was around Dec. 8 of that same year you met with Gooch.

This will likely need to be the subject of discovery motions as I expect your new counsel will object to the requests and George will file a motion seeking the information.

Best regards,

Julia Williams
Of Counsel
The Clinton Law Firm
111 W. Washington, Ste. 1437
Chicago, IL 60602
P:312.357.1515
F: 312.201.0737
juliawilliams@clintonlaw.net

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On Aug 31, 2020, at 10:35 AM, Paul Dulberg <pdulberg@comcast.net> wrote:

Hi Julia,

Thank you for kindly informing George Flynn that he will have to wait for my new counsel to join the case.

May I ask,

What grounds does George Flynn have to dig into my confidential communications with counsel that worked on this case and

What grounds does George Flynn have to dig into my confidential communications with counsel that worked on this case and not the underlying case?

If this sort of invasion was allowed couldn't George Flynn just go directly to Gooch for the communications?

Thanks again,
Paul

On Aug 31, 2020, at 8:45 AM, Julia Williams <juliawilliams@clintonlaw.net> wrote:

Dear Paul,

Please see the below chain of emails. George Flynn is seeking the answers to discovery. I let him know that you were seeking alternative counsel and would not be answering until you had counsel.

He may insist, but the court will likely address it on the 10th.

Best regards,

Julia Williams
Of Counsel
The Clinton Law Firm
111 W. Washington, Ste. 1437
Chicago, IL 60602
P:312.357.1515
F: 312.201.0737
juliawilliams@clintonlaw.net

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Begin forwarded message:

From: Julia Williams <juliawilliams@clintonlaw.net>
Subject: Re: PAUL DULBERG v. THE LAW OFFICES OF THOMAS J. POPOVICH, P.C, et al. (Circuit Court of McHenry County, IL No. No. 17 LA 377)
Date: August 31, 2020 at 8:44:40 AM CDT
To: George Flynn <gflynn@karballaw.com>
Cc: Ed Clinton <ed@clintonlaw.net>, Mary Winch <marywinch@clintonlaw.net>, Linda Walters <lwalters@KARBALLAW.com>

Dear George,

I will certainly pass this along to our client.

Unfortunately, because we are withdrawing, we are not comfortable answering discovery when another counsel may be appearing. Mr. Dulberg is seeking new counsel and would like to have his new counsel answer. I expect that we will be withdrawing on September 10, 2020. The court will grant Mr. Dulberg 21 days to find alternative counsel. Based upon this, it is unlikely that any answers to supplemental discovery will be prepared prior to the end of September.

Thank you again for your time and courtesy in this case. It has been nice to work with you as well.

Best regards,

Julia Williams
Of Counsel
The Clinton Law Firm
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F: 312.201.0737
juliawilliams@clintonlaw.net

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On Aug 29, 2020, at 8:58 PM, George Flynn <gflynn@karballaw.com> wrote:

Julia:

I write pursuant to rule 201(k) and rule 219(c). Mr. Dulberg is late in responding to discovery pursuant the the extension you requested, and to which I agreed.

It is finally time for Mr. Dulberg to properly answer discovery in conformity to his allegations, and relative to the matters which he has placed at issue.

Once the Gooch discovery is produced, I would like to immediately depose Dulberg and Gooch. Please pass this along to your client.

You and your firm have been nothing but professional and it was a pleasure working with you.

Best regards,

George Flynn

Karbal | Cohen | Economou | Silk | Dunne | LLC

150 S. Wacker Drive

Suite 1700

Chicago, IL 60606

<phone_3aef1e25-ed01-4e86-9c05-55877d93199b.jpg> P: (312) 431-3622

<fax_b47779bc-2f12-4a09-9ce3-87f4947c34ef.png> F: (312) 431-3670

<envelope_5540fafc-2f13-4c5f-af64-a2c20113037b.png> E: gflynn@karballaw.com

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On Aug 18, 2020, at 2:13 PM, George Flynn <gflynn@karballaw.com> wrote:

Julia:

This correspondence is being forwarded pursuant to Illinois Supreme Court Rule 201(k).

I just received your firm's motion to withdraw. If you could please pass along to Mr. Dulberg or his new counsel, that we must insist on the outstanding written discovery being answered by August 27, 2020 per our agreement below, it would be appreciated.

I think we have been very patient with Mr. Dulberg in responding to discovery which has been directed at his assertion of the discovery rule in this case, where he is attempting to overcome a statute of limitations defense (issues which are evident from the face of the pleadings and the applicable statutes involved).

The supplemental discovery we served merely clarified and more specifically identified communications and documents which were the subject of prior discovery requests, and some of which were identified at Mr. Dulberg's discovery deposition taken on February 19, 2020.

Please feel free to contact me if you would like to discuss this matter

Please feel free to contact me if you would like to discuss this matter.

Very truly yours,

From: Julia Williams <juliawilliams@clintonlaw.net>

Sent: Thursday, July 30, 2020 10:07 AM

To: George Flynn <gflynn@karballaw.com>

Cc: Ed Clinton <ed@clintonlaw.net>; Mary Winch <marywinch@clintonlaw.net>

Subject: Fwd: PAUL DULBERG v. THE LAW OFFICES OF THOMAS J. POPOVICH, P.C, et al. (Circuit Court of McHenry County, IL No. No. 17 LA 377)

Dear George,

Are you agreeable to an extension of 28 days on these answers?

Best Regards,

Julia Williams
Of Counsel
The Clinton Law Firm
111 W. Washington, Ste. 1437
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F: 312.201.0737
juliawilliams@clintonlaw.net

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Begin forwarded message:

From: Linda Walters <lwalters@KARBALLAW.com>

Subject: PAUL DULBERG v. THE LAW OFFICES OF THOMAS J. POPOVICH, P.C, et al. (Circuit Court of McHenry County, IL No. No. 17 LA 377)

Date: July 2, 2020 at 11:11:39 AM CDT

To: "ed@clintonlaw.net" <ed@clintonlaw.net>,
"juliawilliams@clintonlaw.net" <juliawilliams@clintonlaw.net>,
"Marywinch@clintonlaw.net" <Marywinch@clintonlaw.net>

Cc: George Flynn <gflynn@karballaw.com>

On behalf of George Flynn, please see the attached:

- Supplemental Request for Production to Plaintiff; and

- Notice of Service of Discovery Document – Supp. RFP to Plaintiff

Thank you.

Linda Walters

Karbal | Cohen | Economou | Silk | Dunne | LLC
150 S. Wacker Drive
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Chicago, IL 60606

<image001.jpg>

P: (312) 431-3641

<image002.png>

F: (312) 431-3670

<image003.png>

E: lwalters@KARBALLAW.com

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