

From: Paul Dulberg Paul_Dulberg@comcast.net

Subject: Re: 2023IN03136 - Popovich

Date: December 12, 2023 at 1:03 PM

To: Andrzejewski, Vicki vandrzejewski@iadc.org, srenfroe@iadc.org, amundt@iadc.org

Cc: Tom Kost tkost999@gmail.com, Alphonse Talarico contact@lawofficeofalphonsetalarico.com, Klimas, Christine cklimas@iadc.org, ARDCClerksDepartment@iadc.org, information@iadc.org, Bulatovic, Theresa tbulatovic@iadc.org

PD

Dear Scott Renfroe, Vicki J. Andrzejewski, and Unknown (amundt@iadc.org),

This reply (attached named: 2023-12-12_Reply to Popovich Response_ARDC 2023IN03135.pdf) is in response to the letter of Thomas Popovich dated November 28, 2023.

To all other members of the ARDC receiving this email,

The attached file named 2023-12-12_Reply to Popovich Response_ARDC 2023IN03135.pdf is seconding as a supplemental being provided for the attorney you are investigating.

Individual ARDC numbers are provided below:

Edward X. Clinton No. 2023IN02517 (submitted on July 27, 2023)

Julia C. Williams No. 2023IN02518 (submitted on July 27, 2023)

Thomas J. Popovich No. 2023IN03135 (submitted on September 15, 2023)

Hans Mast No. 2023IN03136 (submitted on September 15, 2023)

Brad J. Balke No. 2023IN03894-R (submitted on November 8, 2023)

Kelly J. Baudin No. 2023IN03898-R (submitted on November 8, 2023)

William Randall Baudin II No. 2023IN03897-R (submitted on November 8, 2023) Thomas W. Gooch No. 2023IN03895-R (submitted on November 8, 2023)

Sabina Walczyk - Sershon No. 2023IN03896-R (submitted on November 8, 2023)

Please forward this document to Sr. Counsel Myrrha Guzman as I was never provided with the email address.

Also please forward this to any other member of the ARDC assigned to the numbers listed above as I may not have their email addresses.

Please feel free to contact me with any questions, concerns or needs concerning any of the ARDC No.'s listed above.

Thank You,
Paul

Paul Dulberg
(847) 497-4250
Paul_Dulberg@comcast.net

2023-12-12_Re
ply to...35.pdf

On Nov 28, 2023, at 10:41 AM, Andrzejewski, Vicki <vandrzejewski@iadc.org> wrote:

Attached please find correspondence from the Attorney Registration and Disciplinary Commission.

Email is our preferred method of communication. Please submit any email communications regarding this matter to: amundt@iadc.org.

If you have any questions or need to speak with a member of our staff.

please call our general number: (312) 565-2600.

On behalf of Scott Renfroe.

Vicki J. Andrzejewski
Attorney Registration & Disciplinary Commission
One Prudential Plaza
130 East Randolph Drive, Ste. 1500
Chicago, IL 60601
Telephone: (312) 565-2600

From: Paul Dulberg
4606 Hayden Ct.
McHenry, IL. 60051

To: Scott Renfroe, Senior Counsel (srenfroe@iardc.org)
Vicki J. Andrzejewski (vandrzejewski@iardc.org)
Unknown (amundt@iardc.org)
One Prudential Plaza
130 E. Randolph Dr., Ste. 1500
Chicago, IL 60601-6219

Date: December 12, 2023

Dear Scott Renfroe, Vicki J. Andrzejewski, and Unknown (amundt@iardc.org),
This reply is in response to the letter of Thomas Popovich dated November 28, 2023.

We have submitted 9 ARDC Complaints to date:

Edward X. Clinton No. 2023IN02517 (submitted on July 27, 2023)
Julia C. Williams No. 2023IN02518 (submitted on July 27, 2023)
Thomas J. Popovich No. 2023IN03135 (submitted on September 15, 2023)
Hans Mast No. 2023IN03136 (submitted on September 15, 2023)
Brad J. Balke No. 2023IN03894-R (submitted on November 8, 2023)
Kelly J. Baudin No. 2023IN03898-R (submitted on November 8, 2023)
William Randall Baudin II No. 2023IN03897-R (submitted on November 8, 2023)
Thomas W. Gooch No. 2023IN03895-R (submitted on November 8, 2023)
Sabina Walczyk No. 2023IN03896-R (submitted on November 8, 2023)

The Complaints submitted November 8, 2023 have footnotes with hyperlinks to exhibits. The Complaints submitted on July 27, 2023 and September 15, 2023 do not have hyperlinks to exhibits in the footnotes.

Since all these complaints are interrelated and since hyperlinks to exhibits help the reader considerably, we've also produced the following 5 documents that are regularly updated and have full hyperlink features:

[Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation](#)
[Evidence of Fraud on the Court in 12LA178 During Balke Representation](#)
[Evidence of Fraud on the Court in 12LA178 During Baudins Representation](#)
[Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#)
[Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#)

All 5 documents linked above have exhibits placed in a [shared single folder](#).

We also use hyperlinks to exhibits in this letter so evidence is easy to view.

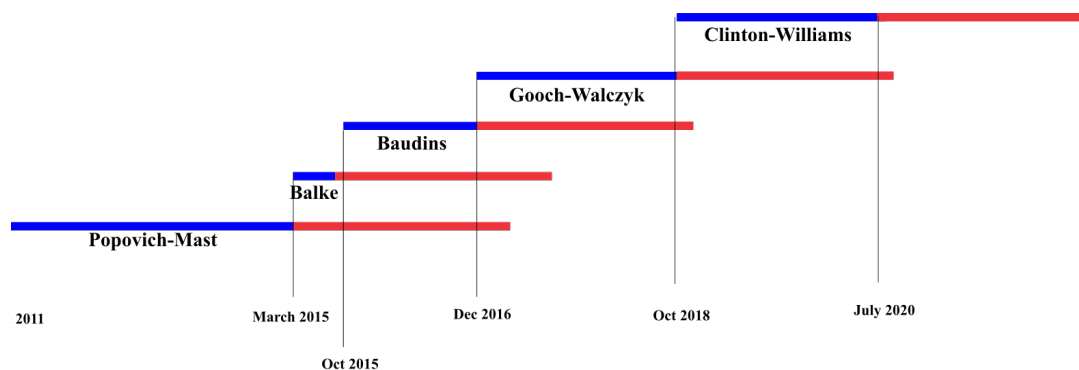
Dulberg is providing evidence that the accused attorneys act as a network. Dulberg's legal malpractice attorneys protected Dulberg's personal injury attorneys from being discovered committing fraud against Dulberg. They used a sophisticated system of document and information suppression against their own permanently disabled client. The legal malpractice attorneys shielded Popovich, Mast and other PI attorneys from liability after the PI attorneys committed fraud against their client (and against the Court).

If sued, the PI attorneys use the protection of the legal malpractice attorneys to defend themselves from Dulberg. The PI attorneys claim the 2 year statute of limitations has already passed. But during this same 2 years the PI attorneys were being protected by Dulberg's legal malpractice attorneys (who were actively suppressing documents and information while working against their own client Dulberg).

This is in fact what happened when Dulberg initiated a legal malpractice claim against Popovich and Mast (17LA377). It also happened when Dulberg initiated a legal malpractice claim against the Baudins (22L010905). In both cases defendants Popovich and Mast and the Baudin defendants moved to be dismissed since they claimed more than 2 years had passed since Dulberg "first knew" of any "injury". During those same 2 years they were being protected by Dulberg's own legal malpractice attorneys Gooch-Walczyk and Clinton-Williams who used a sophisticated system of document and information suppression against their permanently disabled client.

How the 2 year escape hatch works in a network of attorneys

2 YEAR ESCAPE HATCH



Each Attorney claims:

- a) "Dulberg had separate legal counsel who represented him after we withdrew."
- b) "If there had been legal malpractice, then Dulberg had counsel who could have advised him of his rights, with the applicable statute of limitations."

This is how fraud remains hidden. Each attorney hides the fraud of the previous attorneys by keeping the information from the client. The client is later blamed for not acting within the 2 year SoL deadline.

This is also how each attorney helps prepare an 'escape hatch' for the attorneys before by allowing 2 years (red) to pass as they 'raise no issue' with the work of the previous attorneys.

If sued, each will claim that 2 years has already passed while Dulberg's subsequent attorneys "raised no issue". This is exactly what Popovich now claims:

"Mr. Dulberg had separate legal counsel who represented him after the Popovich firm withdrew. If there had been legal malpractice, then Dulberg had counsel who could have advised him of his rights, with the applicable statute of limitations. 735 ILCS 5/2-214.1."

Popovich and Mast, then Balke, then the Baudins, then Gooch and Walczyk, then Clinton and Williams will or already have made the same core claims (while hiding in the network):

- (a) “Dulberg had separate legal counsel who represented him after we withdrew”.
- (b) “If there had been legal malpractice, then Dulberg had counsel who could have advised him of his rights, with the applicable statute of limitations”.

For example, if the client sues the Baudins the Baudins claim:

- (a) “Dulberg had separate legal counsel Gooch who represented him after we withdrew”.
- (b) “If there had been legal malpractice, then Dulberg had Gooch as counsel who could have advised him of his rights, with the applicable statute of limitations”.

Gooch, by committing fraud and by hiding the fraud of the Baudins (and of Popovich, Mast and Balke), created conditions to allow the Baudins to make the claims above.

If the client sues Gooch-Walczyk then Gooch-Walczyk will claim:

- (a) “Dulberg had separate legal counsel Clinton and Williams who represented him after we withdrew”.
- (b) “If there had been legal malpractice, then Dulberg had Clinton-Williams as counsel who could have advised him of his rights, with the applicable statute of limitations”.

Clinton and Williams then commit more fraud and hide the the fraud of Gooch, Walczyk, the Baudins, Balke , Popovich and Mast. This is their **‘run for cover story’** in a nutshell. This is how the 2 year SoL escape hatch works (how the game is played).

Chapter 1 of ‘ARDC Complaint Against Edward X. Clinton and Julia C. Williams’¹ describes how Clinton-Williams suppressed large numbers of documents and then, just before resigning as counsel, produced over 6000 documents to opposing counsel.

Popovich and Mast took full advantage² of the documents and information suppressed by Clinton-Williams (and by Gooch-Walczyk) after Clinton-Williams resigned as counsel to:

- 1) Demand for detailed supplemental production responses (from the 2020-07-09 flood of over 6000 documents)
- 2) Demand to be given Dulberg’s privileged attorney-client communications with Gooch
- 3) Pressure Dulberg to admit receiving in the mail a partially forged declination letter from attorney Saul Ferris. (The letter was actually addressed to Flynn’s own client Popovich)

¹ Also Chapter 1 of [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#)

² How opposing counsel maintained pressure on Dulberg is described in ‘ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk’, paragraphs 155 to 171 and [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#) paragraphs 155 to 171 and ‘ARDC Complaint Against Edward X. Clinton and Julia C. Williams’, Chapter 1 and Chapter 2, Section 2B THE EXAMPLE OF SAUL FERRIS and [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#) Chapter 1 and Chapter 2, Section 2B

A horizontal timeline illustrating the progression of the COVID-19 pandemic from 2020 to 2021. The timeline is marked with months and years. The top row shows the years 2020 and 2021. The months are labeled with numbers 1 through 11. The timeline is divided into three color-coded sections: a red section for 2020, an orange section for 2021, and a blue section for 2022. The red section covers the months from 7 to 12 of 2020. The orange section covers the months from 1 to 11 of 2021. The blue section covers the months from 1 to 11 of 2022. The timeline is marked with vertical lines indicating the start of each month.

Pressure was applied to Dulberg as pro-se and to Dulberg's new attorney (since Clinton and Williams had already made secret plans to withdraw as Dulberg's counsel by late June, 2020).⁴ The 3 ways Dulberg was pressured are directly related to documents and information suppressed by Clinton-Williams. They set Dulberg up to be subject to all 3 forms of pressure to benefit Popovich and Mast.

THE CHAIN OF FRAUD (Each attorney covering the fraud of all previous attorneys)

The ‘ARDC Complaint Against Thomas J. Popovich and Hans Mast’ describes how Popovich and Mast:⁵

- 3 'ARDC Complaint Against Julia C. Williams and Edward X. Clinton' Chapter 2, Section 2B and
Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation Chapter 2, Section 2B

- 4 'ARDC Complaint Against Julia C. Williams and Edward X. Clinton', Chapter 1, starting paragraph 31 and Chapter 2, Section 2E and

- Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation starting paragraph 31 and Chapter 2, Section 2E

- 4

- Forged documents and destroyed evidence (at least 15 examples)
- Corrupted the interrogatory and document production process to sabotage client's case and to benefit defendants (in collaboration with opposing attorneys)
- Suppressed information on mental health issues related to Dulberg's injury
- Corrupted the deposition process to sabotage client's case and to benefit defendants in collaboration with opposing attorneys (9 out of 10 depositions have no valid certification pages)
- Knew Defendant Gagnon effectively admitted to negligence for Dulberg's injury
- Knew Defendant Gagnon committed perjury
- Knew Defendant Carolyn McGuire committed perjury
- Committed settlement fraud
- Violated federal bankruptcy laws

The 'ARDC Complaint Against Brad Balke' describes how Balke:⁶

- Contracted with Dulberg and not with the Bankruptcy Trustee (who had standing as plaintiff)
- Told Dulberg (about 11 weeks later) he would withdraw counsel if Dulberg does not settle with Allstate for \$50,000
- Violated federal bankruptcy laws

Balke basically continued doing what Popovich and Mast already did. The Baudins were retained by Dulberg after Dulberg fired Balke. The 'ARDC Complaint against Wm Randal Baudin II and Kelly N. Baudin' describes how the Baudins:⁷

- Contracted with Dulberg instead of with the Bankruptcy Trustee
- Knew or should have known Defendant Gagnon effectively admitted to negligence for Dulberg's injury as early as March, 2013
- Moved to cap the value of PI case 12LA178 (with defendants Allstate alone)
- Closed the deal with an upper cap of \$300,000 (in violation of the automatic stay)
- Coerced Dulberg to agree and misinformed him of where the 'upper cap' came from
- Moved to contract with Bankruptcy Trustee only after capping value of 12LA178
- Misled Bankruptcy Judge that Dulberg wanted Binding Mediation (about 11 weeks after the deal was closed)

Additionally:

- Dulberg's signature was forged onto the ADR Binding Mediation Agreement

⁶ All listed items are linked to supporting evidence on page 1 of 'ARDC Complaint Against Brad J. Balke' and page 1 of [Evidence of Fraud on the Court in 12LA178 During Balke Representation](#)

⁷ All listed items are linked to supporting evidence on page 1 of 'ARDC Complaint Against Kelly N. Baudin and William Randall Baudin II' and page 1 of [Evidence of Fraud on the Court in 12LA178 During Baudins Representation](#)

- Dulberg was coerced into signing Allstate Release

‘ARDC Complaint Against Edward X. Clinton and Julia C. Williams’⁸ describes how Clinton and Williams collaborated with opposing counsel to benefit the defendants and sabotage Dulberg’s case by suppressing large numbers of documents and playing ‘hoaxes’ on Dulberg and:

- Concealed Dulberg’s bankruptcy (from the 17LA377 Common Law Record and Reports of Proceedings)
- Suppressed emails from Saul Ferris
- Suppressed key evidence (Tilschner v Spangler certified slip ruling)
- Suppressed large numbers of emails from Brad Balke
- Collaborated with opposing attorney to flood Dulberg with over 6,000 documents just before Clinton-Williams withdrew as Dulberg’s counsel
- Suppressed all information on what the Baudins did to Dulberg
- Suppressed evidence that Defendant Gagnon effectively admitted negligence for Dulberg’s injury as early as March, 2013.
- Collaborated with opposing counsel to suppress Barch documents before Dulberg’s deposition
- Collaborated with opposing counsel to weaken verification pages of discovery production
- Collaborated with opposing counsel during the deposition of Hans Mast and after

They did these things to protect Popovich and Mast (and other PI attorneys) from Dulberg’s claims. In addition, the ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk describes how Gooch-Walczyk and Clinton-Williams ‘teamed-up’ to:⁹

- Conceal key evidence in collaboration with each other (Tilschner v Spangler certified slip ruling)
- Conceal admission of negligence of Defendant Gagnon for Dulberg’s injury in underlying case 12LA178 in collaboration with each other
- Conceal Bankruptcy and Violations of Federal Bankruptcy Laws (automatic stay, loss of standing to pursue claim, capping value of assets in BK estate, etc) in collaboration with each other
- Conceal true sources of \$300,000 upper cap on the value of the PI claim in collaboration with each other
- Intentionally confuse Statute of Limitations toll date, date of “injury”, and place Dulberg’s privileged attorney-client communications at issue in collaboration with each other

The lower on the list each attorney appears, the more fraud they need to cover up. Each attorney

⁸ Also described in [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#)

⁹ All listed items are linked to supporting evidence on page 1 of ‘ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk’, and page 1 of [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#). (They are “TEAM-WORK” Examples 1 through 5)

escapes (are ‘cleansed’) from their own fraud and the concealment of fraud by all attorneys higher on the list by claiming:

- (a) “Dulberg had separate legal counsel who represented him after we withdrew”.
- (b) “If there had been legal malpractice, then Dulberg had counsel who could have advised him of his rights, with the applicable statute of limitations”.

This is how the permanently disabled client is stripped of constitutional rights while the chain of attorneys are not held accountable for anything they do and are given freedom to go after their next client (victim). Dulberg’s own legal malpractice attorneys were protecting Popovich and Mast (and others) against Dulberg.

It is a snowball of fraudulent concealment that keeps growing. For this reason it is not possible to fully understand what Popovich and Mast did (and how they got away with it) without understanding that Dulberg’s retained legal malpractice attorneys Clinton-Williams and Gooch-Walczyk were covering for Popovich and Mast, Balke and the Baudins (Dulberg’s former personal injury attorneys) and how they did it.

What Clinton-Williams and Gooch-Walczyk did to Dulberg has to be looked at to fully understand what Popovich and Mast did to Dulberg. The malpractice attorneys were intentionally deceiving Dulberg to hide from Dulberg what the PI attorneys did to him. The legal malpractice attorneys also set up conditions which allowed the defendants to claim Dulberg did not file a complaint within 2 years of when he “knew” or “should have known” of any “injury” done to him by the PI attorneys. They even shared the same inside jokes, both referring to their permanently disabled client as ‘Duhlberg’. The PI attorneys then claimed it was ‘too late’ for Dulberg to file a lawsuit since he “first knew” or “should have known” of a possible “injury” more than 2 years earlier (while the legal malpractice attorneys hid from Dulberg all the acts of fraud). This is how the network is intentionally designed to work: The legal malpractice attorneys help set up a 2 year statute of limitations Summary Judgment ‘escape hatch’ for the Defendants so that any cases against them will be dismissed.

A 13 Step Approach to Sabotage Your Permanently Disabled Client’s Case

After having been the targets of these attacks for over 1 decade, we’ve found the process the legal malpractice attorneys Gooch-Walczyk and Clinton-Williams used to sabotage and undermine Dulberg’s claims of legal malpractice and fraud are not that difficult to understand. What follows is a 13 step approach a legal malpractice attorney can take to sabotage their own client’s case that is simple enough for an average person to understand. (This approach matches point for point what Dulberg experienced with Gooch-Walczyk and Clinton-Williams.)

1) bury key evidence:

This is the legal equivalent of ‘crippling’ ones own client.

2) bury fraud:

Bury all evidence of defendant committing fraud on your client.

3) prepare escape hatch:

A 2 year SoL dismissal is pre-planned into the system. Dulberg was being intentionally set up for it during his first meeting with Gooch.

4) **choke client:**

The documents sent directly from the client to the legal malpractice attorney are primary targets of suppression.

5) **give some, keep some, ghost some:**

This is a sophisticated system of document and information suppression described in Chapter `1 of ‘ARDC Complaint Against Edward X. Clinton and Julia C. Williams’.¹⁰

6) **mince emails:**

Methods used against Dulberg are described from Chapter 1, paragraph 42 of ‘ARDC Complaint Against Edward X. Clinton and Julia C. Williams’.¹¹

7) **bury troublesome issues:**

How to do it: Make multiple contradictory and untrue statements on the issues on behalf of ones client in the Common Law Record and in Reports of Proceedings. These statements are intended as gifts for the defendants. They were created by the legal malpractice attorneys but they are credited to Dulberg (as if the attorney received the information from Dulberg). The defense will use the multiple statements later to claim your client is ‘being evasive’ and ‘changing his story’ by ‘fiddling’ with his answers.

8) **target depositions:**

From our experience depositions are a prime target of an attorney that wants to destroy your case.

9) **strip case law:**

when dealing with client misinterpret and misrepresent case law. An example is when Mast used Tilschner v Spangler as the reason the McGuires were not liable for Gagnon’s injury during a meeting with Dulberg and Thomas Kost on November 20, 2023. Another example: The relevant case law in 17LA377 which applies to Dulberg’s case (*Suburban* and related cases) was never brought up to Dulberg by Gooch-Walczyk or Clinton-Williams.

10) **starve and flood:**

Just before quitting as counsel, dump a waterfall of documents on your permanently disabled client. Hide most of the documents you have been suppressing until then near the bottom of the pile. Continue to suppress certain key documents and never give them a bates-stamp or turn them over to opposing counsel. Overload your client and resign. Described in ‘ARDC Complaint Against Edward X. Clinton and Julia C. Williams’, Chapter 1, beginning on paragraph 35.¹²

11) **set up accused:**

10 Also in [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#) Chapter 1

11 Also paragraph 42 in [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#)

12 Also in [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#) Chapter 1, beginning on paragraph 35

Described in detail in Table 6 ¹³

12) throw privilege under a bus:

Give the defense grounds to demand your client's privileged attorney-client communications. This is done by setting the client up to make the claim that they "first knew" of an "injury" through communications with their legal malpractice attorney. (This is what Gooch did to Dulberg at their first meeting together.) This is demonstrated step by step in 'ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk' from paragraph 1. ¹⁴

13) run for cover stories:

Stellar examples of this are claims made by Popovich in the letter of November 28, 2023 and examined in this reply.

This is a basic 13 step outline which matches (step by step) what Gooch and Walczyk and later Clinton and Williams actually did to Dulberg to benefit Popovich and Mast (and others).

Complications in Dulberg's case:

What if the targeted client declares bankruptcy during his PI case as a natural reaction to loosing all financial hope? Federal bankruptcy laws add a number of complications to finishing off your client. This is what happened to Dulberg during PI case 12LA178.

A way to solve it:

- a) Ignore bankruptcy court and bankruptcy court trustee.
- b) Make repeated efforts to place an 'upper cap' on the value of PI case 12LA178.
- c) Do not inform the bankruptcy trustee until an 'upper cap' is already in place and treated as a 'done deal'.
- d) Hide the origins of the 'upper cap' from your client and from bankruptcy court.

This is what happened to Dulberg point by point. In short, *ram it through anyway*.

1) 'Bury Key Evidence' To Help Popovich and Mast

TABLE 10 below shows the number of times Dulberg informed his legal malpractice attorneys about the importance of the key evidence Tilschner v Spangler with hyperlinks to evidence:

When Informed		How Informed
2016-12-16	first meeting with Gooch	document handed Gooch
2018-10-01	letter to Gooch (that led to Gooch firing)	email linked (on page 30) attached document: second_amended_complaint_comments.txt

¹³ ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk', page 69 and [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#) page 69

¹⁴ Also in [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#) from paragraph 1

When Informed		How Informed
2018-10-10	preparing for first meeting with Clinton-Williams	email linked attached folder: Dulberg Complaint document: second_amended_complaint_comments.txt
2018-10-12	first meeting with Clinton-Williams	Text document and problems with Gooch were explained at meeting ¹⁵
2018-12-04	preparing Second Amended Complaint	email linked attached documents: Working.pdf comment on complaint.txt
2018-12-05	preparing Second Amended Complaint	email linked attached document: comments on Dulberg Second Amended Complaint REDLINED 2018 Dec .txt
2019-03-18	preparing discovery documents	email linked document: IndependantContractor-CaseLaw1_Mast.pdf
2019-07-08	inspecting defendants documents	email linked attached folder: To Julia documents: questions_for_mast.txt timeline_of_mcguire_settlement.txt
2019-07-22	inspecting defendants documents	email linked attached folder: To Julia documents: questions_for_mast.txt timeline_of_mcguire_settlement.txt
2019-11-19	updating information	email linked attached document: 2109-11-19_updated_timeline_of_mcguire_settlement.txt
2020-02-06	preparing for Mast deposition	email linked attached documents: questions_for_mast.txt timeline_of_mcguire_settlement.txt
2020-02-08	preparing for Mast deposition	email linked attached documents: 2109-11-19_updated_timeline_of_mcguire_settlement.txt questions_for_mast.txt
2020-06-18	preparing for Mast deposition	email linked attached document: evidence_list.txt questions_for_mast.txt
2020-06-24	preparing for Mast deposition	email sent at 1:56AM linked attached documents: 2020-06-23_updated_timeline_of_mcguire_settlement.txt email sent at 10:05AM linked attached documents: 2020-06-23_updated_timeline_of_mcguire_settlement.txt
2020-06-24	meeting before Mast deposition	Clinton and Williams were told by Thomas Kost of the importance of Tilschner v Spangler in proving ‘intentional tort’ and ‘fraud’ during the meeting

Section 2C of ‘ARDC Complaint Against Edward X. Clinton and Julia C. Williams’¹⁶ shows how Clinton and Williams suppressed Dulberg’s key evidence Tilschner v Spangler.

Section 2K of ‘ARDC Complaint Against Edward X. Clinton and Julia C. Williams’¹⁷ shows

¹⁵ On October 19, 2018 PDF files were created by Clinton or Williams in “Dulberg Master File” concerning the Tilschner case: Shown in [Visual Aid 4 - Tilschner hoax.png](#)

¹⁶ Also in Section 2C of [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#)

¹⁷ Also in Section 2K of [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#)

how the document Tilschner v Spangler inexplicably went missing during the deposition of Hans Mast.

Section 2C, paragraph 2C26 of ‘ARDC Complaint Against Edward X. Clinton and Julia C. Williams’¹⁸ describes how Williams inexplicably could not recall anything about Tilschner v Spangler or the contents of ‘Exhibit 12’ weeks after preparing multiple subpoenas on ‘Exhibit 12’ and while appearing in court to address the subpoenas because she claimed the events happened ‘so long ago’.

After about 6 years of ‘**burying key evidence**’ Dulberg mentioned Tilschner v Spangler in a court document in November 23, 2022.¹⁹

On November 30, 2022 Flynn filed DEFENDANTS THE LAW OFFICES OF THOMAS J. POPOVICH, P.C. AND HANS MAST’S RESPONSE TO PLAINTIFF’S 2nd AMENDED MOTION TO EXCLUDE THE DEPOSITION OF HANS MAST which contains the following point ¶12:²⁰

“12) Of concern is a statement on page 19 of Dulberg’s motion in which he argues that Mast had insisted that the decision in the Tilschner v. Spangler case was the reason Dulberg would not prevail in the underlying case against the McGuire’s. The statement is inexplicably made “on information and belief.” This is unacceptable. Dulberg has made no such disclosure in fact discovery (now closed) about this very specific discussion between Mast and himself regarding the Tilschner case. If Dulberg believes he has disclosed it, he should be required to identify where in his answers and amended answers to discovery or his deposition he has identified such discussion with this amount of specificity. Defendants submit that no such disclosure exists.”

Opposing counsel Flynn and Popovich knew Tilschner v Spangler were never mentioned in the record because they collaborated with Dulberg’s legal malpractice attorneys Gooch-Walczyk and Clinton-Williams to successfully ‘**bury key evidence**’ for around 6 years.

Table 10 demonstrates that Clinton and Williams actively blocked what Dulberg told them and suppressed documents and information related to Tilschner v Spangler. They did this to benefit Popovich and Mast.

Popovich and Mast also ‘**buried key evidence**’ in 12LA178 when Popovich and Mast cut up Dulberg’s original Walgreens RX receipt as described in ‘ARDC Complaint Against Thomas J. Popovich and Hans Mast’ beginning paragraph 1-95.²¹

18 Also in Section 2C, paragraph 2C26 of [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#)

19 [Group Exhibit 41_Appeal Package for 17LA377/CLR_Vol 2_of 2_230421_1627_22D90D40.pdf](#) page 1770

20 [Exhibit C21-2022-11-30_Flynn Answer to Motion to Strike Mast Deposition.pdf](#) (¶12 on page 4)

21 Also in [Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation](#) beginning paragraph 1-95

2) ‘Bury Fraud’ To Help Popovich and Mast

On June 8, 2019 Dulberg sent the following folder to Williams after reviewing the opposing party’s May 29, 2019 document disclosure for the first time: [To Julia](#)

The folder contains a file called [_READ_ME.txt](#) which states:

“The opposing counsel has released one “smoking gun” document that we’ve never seen before. It is (pop 192). Paul never gave Mast authorization to make this offer. We have ample evidence that Paul never authorized the offer made in (pop 192) and he knew nothing about it until seeing it last week. Note that it is not in the box of files we gave to you. It is not in the box of files that Mast gave to Paul when Mast withdrew from counsel. Also, the Baudin law firm and the Gooch law firm never saw this document.”

“Since we were never able to see (pop 192) until now, we never understood the details of how Mast tricked Paul into such a small settlement. The fact that Mast initiated the settlement process through (pop 192) without Paul’s knowledge or permission is proof that this case is about more than Mast’s negligence. It is about willful intent or malicious intent to deceive his client.

Of course you will need convincing proof that (pop 192) was initiated without Paul’s knowledge. We have that proof. As I fill in the timeline more and more, the evidence will be stronger and stronger.”

Dulberg called for a meeting on July 8, 2019 (in the same email) to discuss this new development. Dulberg was ignored for almost 1 year. Clinton and Williams finally met with Dulberg and Thomas Kost by phone on June 24, 2020 (one day before the deposition of Mast).

TABLE 11 below shows the number of times Dulberg informed his legal malpractice attorneys about “overwhelming evidence” of intentional tort or fraud since first discovering evidence in the first week of July, 2019:

When Informed		How Informed
2019-07-08	after first receiving defendants document disclosure	email linked attached folder: To Julia documents: _READ_ME.txt timeline_of_mcguire_settlement.txt questions_for_mast.txt
2019-07-22	reminding Williams	email linked attached folder: To Julia documents: _READ_ME.txt timeline_of_mcguire_settlement.txt questions_for_mast.txt
2019-11-19	reminding Williams again	email linked attached document: 2109-11-19_updated_timeline_of_mcguire_settlement.txt
2020-02-06	preparing for Mast deposition	email linked attached documents: questions_for_mast.txt timeline_of_mcguire_settlement.txt
2020-02-08	preparing for Mast deposition	email linked attached documents: 2109-11-19_updated_timeline_of_mcguire_settlement.txt questions_for_mast.txt

2020-06-18	preparing for Mast deposition	email linked attached document: evidence_list.txt questions_for_mast.txt
2020-06-24	preparing for Mast deposition	email sent at 1:56AM linked attached documents: 2020-06-23_updated_timeline_of_mcguire_settlement.txt email sent at 10:05AM linked attached documents: 2020-06-23_updated_timeline_of_mcguire_settlement.txt
2020-06-24	meeting before Mast deposition	At meeting Thomas Kost (after waiting about 1 year for meeting) explained to Clinton and Williams that there is “overwhelming evidence” that Popovich and Mast committed fraud and intentional tort.

From July 8, 2019 onward Dulberg told Clinton and Williams that he had “overwhelming evidence” that Popovich and Mast intentionally committed fraud. Dulberg claimed to have a ‘smoking gun’ document he found that proved intentional tort. Dulberg tried to set up a meeting with Clinton and Williams for about 1 year to discuss the consequences of the new discovery of fraud on the case.

At the June 24, 2020 meeting Thomas Kost (after waiting about 1 year to do so) explained to Clinton and Williams that there is “overwhelming evidence” that Mast and Popovich committed intentional tort and fraud. Thomas Kost explained that the 6 points listed in the document [evidence_list.txt](#) provides “overwhelming evidence” that Mast and Popovich committed intentional tort and fraud. Clinton made no comment after Thomas Kost explained this.

This information was suppressed and ignored by Clinton and Williams since July 8, 2019. They “choked the client” to “bury fraud” or they would have lost the 2 year SoL ‘escape hatch’ for defendants Popovich and Mast. What they did can be understood as: **choke client to bury key evidence, bury fraud, and set up escape hatch**. They did this to benefit Popovich and Mast.

Popovich and Mast also ‘**buried fraud**’ many times in 12LA178 which is what Clinton and Williams were trying to hide. Clinton and Williams ‘**buried fraud**’ to conceal how Popovich and Mast ‘**buried fraud**’.

5) ‘Give some, keep some, ghost some’

This is a sophisticated system of document and information suppression described in Chapter `1 of ‘ARDC Complaint Against Edward X. Clinton and Julia C. Williams’²². ‘Ghosted’ documents include ‘Rosecrance Treatment Plan’ and the certified slip copy of Tilschner v Spangler.

6) ‘Mince emails’

As described in ‘ARDC Complaint Against Thomas J. Popovich and Hans Mast’²³ paragraph 1-294 to 1-296:

²² Also in [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#) Chapter 1

²³ Also in [Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation](#) paragraph 1-294 to 1-296

On December 16, 2016 Dulberg retained legal malpractice attorney Thomas Gooch to initiate a claim against Mast and Popovich for legal malpractice. When Dulberg moved to collect his emails with Mast from Dulberg's Comcast account to give to Gooch, Dulberg found that 3 years of emails had been deleted from his Comcast email account.^{24 25}

Dulberg called Comcast to get his emails restored. Dulberg was told by phone that an incident report was created and an internal investigation happened concluding that the missing emails were deleted at by a senior level administrator with Comcast and unfortunately the emails were not retrievable. No other information was provided to Dulberg.

In a state of panic, Dulberg realized that his apple device was set up to utilize a different protocol for sending out emails than the protocol used to receive emails. His outgoing emails were stored on a separate Apple server, different from the incoming emails that are saved on the Comcast servers. On December 27, 2016 Dulberg forwarded all the sent emails from his Apple device to a second Comcast email account and immediately printed out 2 hard copies of all email exchanges on paper so they could not be deleted again.

After Dulberg recovered his emails (with Popovich and Mast) in this way, Dulberg provided the emails to his legal malpractice attorneys Gooch-Walczyk and Clinton-Williams. How Clinton-Williams received Dulberg's emails with Popovich and Mast, bates-stamped them and turned them over to opposing counsel is described in 'ARDC Complaint Against Edward X. Clinton and Julia C. Williams' beginning paragraph 13.²⁶

[Visual Aid 5 - Email hoax](#) shows how Clinton-Williams bates-stamped the emails as 4 large 'blocks' (shown in green) and 3 of the 4 email blocks were inexplicably 'minced' or 'butchered' before being bates-stamped and turned over to opposing counsel.

[Visual Aid 6 - Lawyer Emails by date hoax](#) shows what happened when Dulberg rearranged the same emails according to month and year and offered them to Williams for reference purposes. They were stripped out of context, 'minced' or 'butchered' before being bates-stamped and turned over to opposing counsel as if they were new documents being 'produced' by Dulberg for the first time.

7) BURY TROUBLESOME ISSUES

How to do it (method #1): Make multiple contradictory and untrue statements on the issues on behalf of ones client in the Common Law Record and in Reports of Proceedings. These statements are intended as gifts for the defendants. They were created by the legal malpractice attorneys but they are credited to Dulberg (as if the attorney received the information from Dulberg). The defense will use the multiple statements later to claim your client is 'being evasive' and 'changing his story' by 'fiddling' with his answers. An example below:

²⁴ [Exhibit 97_Missingemails.jpg](#)

²⁵ [Exhibit 98_Missing emails-Marked up.pdf](#)

²⁶ Also in [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#) beginning paragraph 13

TABLE 3: SOURCE OF THE \$300,000 ‘UPPER CAP’ PLACED ON 12LA178 ACCORDING TO DULBERG’S ATTORNEYS	
Version 1 2017-11-28 Gooch	“Unfortunately, a “high-low agreement” had been executed by DULBERG, reducing the maximum amount he could recover to \$300,000.00 based upon the insurance policy available.”
Version 2 2018-05-10 Gooch	WALCZYK: ...And then it looks like there was a high-low agreement signed. THE COURT: Was it signed by Mr. Mast? MS. WALCZYK: Oh, I believe it was signed by Mr. Dulberg. I haven’t seen it.
Version 3 2018-06-07 Gooch	“DULBERG was only able to collect \$300,000.00 based upon the insurance policy available.”
Version 4 2018-12-06 Williams-Clinton	“Dulberg was only able to recovery approximately \$300,000 of the award from Gagnon’s insurance and was unable to collect from Gagnon personally.”
Version 5 2019-09-04 Williams-Clinton	“And the trustee did resolve -- there was an arbitration based on the trustee’s recommendation in the bankruptcy for the individual”

The multiple contradictory statements are made to conceal what actually happened: An ‘upper cap’ on the value of PI case 12LA178 was placed by the Baudins and Defendants Allstate, acting alone on or before August 10, 2016. Joseph Olsen, who first received permission to retain the Baudins about 11 weeks later, wasn’t even appointed the bankruptcy trustee until August 31, 2016. Reports of Proceedings from June 13, 2016 to August 10, 2016 prove what actually happened but Dulberg was never informed of any of this. Instead, Dulberg’s legal malpractice attorneys made 5 incorrect and contradictory statements on the record on Dulberg’s behalf as Table 5 shows.

BURY TROUBLESOME ISSUES (method #2): Both opposing parties completely ignore troublesome issue in collaboration with each other. For example, in Dulberg’s case the defendant who struck Dulberg with a chainsaw effectively admitted negligence for Dulberg’s injury as early as March, 2013. It was unmistakably recorded in the 12LA178 Common Law Record. But Dulberg’s attorneys Popovich and Mast, then Balke, then the Baudins, then Dulberg’s legal malpractice attorneys Gooch and Walczyk, and then Clinton and Williams never informed Dulberg that Gagnon admitted negligence.

Another excellent example is bankruptcy. Dulberg has experienced an environment of attorneys

in circuit court that will collectively ignore federal bankruptcy protections and proceed for months or years as if they don't exist. The client may never know about the federal bankruptcy protections to which they are entitled because the attorneys collectively ignore them as if it is normal.

8) 'Target depositions'

In the underlying PI case 12LA178 there are no valid certification page for 9 out of 10 depositions. Evidence of forgery exists in many of the alleged certification pages.

The strange deposition of Mast is described in 'ARDC Complaint Against Edward X Clinton and Julia C. Williams', Chapter 2, Section 2-K²⁷, in which key evidence disappears and a number of inexplicable technical glitches take place. The history of the key evidence which disappeared is described in Chapter 2, Section 2-C²⁸ of the same complaint and Table 10 (pages 9-10).

9) 'Strip case law'

Dulberg's current attorney Mr Talerico is on the record since February 10, 2021 (Mr Talerico was retained on October 23, 2020) explaining the application of *Suburban Real Estate v Carlson* to Dulberg's case in order to claim that the statute is counted from December 12, 2016. Mr Talerico explained that Suburban Real Estate v Carlson makes clear that if Dulberg filed a legal malpractice suit against Popovich and Mast at any time before December 12, 2016 his filing would have been ruled premature. Mr Talerico explained Illinois law is clear that the first day that Dulberg had standing to file a legal malpractice suit against Popovich and Mast was December 12, 2016 and not one day sooner.

The arguments in *Suburban Real Estate Servs. v. Carlson, 2020 Ill. App. 191953 (Ill. App. Ct. 2020)* reference 5 other key cases:

Successful Appellant *Suburban Real Estate* relied on *Lucey*²⁹ and *Warnock*³⁰ (and *Northern Illinois Emergency Physicians*³¹)

Unsuccessful Appellee *Carlson* relied on *FagelHaber*³² and *Nelson*³³ (and *Goran*³⁴)

The notion of a "financial injury" on December 12, 2016 consistent with Illinois law in *Suburban Real Estate v Carlson* was never explained to Dulberg by Gooch, Clinton, or Williams, not even

27 Also in [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#) Chapter 2, Section 2K

28 Also in [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#) Chapter 2, Section 2C

29 *Lucey v. Law Offices of Pretzel & Stouffer, Chartered*, 301 Ill. App. 3d 349 (1998)

30 *Warnock v. Karm Winand & Patterson*, 376 Ill. App. 3d 364 (2007)

31 *Northern Illinois Emergency Physicians v. Landau, Omahana & Kopka, Ltd.*, 216 Ill. 2d 294, 306 (2005)

32 *Construction Systems, Inc. v. FagelHaber, LLC*, 2019 IL App (1st) 172430

33 *Nelson v. Padgitt*, 2016 IL App (1st) 160571

34 *Goran v. Gliberman*, 276 Ill. App. 3d 590, 595-96 (1995)

as a suggestion or possibility. Opposing counsel Flynn found no relevance in Suburban Real Estate v Carlson. Neither Judge Meyer or Judge Berg saw any relevance in Suburban Real Estate v Carlson and did not recognize any notion of a ‘financial injury’ occurring on December 12, 2016 consistent with Suburban Real Estate v Carlson in Dulberg’s case.

Table 7 lists³⁵ statements of each of these 17LA377 Officers of the Court when applying Illinois case law to 17LA377. None of the statements in Table 7 made by Judge Meyer, Judge Berg, Defendants Popovich and Mast, Dulberg’s former attorneys Gooch, Clinton and Williams reference or are based on any of the case law cited in in Suburban (which is current Illinois law applicable to Dulberg’s case).

Case law was also ‘stripped’ and intentionally distorted in 12LA178 when on November 20, 2013 Mast used the case law Talschner v Spangler as evidence of why the McGuires were not responsible for Dulberg’s injury. Mast has denied ever since that he cited Talschner v Spangler. Dulberg’s own legal malpractice attorneys successfully suppressed the document for around 6 years as described earlier.

10) ‘Starve and flood’

The ‘flood’ is the more than 6000 pages of described in ‘ARDC Complaint Against Edward X. Clinton and Julia .Williams’, Chapter 1 beginning on paragraph 35.³⁶

The ‘starve’ is the suppression of large numbers of documents described in ‘ARDC Complaint Against Edward X. Clinton and Julia .Williams’, Chapter 1 beginning on paragraph 5.³⁷

11) ‘Set up accused’ to ‘use escape hatch’

In Table 6 Flynn’s key accusations³⁸ against Dulberg in his 2022 Summary Judgment are listed in Column 1. Column 2 shows how most every accusation made by Flynn against Dulberg in 2022 were set up and reinforced years earlier by Dulberg’s own counsel (acting in collaboration with opposing counsel) to sabotage Dulberg’s claims.

Popovich and Mast successfully hid behind Dulberg’s own legal malpractice attorneys. This was the plan from the first time Dulberg met Gooch on December 16, 2016. Comments made by Gooch to Dulberg and Thomas Kost (full trustee of the Paul R. Dulberg Revocable Trust) at Dulberg’s first meeting with Gooch on December 16, 2016 directly set up Flynn’s Summary

35 ‘ARDC Complamt Against Thomas W. Gooch and Sabina Walczyk’ page 84 and [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#) page 84

36 Also in [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#) beginning paragraph 35

37 Also in [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#) beginning paragraph 5

38 ‘ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk’. page 69 and [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#) page 69

Judgment arguments in 2022. Gooch-Walczyk set Dulberg up and Clinton-Williams helped finish the job.

Popovich and Mast also ‘**set up the accused**’ in 12LA178 when they tried to make their permanently disabled client Dulberg appear as if he was lying about how he obtained medication from Walgreens on the day of his injury. Popovich and Mast needed to ‘**bury key evidence**’ and lead defendants Gagnon and Carolyn McGuire to commit perjury during their respective depositions. How they did this step by step is described in ‘ARDC Complaint against Thomas J. Popovich and Hans Mast’³⁹ beginning on paragraph 1-114.

Popovich and Mast then made an offer to the McGuire defendants to settle the case for \$7,500 on Dulberg’s behalf without informing Dulberg and ultimately forced a settlement of \$5,000. How they did this step by step is described in ‘ARDC Complaint against Thomas J. Popovich and Hans Mast’⁴⁰ beginning on paragraph 1-148.

12) ‘Throw privilege under a bus’

This is demonstrated step by step in ‘ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk’ from paragraph 1.⁴¹ Give the defense grounds to demand your client’s privileged attorney-client communications. This is done by setting the client up to make the claim that they “first knew” of an “injury” through communications with their legal malpractice attorney. (This is what Gooch did to Dulberg at their first meeting together.)

13) ‘Run for cover stories’

The following quotes in italics are statements made by Thomas J. Popovich in his November 28, 2023 letter, followed by our response.

“It appears Mr. Dulberg has complained about numerous lawyers with whom he had contact about injuries which he sustained in an accident involving a chainsaw.”

They are listed on page 1.

“The case was difficult.”

Key evidence supporting Dulbergs claims was cut up by Popovich and Mast. Mast then led both Gagnon and Carolyn McGuire to commit perjury around the ‘**buried key evidence**’. This was done to make Dulberg appear as if he was lying about the events involving the ‘**buried key evidence**’. How they did this step by step is described in ‘ARDC Complaint against Thomas J.

39 Also in [Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation](#) beginning on paragraph 1-114

40 Also in [Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation](#) beginning on paragraph 1-148

41 Also in [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#) from paragraph 1

Popovich and Hans Mast⁴² beginning on paragraph 1-114.

Gagnon effectively admitted negligence for Dulberg's injury as of March, 2013.⁴³ Dulberg was not informed of this by Popovich and Mast, then Balke, then the Baudins, then Gooch and Walczyk, and then by Clinton and Williams.

Once Popovich and Mast 'buried key evidence', 'buried fraud', led Gagnon and Carolyn McGuire to commit perjury and hid Gagnon's effective admission of negligence from Dulberg, Popovich and Mast claim the case is 'difficult'. They claim that the case is Dulberg's word against Gagnon's word with no other witnesses. Mast wrote to Dulberg shortly after leading Gagnon to commit perjury during his deposition:

"Obviously this case is your word against Gagnon's word."⁴⁴

Popovich now claims "the case was difficult". This is a cover story. It may appear plausible if buried key evidence, buried fraud, perjury by Gagnon and Carolyn McGuire, and Gagnon's effective admission of negligence for Dulberg's injury are all suppressed.

"At some point after the case was filed, it was determined that claims against Mr. and Mrs. McGuire were not likely to succeed."

On October 22, 2013, Popovich and Mast made an offer to the McGuires to settle the case against them for \$7,500 without Dulberg's knowledge or permission.⁴⁵ On November 20, 2013 Mast told Dulberg and Thomas Kost on that the McGuires were not liable for Dulberg's injury because *Tilschner v Spangler* confirms that Restatement of Torts 318 was not applicable in Illinois.⁴⁶

Table 10 shows how many times Dulberg informed His legal malpractice attorneys about the importance of *Tilschner v Spangler*.

'ARDC Complaint Against Edward X. Clinton and Julia C. Williams' Chapter 2, Section C and Section K shows the extensive efforts Clinton and Williams made to suppress *Tilschner v Spangler*.⁴⁷

42 Also in [Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation](#) beginning on paragraph 1-114

43 'ARDC Complaint Against Thomas J. Popovich and Hans Mast' paragraph 1-110 and [Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation](#) beginning on paragraph 1-110

44 'ARDC Complaint Against Thomas J. Popovich and Hans Mast' paragraph 1-133 and [Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation](#) paragraph 1-133

45 'ARDC Complaint Against Thomas J. Popovich and Hans Mast' paragraph 1-148 and [Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation](#) paragraph 1-148

46 'ARDC Complaint Against Thomas J. Popovich and Hans Mast' paragraph 1-166 and [Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation](#) paragraph 1-166

47 Also in [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#) Chapter 2, Section C and Section K

“The settlement with the McGuire Defendants was completely voluntary. Mr. Dulberg made the decision to settle with those Defendants, and settlement was recommended, because the claim against them was very weak.”

This is the cover story. They explained to Dulberg that he had no case against the McGuires because *Tilschner v Spangler* confirms the Restatement of Torts 318 is not applicable in Illinois. Popovich and Mast, with the collaboration of Dulberg’s legal malpractice attorneys Gooch-Walczyk and Clinton-Williams ‘buried key evidence’ while denying ever since that they did this.

“Mr. Dulberg’s claims against the McGuires Defendants settled for \$5,000.00. Mr. Dulberg executed a release, confirming his agreement to the settlement.”

This quote is the cover story that Mast, Popovich, opposing counsel Flynn, Gooch-Walczyk and Clinton-Williams all collaborated together to ‘**bury key evidence**’ and ‘**bury fraud**’.

“There was a remaining defendant, Gagnon, who remained a defendant in the lawsuit. However, Mr. Dulberg was a difficult client. The Popovich law firm withdrew from representation in 2015 and Mr. Dulberg went on to be represented by other lawyers.”

Personal injury defendant (who was operating the chainsaw that injured Dulberg) Gagnon effectively admitted negligence for Dulberg’s injury as early as March, 2013. Popovich and Mast never informed Dulberg of that Gagnon admitted to being negligent:

About 10 months before Dulberg was coerced into settling with the owners of the property (the McGuire’s) on which the accident occurred and for whom Gagnon was working.

About 21 months before Dulberg declared bankruptcy.

About 39 months before any binding mediation agreement with Gagnon was mentioned.

About 40 months before any cap was placed on any binding mediation award from Gagnon.

There was no reason for any of these activities to take place if the defendant who operated the chainsaw already admitted to being negligent.

“Mr. Gagnon was not a minor. There was some effort to connect Gagnon’s actions to the McGuires, as their agent, acting under their supervision. There was also an issue of Mr. Dulberg’s contributory negligence.”

Gagnon effectively admitted negligence for Dulberg’s injury as early as March, 2013.⁴⁸ Mast knew that Gagnon committed perjury in his deposition because Mast intentionally led Gagnon to commit perjury.⁴⁹ Using the ‘**buried key evidence**’ against Dulberg, Mast made his client Dulberg appear to be lying about how Dulberg purchased medications the day of his injury and how he paid for the medication. Mast did this by leading both Gagnon and Carolyn McGuire to commit perjury during their depositions to contradict Dulberg’s story.

Clinton and Williams used the same basic techniques and cover story. They first buried key

48 ‘ARDC Complaint Against Thomas J. Popovich and Hans Mast’ paragraph 1-110 and [Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation](#) paragraph 1-110

49 ‘ARDC Complaint Against Thomas J. Popovich and Hans Mast’ beginning paragraph 1-114 and [Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation](#) beginning paragraph 1-114

evidence (Table 10) and buried fraud (Table 11). They then claimed that the case is ‘difficult’ or ‘unwinnable’. They even claimed that Dulberg misled them about the evidence.

“Eventually, Mr. Dulberg obtained an arbitration award of \$561,000.00 against Mr. Gagnon, which, apparently, exceeded insurance coverage of \$300,000.00.”

This is a cover story which Popovich, Mast, opposing counsel Flynn, Gooch-Walczyk and Clinton-Williams all collaborated on and used to benefit Popovich and Mast and sabotage Dulberg’s case. What actually happened is recorded in 12LA178 ROPs from June 13, 2016 to August 10, 2016.

“Despite the arbitration award, in 2017, Mr. Dulberg filed a legal malpractice case against Mr. Mast and the Popovich firm. In the lawsuit, Mr. Dulberg was initially represented by Thomas Gooch, III. The basis of the claim was that Mr. Dulberg was “coerced” into settling with Mr. and Mrs. McGuire.”

Gooch was informed of the importance of Tilschner v Spangler at his first meeting with Dulberg. Dulberg handed Gooch the original certified slip copy of Tilschner v Spangler which Mast gave to Dulberg on November 20, 2013.

ARDC Complaint against Thomas W. Gooch and Sabina Walczyk documents how Gooch set Dulberg up to lose his case from their first meeting together.

As the above quote shows, Popovich then claims that the statements Gooch-Walczyk and Clinton-Williams forced into Dulberg’s complaints were originally made by Dulberg. The statements are attributed to Dulberg. This is how the game is played.

“Counsel who represented Mr. Dulberg after the withdrawal of the Popovich firm did not question the decision.”

If sued, each will claim that 2 years has already passed while Dulberg’s subsequent attorneys “raised no issue”. This is exactly what Popovich now claims:

“Mr. Dulberg had separate legal counsel who represented him after the Popovich firm withdrew. If there had been legal malpractice, then Dulberg had counsel who could have advised him of his rights, with the applicable statute of limitations. 735 ILCS 5/2-214.1.”

Popovich and Mast, then Balke, then the Baudins, then Gooch and Walczyk, then Clinton and Williams will or already have made the same core claims (while hiding in the network):

- (a) “Dulberg had separate legal counsel who represented him after we withdrew”.
- (b) “If there had been legal malpractice, then Dulberg had counsel who could have advised him of his rights, with the applicable statute of limitations”.

This is their ‘**run for cover story**’ in a nutshell. This is how the 2 year SoL escape hatch works.

“It appears that the Request for Investigation is based on the same allegations as the legal malpractice lawsuit.”

They are completely different. The Complaint, Amended Complaint and Second Amended Complaint were prepared by Gooch-Walczyk and Clinton-Williams to set Dulberg up and prepare a 2 year SoL escape hatch to benefit Popovich and Mast and to sabotage the case of their own permanently disabled client.

Dulberg hoax⁵⁰ shows a common ‘inside joke’ of mocking Dulberg by referring to him as ‘Duh’-lberg. The ‘inside joke’ began with Popovich-Mast and was continued by legal malpractice attorneys Gooch-Walczyk and Clinton-Williams. A court reporter also shared the inside joke⁵¹ by mocking Dulberg when naming a court document.

“ARDC Complaint Against Thomas J. Popovich and Hans Mast” is completely different. It is based on clear, unambiguous claims Dulberg is making against Popovich which are listed on page 1 of the ARDC Complaint and linkable to all supporting evidence.

“Overall, it appears that Mr. Dulberg is dissatisfied with the limitations which existed on his claim (insurance coverage limitations, contributory negligence and weak claims against McGuires). None of those limitations were caused by Mr. Popovich or Mr. Mast.”

This is a cover story. The Request for Investigation is based on clear, unambiguous claims Dulberg made against Popovich which are listed on page 1 of the ARDC Complaint and linkable to all supporting evidence. Not a single specific accusation has been answered or acknowledged by Popovich. Extensive evidence of forgery and destruction of evidence was provided in ‘ARDC Complaint Against Thomas J. Popovich and Hans Mast’. While ignoring at least 15 acts of evidence manipulation and forgery, Popovich instead inexplicably tries to guess at what ‘overall dissatisfied’ Dulberg.

Clinton and Williams and Mast also replied to the ARDC complaint against them in a similar way. They follow the same 2 step approach as Popovich:

- step 1: Ignore each and every specific accusation listed on page 1 and linked to supporting evidence.
- step 2: Substitute for these specific claims by ‘speculating’ in general terms as to why Dulberg is ‘dissatisfied’ or how he ‘feels’.

According to this pattern, the Baudins, Balke and Gooch-Walczyk will most probably reply to the ARDC complaints against them using a similar generic 2 step approach:

- (a) Ignore all specific accusations on page 1. They will not answer any specific claims against them or acknowledge the claims on page 1 to exist.

50 [Visual Aid 11 - Mocking client.png](#) Gooch once again referred to his permanently disabled client as ‘Dulberg’ in an angry letter Gooch sent to Dulberg shown in ‘ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk’, paragraph 93 and in [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#) paragraph 93

51 [Group Exhibit 42_17LA377 purchased by Dulberg/Reports of Proceedings_Folders-Year-Month-Day-Case_Original file names/2018-11-13_17LA377_Dulberg/](#)

(b) Instead they will speculate in general terms why Dulberg is probably ‘dissatisfied’.

This appears to be the ‘cover story’ that each named attorney will most probably use to avoid and ignore the accusations listed on page 1 of each respective ARDC complaint. It can also be predicted that each responding attorney will use the same pre-planned reason as to why they are not responsible for anything related to Dulberg:

(a) “Dulberg had separate legal counsel who represented him after we withdrew”.

(b) “If there had been legal malpractice, then Dulberg had counsel who could have advised him of his rights, with the applicable statute of limitations”.

Each reply to each ARDC complaint by each attorney listed on page 1 will most probably have this same generic “cookie-cutter” pattern.

Popovich is a Friend of the Presiding Judge of both 17LA377 and underlying case 12LA178

The Trial Court Judge Thomas A Meyer has retired as of September 2023.⁵²

The Trial Court Judge Thomas A. Meyer had at least on one occasion recused himself as a friend of Defendant Thomas J. Popovich in 12LA326, who has also appeared in the matter for Plaintiff-Appellant Paul Dulberg in the underlying case (12LA178). Thomas J. Popovich is the owner and sole stockholder of The Law Offices of Thomas J. Popovich, P.C. and supervisor of Mr. Mast, the named defendants and current Appellees in 17LA377.⁵³

The Trial Court Judge Thomas A. Meyer did not recuse himself in the current matter (17LA377) although his stated friend Thomas J. Popovich’s Law Firm is a named Defendant in this matter. Also, we offer as additional proof of Judge Thomas A. Meyer’s refusing to self recuse when his friend is a defendant.⁵⁴

The Honorable Judge Joel D. Berg, who replaced Judge Thomas A. Meyer in this matter and at least one other matter, *Christine M. Interrante v. Law Offices of Thomas J. Popovich, P.C. and Thomas J. Popovich*, individually 18LA370, when the Honorable Thomas A. Meyer was transferred to traffic court at the end of 2022, refused to hear a Motion to Reconsider and sent it back to the Honorable Thomas A. Meyer for hearing.⁵⁵

The Honorable Joel D. Berg only heard one motion in 17LA377, that being a motion for summary judgment that ended the matter in the trial court.

The Honorable Thomas A. Meyer was the trial court judge from inception in 2017 up to the time before the hearing of the Motion for Summary Judgment which ended the matter in the trial court.

⁵² [17LA377 appeal/2023-11-21_Motion to Reconsider Exhibits/EX 3-10.pdf](#) Exhibit 6 on page 9

⁵³ [EXHIBIT A within EXHIBIT 1 page 10, EXHIBIT 8 page 12 and ROP Vol 1 of 1_230421_1628_8FF9DDF1.pdf](#) pages R292 Line 14 through R300 Line 13

⁵⁴ [17LA377 appeal/2023-11-21_Motion to Reconsider Exhibits/EX 3-10.pdf](#) Exhibit 9 on page 18

⁵⁵ [17LA377 appeal/2023-11-21_Motion to Reconsider Exhibits/EX 3-10.pdf](#) Exhibit 7 on page 11.

The Honorable Judge Joel D. Berg clearly indicated in 18LA370 that he will not entertain a Motion to Reconsider regarding a matter that he was not presented and argued before himself. ⁵⁶

The Honorable Judge Joel D. Berg has also self recused in cases where Thomas Popovich was a defendant, the only difference between Judge Berg and Judge Meyer is Judge Berg does not give any reason for recusal. ⁵⁷

How the Chain of Fraud Works Mapped in 11 Tables

The overall methods of how Dulberg's legal malpractice attorneys worked together to sabotage Dulberg's legal malpractice case 17LA377 against Popovich and Mast can also be seen in a series of 11 tables (called 'Table 1' through 'Table 11'). a general outline of the 11 Tables is also given at this link:

[SUMMARY OF METHODS USED TO SYSTEMATICALLY DEPRIVE AN INJURED PERSON \(DULBERG\) OF CONSTITUTIONAL RIGHTS](#)

Table 1 shows⁵⁸ 4 different efforts that Popovich, Mast, Balke and the Baudins made to place an 'upper cap' on the value of Dulberg's PI case 12LA178. Dulberg reacted to the first effort by filing for bankruptcy. The next 3 attempts were made after Dulberg declared bankruptcy and in violation of the automatic stay and without informing the bankruptcy trustee. The 4th and final attempt to place an 'upper cap' on the value of PI case 12LA178 was done successfully by the Baudins and Defendants Allstate, acting alone on or before August 10, 2016. Joseph Olsen, who first received permission to retain the Baudins about 11 weeks later, wasn't even appointed the bankruptcy trustee until August 31, 2016.

Table 2 shows⁵⁹ strategies and methods of 5 law firms retained by Dulberg. All successive attorneys to the same (fully disabled) client used the same overall strategy: To intentionally weaken or sabotage their own client's case.

All three personal injury attorneys retained by Dulberg acted in violation of the automatic stay. They continued to appear in the 22nd Judicial Circuit Court (which operated for approximately 25 months in violation of the automatic stay) claiming to represent Dulberg (who had no standing as plaintiff). All 3 PI attorneys made efforts to place a cap on the remaining case without having any authority from the Bankruptcy Court to do so. Both legal malpractice attorneys suppressed all information of how all 3 PI law firms violated federal bankruptcy laws from Dulberg and from the complaints.

All five law firms (3 personal injury law firms and 2 legal malpractice law firms) knew or could easily have discovered that personal injury defendant (who was operating the chainsaw that injured Dulberg) Gagnon effectively admitted negligence for Dulberg's injury as early as March,

⁵⁶ [17LA377 appeal/2023-11-21_Motion to Reconsider Exhibits/EX 3-10.pdf Exhibit 9](#) on page 18

⁵⁷ [17LA377 appeal/2023-11-21_Motion to Reconsider Exhibits/GROUP EXHIBIT 10](#) on page 19

⁵⁸ 'ARDC Complaint Against Kelly N. Baudin and William Randall Baudin II', page 22 and [Evidence of Fraud on the Court in 12LA178 During Baudins Representation](#) page 22

⁵⁹ 'ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk', page 3 and [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#), page 3

2013. None of the 5 law firms ever informed Dulberg of this. The original defendant and operator of the chainsaw, Gagnon, admitted to being negligent:

About 10 months before Dulberg was coerced into settling with the owners of the property (the McGuire's) on which the accident occurred and for whom Gagnon was working.

About 21 months before Dulberg declared bankruptcy.

About 39 months before any binding mediation agreement with Gagnon was mentioned.

About 40 months before any cap was placed on any binding mediation award from Gagnon.

There was no reason for any of these activities to take place if the defendant who operated the chainsaw already admitted to being negligent.

Table 3 shows⁶⁰ 5 incorrect versions of the origin of the \$300,000 'upper cap' placed on the value of PI case 12LA178 given by Dulberg's own attorneys. None of the 5 versions are what Dulberg told his attorneys. In addition, the true origin of the 'upper cap' is clearly documented in 12LA178 Reports of Proceedings from June 13, 2016 to August 10, 2016. The 'upper cap' was placed on the value of 12LA178 by the Baudins and Defendants Allstate acting alone and over 7 weeks before the Baudins were authorized by the Bankruptcy Court to act on behalf of the bankruptcy estate. The Baudins and Defendants Allstate acted alone to set a \$300,000 'upper cap' on the value of PI case 12LA178 about 3 weeks before bankruptcy trustee Olsen was appointed as bankruptcy trustee.⁶¹

Table 4A shows⁶² 3 incorrect versions of when Dulberg "first knew" of an "injury" given by Dulberg's counsel. Table 4B shows Table 4A in a simpler form.⁶³ Evidence shows that Gooch was already setting Dulberg up to lose on a 2 year statute of limitations argument during their first meeting together.⁶⁴

Tables 4A and 4B show Gooch-Walczyk and Clinton-Williams attributed the statement Gooch made to Dulberg on December 16, 2016 to Dulberg himself. The statement was first made by Gooch the legal malpractice attorney with authority and an air of certainty to the client during their first meeting together. The statement was later transferred to the client and blamed on the client himself.

Gooch asserted the statement, not Dulberg. Gooch informed Dulberg that Gooch is considered an expert on such matters and their first meeting together is when the statute of limitations is tolled. This was later changed to 'Dulberg's claim'.

Gooch is a legal malpractice attorney with over 20 years experience. Clinton is a legal

60 'ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk', page 36 and [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#) page 36

61 Described in 'ARDC Complaint Against Wm Ramdall Baudin II and Kelly N. Baudin' beginning paragraph 27 and [Evidence of Fraud on the Court in 12LA178 During Baudins Representation](#) beginning paragraph 27

62 'ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk', page 41 and [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#) page 41

63 'ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk', page 42 and [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#) page 42

64 'ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk', from first paragraph and [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#) from first paragraph

malpractice attorney with over 20 years experience. Yet both imply that it was Dulberg that unilaterally decided that the toll starts at his first meeting with Gooch. Some reality checks:

- Did Gooch have *any theory* of when the statute of limitations begins to toll? What was it?
- How did Dulberg come up with the idea that the statute of limitations begins to toll from his first meeting with Gooch? How and when did the idea first enter his head?
- After more than 20 years of experience as a legal malpractice attorney in Illinois, where did Gooch get the idea that the statute of limitations begins to toll when a client has their first meeting with a legal malpractice attorney?
- Does Gooch have a history using the same theory with other clients?
- Wouldn't Gooch already know that this claim puts Dulberg's attorney-client privileged communication with him at issue?
- Has Gooch put the attorney-client privileged communication of other clients at issue using the same theory?
- If so, why did he do it again?
- If not, why is this the first time in his career he encountered this situation?

Clinton-Williams were aware that Gooch set up Dulberg with the claim of "first knowing" of an "injury" during Dulberg's first meeting with Gooch on December 16, 2016. Clinton-Williams attributed the claim to Dulberg personally. This is how the game is played.

Gooch set Dulberg up on December 16, 2016. Years later both Clinton and opposing counsel Flynn use the original set-up as an alibi for their own respective claims and as a way to imply that 'Duh'-lberg is to blame. This is true teamwork in action: Both of Dulberg's legal malpractice attorneys working seamlessly with opposing counsel Flynn (all effectively in agreement) to benefit Popovich and Mast at Dulberg's expense. 'Duh'-lberg is blamed for everything.

Tables 3, 4A and 4B taken together show the methods used by Dulberg's own legal malpractice attorneys to attempt to discredit Dulberg and sabotage his case against Popovich and Mast. They simply made multiple contradictory and untrue statements in the 17LA377 Common Law Record and in the Records of Proceedings on behalf of Dulberg without his permission or knowledge. Tables 3, 4A and 4B show the base logic Gooch-Walczyk and Clinton-Williams used to set Dulberg up to fail.

The emails⁶⁵ and attachments⁶⁶ sent to Clinton and Williams and Gooch can be compared to Tables 3, 4A and 4B, Table 10 and Table 11. They demonstrate that:

- Dulberg's legal malpractice attorneys ignored what Dulberg actually told them.
- Dulberg's legal malpractice attorneys wrote whatever they wanted to write.
- Dulberg's legal malpractice attorneys then attributed all these claims to Dulberg.

They did this to set Dulberg up to lose his case and to benefit Popovich and Mast.

⁶⁵ [Key Clinton Folder 16-Emails_Clinton Firm-Dulberg/](#)

⁶⁶ [Key Clinton Folder 16-Emails_Clinton Firm-Dulberg/ATTACHMENTS/](#)

Table 5A shows⁶⁷ toll dates given by opposing counsel Flynn. Table 5B shows⁶⁸ toll dates given by Dulberg's own attorneys Gooch-Walczyk and Clinton-Williams. The logic used in Tables 3, 4A and 4B led to the claims of statute of limitations toll dates shown in Tables 5A and 5B.

Table 6 shows⁶⁹ how key elements of opposing counsel Flynn's Summary Judgment arguments in 2022 were set up with the help of Dulberg's own legal malpractice attorneys since 2016. Flynn's Summary Judgment argument is broken down into 29 key elements. Elements are shown to be directly related to something Dulberg's own legal malpractice attorneys did to Dulberg. Table 6 shows how Dulberg was set up to fail by his own legal malpractice attorneys from the first day Dulberg met Gooch.

Table 7 shows⁷⁰ how current Illinois law was applied by Officers of the Court in 17LA377 to Dulberg's case. The key statements made in defense of granting Summary Judgment to Defendants Popovich and Mast are gathered and compared.

The notion of a "financial injury" on December 12, 2016 consistent with Illinois law in Suburban Real Estate v Carlson was never explained to Dulberg by Gooch, Clinton, or Williams, not even as a suggestion or possibility. Opposing counsel Flynn found no relevance in Suburban Real Estate v Carlson. It was not used or referenced in any of the 14 items in Table 5A and 5B. There is no notion of financial injury or application of Illinois law Suburban Real Estate v Carlson in any of the versions in Table 4A and 4B. Neither Judge Meyer or Judge Berg saw any relevance in Suburban Real Estate v Carlson and did not recognize any notion of a 'financial injury' occurring on December 12, 2016 consistent with Suburban Real Estate v Carlson in Dulberg's case.

Table 8 shows⁷¹ patterns of collaboration between Gooch-Walczyk and Clinton-Williams on numerous issues. Dulberg retained Clinton-Williams almost 2 years after first retaining Gooch. It was not possible for Clinton-Williams to successfully suppress key documents unless Gooch-Walczyk suppressed the same key documents before them. They both did so to benefit Popovich and Mast among others.

Table 9 shows⁷² 3 different cases of fraud on the court committed at Dulberg's expense. The first was during personal injury case 12LA178. When Dulberg was pressured to settle the remainder of the case for a low amount Dulberg reacted by declaring bankruptcy which opened a federal bankruptcy case in addition to PI case 12LA178. When Dulberg was later forced to accept an 'upper cap' of \$300,000 on the value of the PI case Dulberg reacted by initiating legal malpractice claim 17LA377 against Popovich and Mast.

67 'ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk', page 65 and [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#) page 65

68 'ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk', page 67 and [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#) page 67

69 'ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk', page 69 and [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#) page 69

70 'ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk', page 84 and [Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#) page 84

71 'ARDC Complaint against Edward X. Clinton and Julia C. Williams', page 139 and [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#) page 139

72 'ARDC Complaint against Edward X. Clinton and Julia C. Williams', page 144 and [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#) page 144

Tables 10 and 11 were described earlier in this response.

Fraud on the Court

In addition to committing fraud against Dulberg, the named attorneys participated in a series of frauds on the judicial mechanism of the court.⁷³

“Fraud upon the court” has been defined by the 7th Circuit Court of Appeals to “embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication.”⁷⁴

The 7th Circuit further stated:

“a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final.”⁷⁵

Fraud on the court is a fraud:

“directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents It is thus fraud where . . . the impartial functions of the court have been directly corrupted.”⁷⁶

Interestingly, the term “fraud on the court” is only mentioned in Rule 60(d)(3) of the Federal Rules of Civil Procedure, yet courts have also used this doctrine to order dismissal or default under other rules where a litigant has stooped to the level of fraud on the court.⁷⁷

As explained in ‘Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation’ Chapter 4 ⁷⁸ there is evidence of 3 different cases of Fraud on the Court related to the actions of Popovich and Mast.

Fraud on the Court took place in 12LA178. But when Popovich and Mast put pressure on Dulberg to settle with Gagnon in October, 2014, Dulberg declared bankruptcy which initiated BK case 14-83578. In order to conceal the fraud committed in 12LA178, those participating in Fraud on the Court in 12LA178 were forced to commit Fraud on the Court in BK 14-83578 for 2

73 Fraud on the Court quotes from “Fraud on the Court and Abusive Discovery” (2016) David R. Hague, St. Mary’s University School of Law

74 *Kenner v. C.I.R.*, 387 F.3d 689 (1968); 7 Moore’s Federal Practice, 2d ed., p. 512, ¶ 60.23.

75 *Kenner v. C.I.R.*, 387 F.3d 689 (1968); 7 Moore’s Federal Practice, 2d ed., p. 512, ¶ 60.23

76 (*Robinson v. Audi Aktiengesellschaft*, 56 F.3d 1259, 1266 (10th Cir. 1995) (emphasis added) (citation omitted))

77 See, e.g., *Combs v. Rockwell Int’l Corp.*, 927 F.2d 486, 488 (9th Cir. 1991) (relying on Rule 11 where counsel made thirty-six changes on a deposition errata sheet after the client advised that the transcript was accurate and the testimony was correct); *Brockton Sav. Bank v. Peat, Marwick, Mitchell & Co.*, 771 F.2d 5, 11–12 (1st Cir. 1985) (affirming district court’s entry of default judgment under court’s inherent powers in response to defendant’s abusive litigation practices); *Wyle v. R.J. Reynolds Indus., Inc.*, 709 F.2d 585, 589 (9th Cir. 1983) (“[C]ourts have inherent power to dismiss an action when a party has willfully deceived the court and engaged in conduct utterly inconsistent with the orderly administration of justice.”); *Eppes v. Snowden*, 656 F. Supp. 1267, 1279 (E.D. Ky. 1986) (finding that where fraud is committed upon the court, the court’s power to dismiss is inherent “to protect the integrity of its proceedings”).

78 Page 140 of [Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#)

reasons: (1) to conceal previous fraud and (2) to force Dulberg to settle with Gagnon.

When Dulberg filed a lawsuit for legal malpractice against Popovich and Mast (17LA377), a third case of ‘Fraud on the Court’ took place in 17LA377. The purpose of the ‘Fraud on the Court’ in 17LA377 was to conceal all the acts of fraud that took place in 12LA178 and BK 14-83578.

TABLE 9: 3 DIFFERENT CASES OF FRAUD ON THE COURT COMMITTED AT DULBERG’S EXPENSE

3 DIFFERENT CASES OF ‘FRAUD ON THE COURT’			TYPE
1	12LA178	Popovich, Mast, Balke, the Baudins, Allstate, Auto Owners, bankruptcy trustee Olsen, Judge Meyer	Original Fraud
2	BK 14-83578	Popovich, Mast, Balke, the Baudins, Allstate, Auto Owners, bankruptcy trustee Olsen, Judge Meyer	Deflection (Secondary) Fraud
3	17LA377	Gooch, Clinton, Williams, Flynn, Popovich, Mast, Judge Meyer, Judge Berg	To Conceal All Previous Frauds

Case #1: PI fraud or settlement fraud was the original intent

Case #2: But when Dulberg declared bankruptcy, fraud in the bankruptcy court was necessary to ‘close the deal’.

Case #3: Fraud in the legal malpractice case was necessary to conceal both the PI fraud and the bankruptcy fraud

New acts of fraud became necessary to keep everything concealed that came before. The fraud started in one court but eventually spread to at least 5 courts (and counting).

The Continued Living Impacts of Fraud on the Court on Dulberg’s Legal Malpractice and Fraud Claims

The 17LA377 dismissal and appeal⁷⁹ serves as a demonstration of how centrally important the document and information suppression systems used by Gooch-Walczyk and Clinton-Williams against Dulberg were to the outcome of Dulberg’s cases.

The key evidence Tilschner v Spangler (Table 10, pages 9-10) and Dulberg’s claims of Popovich and Mast committing Intentional Tort and Fraud (Table 11, page 12) would have blocked the 2

⁷⁹ [17LA377 appeal documents in chronological order](#)

year SoL ‘escape hatch’ that Popovich and Mast used to have 17LA377 dismissed.

“Team-work” between Gooch-Walczyk and Clinton-Williams was essential in order to completely ‘**bury key evidence**’ for over 6 years. Without the careful and consistent efforts of Clinton-Williams to ‘**bury fraud**’ (as shown in Table 11), the case against Popovich and Mast could not have been dismissed through a 2 year SoL ‘escape hatch’.

In fact, Gooch-Walczyk and Clinton-Williams deserve more credit for having the case dismissed than opposing counse Flynn. Their coordinated suppression of key evidence and evidence of fraud over 6 years proved to be most decisive in swinging the case in the favor of defendants Popovich and Mast.

Corruption Is A Choice

We claim that the PI case 12LA178 is a documented, mapped example of systematic and widespread fraud on the court and we have provided substantial evidence to support our claims. The fraud on the court was so systematic and pervasive that we challenge anyone who disagrees with us to ***locate portions of case record of 12LA178 which are NOT either fraud on the court or affected by fraud on the court.***

We claim that the legal malpractice case 17LA377 is also a documented, mapped example of systematic fraud on the court and we have provided substantial evidence to support our claims. We challenge anyone who disagrees to ***locate portions of case record of 17LA377 which are NOT either fraud on the court or affected by fraud on the court.***

We cannot allow handicapped, disabled and injured people to be mere food sources for attorneys with no sense of ethics. The attorneys have all the advantages, the injured people have none. Especially dangerous are networks of attorneys as the Dulberg case shows. If they are defended and allowed to continue to work in the legal system, handicapped and disabled people do not have a ‘***snowball’s chance in hell***’ to make claims to seek justice in Illinois courts.

The named attorney used their memberships in the Illinois Bar as a vehicle to prey on their own permanently disabled client. They collectively treated the Himmel Rule as if it is a joke. The concealment of fraud was so systematic that Dulberg was most probably not their first target. To allow this to continue or to look the other way while it happens is to allow pure predation on injured, disabled and handicapped people to take place while using the Illinois court system and membership in the Illinois Bar as the vehicles to accomplish these ends.

Thank you for your help with this matter and feel free to contact us if you need any additional information or have any specific questions.

/s/ Paul Dulberg
Paul Dulberg

/s/ Thomas Kost
Thomas Kost

Full Trustee of the Paul R. Dulberg Revocable Trust



ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION
of the
SUPREME COURT OF ILLINOIS

One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601-6219
(312) 565-2600 (800) 826-8625
Fax (312) 565-2320

3161 West White Oaks Drive, Suite 301
Springfield, IL 62704
(217) 546-3523 (800) 252-8048
Fax (217) 546-3785

Paul Dulberg
By email: paul_dulberg@comcast.net

Chicago
November 28, 2023

Re: Thomas J. Popovich
in relation to
Paul Dulberg
No. 2023IN03136

Dear Mr. Dulberg:

Enclosed is a copy of correspondence submitted to the Commission by Thomas Popovich's counsel, Adrian Vuckovich.

If you believe the response is inaccurate or if you wish to comment or provide additional information, please write to me within fourteen days. You may submit comments or additional information by email to amundt@iadc.org. If you send more information by regular mail, please do not staple or bind your correspondence and do not use exhibit tabs.

We will evaluate the matter and advise you of our decision. Again, thank you for your cooperation.

Very truly yours,

/s/ Scott Renfroe

Scott Renfroe
Deputy Administrator, Appeals

SR:vja
Attachment

COLLINS BARGIONE & VUCKOVICH

COUNSELLORS AT LAW

ONE NORTH LA SALLE STREET, SUITE 300

CHICAGO, ILLINOIS 60602

GEORGE B. COLLINS (1931-2016)

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T (312) 372-7813

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CollinsBargioneVuckovich.com

November 28, 2023

By Email

Scott Renfroe, Senior Counsel
Attorney Registration & Disciplinary Counsel
One Prudential Plaza
130 East Randolph Drive, Suite 1500
Chicago, Illinois 60601

**Re: Thomas Popovich
i/r/t Paul Dulberg,
No. 2023IN03136**

Dear Mr. Renfroe,

This responds to the Request for Investigation submitted by Paul Dulberg.

As you know, the Request for Investigation and accompanying materials consists of hundreds of pages. It appears Mr. Dulberg has complained about numerous lawyers with whom he had contact about injuries which he sustained in an accident involving a chainsaw. The accident occurred in 2011.

To the best of Mr. Popovich's recollection, Hans Mast from Mr. Popovich's law firm took in the Dulberg case. The representation agreement is attached. **Exhibit 1.** The fees were based on a contingency fee arrangement. Mr. Dulberg did not pay money to Mr. Popovich, Mr. Mast or the Popovich law firm. A lawsuit was filed on behalf of Mr. Dulberg in May 2012. Mr. Mast signed the complaint. **Exhibit 2.**

The case was difficult. The facts, as reported by Mr. Dulberg, were that Mr. and Mrs. McGuire lived in a neighborhood near Mr. Dulberg's house. The McGuire's son/stepson, David Gagnon, was cutting down a tree at the McGuire's home, using a chainsaw owned by the McGuires. Mr. Dulberg was assisting in the cutting down of the tree and offered some of the wood, to be used as fire wood. While the tree was being cut down, Mr. Dulberg's arm was injured when the chainsaw came into contact with his arm.

Mr. Gagnon was not a minor. There was some effort to connect Gagnon's actions to the McGuires, as their agent, acting under their supervision. There was also an issue of Mr. Dulberg's contributory negligence.

At some point after the case was filed, it was determined that claims against Mr. and Mrs. McGuire were not likely to succeed. Mr. Dulberg's claims against the McGuires

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Defendants settled for \$5,000.00. Mr. Dulberg executed a release, confirming his agreement to the settlement. **Exhibit 3.** There was a remaining defendant, Gagnon, who remained a defendant in the lawsuit. However, Mr. Dulberg was a difficult client. The Popovich law firm withdrew from representation in 2015 and Mr. Dulberg went on to be represented by other lawyers. Eventually, Mr. Dulberg obtained an arbitration award of \$561,000.00 against Mr. Gagnon, which, apparently, exceeded insurance coverage of \$300,000.00.

Despite the arbitration award, in 2017, Mr. Dulberg filed a legal malpractice case against Mr. Mast and the Popovich firm. In the lawsuit, Mr. Dulberg was initially represented by Thomas Gooch, III. The basis of the claim was that Mr. Dulberg was “coerced” into settling with Mr. and Mrs. McGuire. **Exhibit 4.** There were several complaints filed, and at some point, Mr. Dulberg changed lawyers (from Gooch to Edward X. Clinton). Mr. Popovich and his firm have legal malpractice insurance and they defended against the claims. Eventually, their attorney filed a motion for summary judgment, which was granted. **Exhibit 3.**

It appears that the Request for Investigation is based on the same allegations as the legal malpractice lawsuit. The allegations are strange and false.

The settlement with the McGuire Defendants was completely voluntary. Mr. Dulberg made the decision to settle with those Defendants, and settlement was recommended, because the claim against them was very weak. They did not employ Mr. Gagnon and could not be said to have supervised him because Mr. Dulberg was the person assisting Gagnon. In a multi-defendant case, it is not unusual to eliminate defendants who will eventually be dismissed and prosecute the best claims. That is what occurred with Mr. Dulberg’s matter. The best claims were against Gagnon, as demonstrated and confirmed by the arbitration award. **Exhibit 5.** Counsel who represented Mr. Dulberg after the withdrawal of the Popovich firm did not question the decision.

In any event, even if the advice given was somehow not correct, there was no violation of any Rule of Professional Conduct. Mr. Dulberg had separate legal counsel who represented him after the Popovich firm withdrew. If there had been legal malpractice, then Dulberg had counsel who could have advised him of his rights, with the applicable statute of limitations. 735 ILCS 5/2-214.1.

Overall, it appears that Mr. Dulberg is dissatisfied with the limitations which existed on his claim (insurance coverage limitations, contributory negligence and weak claims against McGuires). None of those limitations were caused by Mr. Popovich or Mr. Mast. The decision to settle with Mr. and Mrs. McGuire was correct. Even if not correct, neither Mr. Popovich nor Mr. Mast violated the Rules of Professional Conduct.

I assure you of Mr. Popovich’s cooperation.

Respectfully,

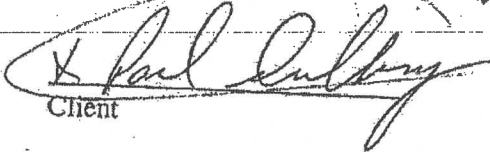
/s/ Adrian Vuckovich

CONTRACT FOR LEGAL SERVICES

I agree to employ the LAW OFFICES OF THOMAS J. POPOVICH, P.C. (hereinafter "my attorney") to represent me in the prosecution or settlement of my claim against persons or entities responsible for causing me to suffer injuries and damages on the _____ day of _____, 20____.

My attorney agrees to make no charge for legal services unless a recovery is made in my claim. The approval of any settlement amount cannot be made without my knowledge and consent.

I agree to pay my attorney in consideration for his legal services a sum equal to one-third (33 1/3%) of my recovery from my claim by suit or settlement; this will increase to ~~33 1/3~~ % in the event my claim results in more than one (1) trial and/or an appeal of a trial. I understand my attorney may need to incur reasonable expenses in properly handling my claim including, but not limited to, expenses such as accident reports, filing fees, court reporters fees, video fees, records fees, and physician fees. I understand those expenses will be taken out of my settlement, in addition to my attorney's legal fee.


Client

LAW OFFICES OF THOMAS J. POPOVICH

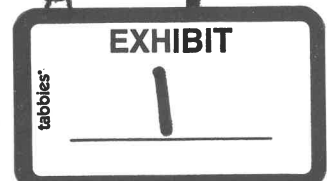
By: 

Client

Date: _____

Date: _____

LAW OFFICES OF THOMAS J. POPOVICH, P.C.
3416 West Elm Street
McHenry, Illinois 60050
815/344-3797



COPY

MAY 15 2012

KATHARINE M. KEEFE
McHENRY CTY. CLK.

STATE OF ILLINOIS)
)SS
COUNTY OF McHENRY)

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

PAUL DULBERG,

Plaintiff,

vs.

No.:

12LA178

DAVID GAGNON, Individually, and as
Agent of CAROLINE MCGUIRE and BILL
MCGUIRE, and CAROLINE MCGUIRE
and BILL MCGUIRE, Individually,

Defendants.

COMPLAINT

NOW COMES the Plaintiff, PAUL DULBERG, by his attorneys, LAW OFFICES OF
THOMAS J. POPOVICH, P.C., and complaining against the Defendants, DAVID GAGNON,
Individually, and as Agent of CAROLINE McGUIRE and BILL McGUIRE, and CAROLINE
McGUIRE and BILL McGUIRE, individually, and states as follows:

Count I

Paul Dulberg vs. David Gagnon, individually, and as Agent of Caroline and Bill McGuire

1. On June 28, 2011, the Plaintiff, PAUL DULBERG, lived in the City of McHenry,
County of McHenry, Illinois.

2. On June 28, 2011, Defendants CAROLINE McGUIRE and BILL McGUIRE
lived, controlled, managed and maintained a single family home located at 1016 W. Elder

Avenue, in the City of McHenry, County of McHenry, Illinois.

NOTICE
BY LOCAL RULE 3.10
THIS CASE IS HEREBY SET FOR SCHEDULING
CONFERENCE IN COURTROOM 20K ON
11/18/2012 AT 9:00 AM PM
FAILURE TO APPEAR MAY RESULT IN THE CASE
BEING DISMISSED OR AN ORDER OF
DEFAULT BEING ENTERED.

NOTICE
BY LOCAL RULE 3.10
THIS CASE IS HEREBY SET FOR SCHEDULING
CONFERENCE IN COURTROOM 20K ON
11/18/2012 AT 9:00 AM PM
FAILURE TO APPEAR MAY RESULT IN THE CASE
BEING DISMISSED OR AN ORDER OF
DEFAULT BEING ENTERED.

ALL-STATE LEGAL
PLAINTIFF'S
EXHIBIT
B

EXHIBIT

2

3. On June 28, 2011, the Defendant, DAVID GAGNON, was living and/or staying at his parent's home at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.

4. On June 28, 2011, the Defendants, CAROLINE McGUIRE and BILL McGUIRE contracted, hired the Defendant, DAVID GAGNON, to cut down, trim and/or maintain the trees and brush at their premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.

5. On June 28, 2011, and at the request and with the authority and permission of the Defendants CAROLINE McGUIRE and BILL McGUIRE, and for their benefit, the Defendant, DAVID GAGNON, was working under their supervision and control while engaged in cutting, trimming and maintaining trees and brush at the premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.

6. On June 28, 2011, as part of his work at the subject property, the Defendant, DAVID GAGNON, was authorized, instructed, advised and permitted to use a chainsaw to assist him in his work for Defendants, CAROLINE McGUIRE and BILL McGUIRE, which was owned by the McGuires.

7. On June 28, 2011, the Defendant, DAVID GAGNON, was under the supervision and control of Defendants, CAROLINE McGUIRE and BILL McGUIRE, and was working as their apparent and actual agent, and was then acting and working in the scope of his agency for Defendants, CAROLINE McGUIRE and BILL McGUIRE.

8. On June 28, 2011, and while the Defendant, DAVID GAGNON, was working in the course and scope of his agency for Defendants, CAROLINE McGUIRE and BILL McGUIRE, and was under their supervision and control, Defendant, DAVID GAGNON was in use of a chainsaw while trimming a tree and branch.

9. On June 28, 2011, and while Defendant, DAVID GAGNON, was in use of a chainsaw while trimming a tree and branch, Defendant, DAVID GAGNON, asked for and/or requested the assistance of the Plaintiff, PAUL DULBERG, to hold the tree branch while Defendant, DAVID GAGNON, trimmed the branch with the chainsaw.

10. On June 28, 2011, and while Defendant, DAVID GAGNON, was in sole control, use and operation of the subject chainsaw, the chainsaw was caused to strike and injure the Plaintiff, PAUL DULBERG.

11. At all relevant times, Defendants, CAROLINE McGUIRE and BILL McGUIRE, knew of Defendant, DAVID GAGNON's use of the chainsaw in the presence of the Plaintiff, PAUL DULBERG, and knew that such created a danger to the Plaintiff, PAUL DULBERG's safety.

12. That at all relevant times, the Defendants, DAVID GAGNON, as agent of CAROLINE McGUIRE and BILL McGUIRE, owed a duty to use care and caution in his operation of a known dangerous instrumentality.

13. On June 28, 2011, the Defendant, DAVID GAGNON, was negligent in one or more of the following ways:

- a. Failed to maintain control over the operating of the chainsaw;
- b. Failed to take precaution not to allow the chainsaw to move toward the Plaintiff, PAUL DULBERG, so as to cause injury;
- c. Failed to warn the Plaintiff, PAUL DULBERG, of the dangers existing from the Defendant, DAVID GAGNON's inability to control the chainsaw;
- d. Failed to keep a proper distance from the Plaintiff, PAUL DULBERG, while operating the chainsaw;
- e. Otherwise was negligent in operation and control of the chainsaw.

14. That as a proximate result of the Defendant's negligence, the Plaintiff, PAUL DULBERG, was injured externally; he has experienced and will in the future experience pain and suffering; he has been permanently scarred and/or disabled; and has become obligated for large sums of money for medical bills and will in the future become obligated for additional sums of money for medical care, and has lost time from work and/or from earning wages due to such injury.

15. That at the above time and date, the Defendant's negligence can be inferred from the circumstances of the occurrence as the instrument of the injury was under the control of the Defendant and therefore, negligence can be presumed under the doctrine of *Res Ipsa Loquitur*.

WHEREFORE, Plaintiff, PAUL DULBERG, demands judgment against Defendants, DAVID GAGNON, and CAROLINE McGUIRE and BILL McGUIRE in an amount in excess of \$50,000.00, plus costs of this action.

Count II

Paul Dulberg vs. Caroline McGuire and Bill McGuire

15. That the Plaintiff, PAUL DULBERG, restates and realleges paragraphs 1 through 14, in Count I, above, as paragraphs 1 through 15 of Count II, as if fully alleged herein.

16. That at all relevant times, the Defendants, CAROLINE McGUIRE and BILL McGUIRE, owned, controlled, maintained and supervised the premises whereat the accident to the Plaintiff, PAUL DULBERG, occurred.

17. That at all relevant times, the Defendants, CAROLINE McGUIRE and BILL McGUIRE, were in control of and had the right to advise, instruct and demand that the Defendant, DAVID GAGNON, act or work in a safe and reasonable manner.

18. That at all relevant times, the Defendant, DAVID GAGNON, was acting as the agent, actual and apparent, of Defendants, CAROLINE McGUIRE and BILL McGUIRE, and was acting at their request and in their best interests and to their benefit as in a joint enterprise.

19. That at all relevant times, Defendants, CAROLINE McGUIRE and BILL McGUIRE, knew DAVID GAGNON was operating a chainsaw with the assistance of the Plaintiff, PAUL DULBERG, and had the right to discharge or terminate the Defendant, DAVID GAGNON's work for any reason.

20. That at all relevant times, Defendants, CAROLINE McGUIRE and BILL McGUIRE, owed a duty to supervise and control Defendant, DAVID GAGNON's activities on the property so as not to create a unreasonable hazard to others, including the Plaintiff, PAUL DULBERG.

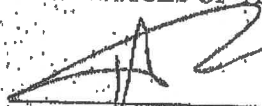
21. On June 28, 2011, the Defendants, CAROLINE McGUIRE and BILL McGUIRE, were negligent in one or more of the following ways:

- a. Failed to control operation of the chainsaw;
- b. Failed to take precaution not to allow the chainsaw to move toward the Plaintiff, PAUL DULBERG, so as to cause injury;
- c. Failed to warn the Plaintiff, PAUL DULBERG, of the dangers existing from the Defendant's inability to control the chainsaw;
- d. Failed to keep the chainsaw a proper distance from the Plaintiff, PAUL DULBERG, while operating the chainsaw;
- e. Otherwise was negligent in operation and control of the chainsaw.

22. That as a proximate result of the Defendant's negligence, the Plaintiff, PAUL DULBERG, was injured externally; he has experienced and will in the future experience pain and suffering; he has been permanently scarred and/or disabled; and has become obligated for large sums of money for medical bills and will in the future become obligated for additional sums of money for medical care, and has lost time from work and/or from earning wages due to such injury.

WHEREFORE, Plaintiff, PAUL DULBERG, demands judgment against Defendants,
CAROLINE McGUIRE and BILL McGUIRE, in an amount in excess of \$50,000.00, plus costs
of this action.

LAW OFFICES OF THOMAS J. POPOVICH, P.C.



One of the Attorneys for Plaintiff

Hans A. Mast
LAW OFFICES OF THOMAS J. POPOVICH, P.C.
3416 West Elm Street
Lake, Illinois 60050
(815) 344-3797
ARDC No. 06203684

GENERAL RELEASE AND SETTLEMENT AGREEMENT

NOW COMES PAUL DULBERG, and in consideration of the payment of Five-Thousand (\$5,000.00) Dollars to him, by or on behalf of the WILLIAM MCGUIRE and CAROLYN MCGUIRE (aka Bill McGuire; improperly named as Caroline McGuire) and AUTO-OWNERS INSURANCE COMPANY, the payment and receipt of which is hereby acknowledged, PAUL DULBERG does hereby release and discharge the WILLIAM MCGUIRE and CAROLYN MCGUIRE and AUTO-OWNERS INSURANCE COMPANY, and any agents or employees of the WILLIAM MCGUIRE and CAROLYN MCGUIRE and AUTO-OWNERS INSURANCE COMPANY, of and from any and all causes of action, claims and demands of whatsoever kind or nature including, but not limited to, any claim for personal injuries and property damage arising out of a certain chain saw incident that allegedly occurred on or about June 28, 2011, within and upon the premises known commonly as 1016 West Elder Avenue, City of McHenry, County of McHenry, State of Illinois.

IT IS FURTHER AGREED AND UNDERSTOOD that there is presently pending a cause of action in the Circuit Court of the 22nd Judicial Circuit, McHenry County, Illinois entitled "Paul Dulberg, Plaintiff, vs. David Gagnon, Individually, and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, Individually, Defendants", Cause No. 2012 LA 178, and that this settlement is contingent upon WILLIAM MCGUIRE and CAROLYN MCGUIRE being dismissed with prejudice as parties to said lawsuit pursuant to a finding by the Circuit Court that the settlement between the parties constitutes a good faith settlement for purposes of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 100/0.01, *et seq.*

IT IS FURTHER AGREED AND UNDERSTOOD that as part of the consideration for this agreement the undersigned represents and warrants as follows (check applicable boxes):

- ☐ I was not 65 or older on the date of the occurrence.
- ☐ I was not receiving SSI or SSDI on the date of the occurrence.
- ☐ I am not eligible to receive SSI or SSDI.
- ☐ I am not currently receiving SSI or SSDI.

IT IS FURTHER AGREED AND UNDERSTOOD:

- a. That any subrogated claims or liens for medical expenses paid by or on behalf of PAUL DULBERG shall be the responsibility PAUL DULBERG, including, but not limited to, any Medicare liens. Any and all reimbursements of medical expenses to subrogated parties, including Medicare's rights of reimbursement, if any, shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released herein.
- b. That any outstanding medical expenses are PAUL DULBERG's responsibility and all payment of medical expenses hereafter shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released

EXHIBIT

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- c. That PAUL DULBERG agrees to save and hold harmless and indemnify the parties released herein against any claims made by any medical providers, including, but not limited to Medicare or parties subrogated to the rights to recover medical or Medicare payments.

IT IS FURTHER AGREED AND UNDERSTOOD by the parties hereto that this agreement contains the entire agreement between the parties with regard to materials set forth herein, and shall be binding upon and inure to the benefit of the parties hereto, jointly and severally, and the executors, conservators, administrators, guardians, personal representatives, heirs and successors of each.

IT IS FURTHER AGREED AND UNDERSTOOD that this settlement is a compromise of a doubtful and disputed claim and no liability is admitted as a consequence hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the dates set forth below.

Dated: _____

PAUL DULBERG

STATE OF ILLINOIS)
) SS.
COUNTY OF MCHENRY)

PAUL DULBERG personally appeared before me this date and acknowledged that she executed the foregoing Release and Settlement Agreement as his own free act and deed for the uses and purposes set forth therein.

Dated this _____ day of January, 2014.

Notary Public

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. 17LA000377

Katherine M. Keefe
Clerk of the Circuit Court
***Electronically Filed**
Transaction ID: 1711111741
17LA000377
11/28/2017
McHenry County, Illinois
22nd Judicial Circuit

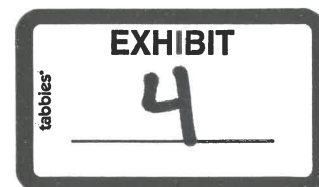
COMPLAINT AT LAW
(Legal Malpractice)

NOTICE
THIS CASE IS HEREBY SET FOR A
SCHEDULING CONFERENCE IN
COURTROOM 201 ON
02/27/2018, AT 9:00 AM.
FAILURE TO APPEAR MAY RESULT IN
THE CASE BEING DISMISSED OR AN
ORDER OF DEFAULT BEING ENTERED.

COMES NOW your Plaintiff, PAUL DULBERG (hereinafter also referred to as

"DULBERG"), by and through his attorneys, THE GOOCH FIRM, and as and for his Complaint against THE LAW OFFICES OF THOMAS J. POPOVICH, P.C. (hereinafter also referred to as "POPOVICH"), and HANS MAST (hereinafter also referred to as "MAST"), states the following:

1. Your Plaintiff, PAUL DULBERG, is a resident of McHenry County, Illinois, and was such a resident at all times complained of herein.
2. Your Defendant, THE LAW OFFICES OF THOMAS J. POPOVICH, P.C., is a law firm operating in McHenry County, Illinois, and transacting business on a regular and daily basis in McHenry County, Illinois.
3. Your Defendant, HANS MAST, is either an agent, employee, or partner of THE LAW OFFICES OF THOMAS J. POPOVICH, P.C. MAST is a licensed attorney in the State of Illinois, and was so licensed at all times relevant to this Complaint.



4. That due to the actions and status of MAST in relation to POPOVICH, the actions and inactions of MAST are directly attributable to his employer, partnership, or principal, being THE LAW OFFICES OF THOMAS J. POPVICH, P.C.
5. Venue is therefore claimed proper in McHenry County, Illinois, as the Defendants transact substantial and regular business in and about McHenry County in the practice of law, where their office is located.
6. On or about June 28, 2011, your Plaintiff, DULBERG was involved in a horrendous accident, having been asked by his neighbors Caroline McGuire and William McGuire, in assisting a David Gagnon in the cutting down of a tree on the McGuire property. DULBERG lived in the neighborhood.
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7. At this time, Gagnon lost control of the chainsaw he was using causing it to strike DULBERG. This caused substantial and catastrophic injuries to DULBERG, including but not limited to great pain and suffering, current as well as future medical expenses, in an amount in excess of \$260,000.00, along with lost wages in excess of \$250,000.00, and various other damages.
8. In May of 2012, DULBERG retained THE LAW OFFICES OF THOMAS J. POPOVICH, P.C., pursuant to a written retainer agreement attached hereto as Exhibit A.
9. A copy of the Complaint filed by MAST on his own behalf, and on behalf of DULBERG, is attached hereto as Exhibit B, and the allegations of that Complaint are fully incorporated into this Complaint as if fully set forth herein.
10. An implied term of the retainer agreement attached hereto as Exhibit A, was that at all times, the Defendants would exercise their duty of due care towards their client and conform their acts and actions within the standard of care every attorney owes his client.

11. That as Exhibit B reveals, Defendants property filed suit against not only the operator of the chain saw, but also his principals, Caroline McGuire and William McGuire, who purportedly were supervising him in his work on the premises.
12. At the time of filing of the aforesaid Complaint, MAST certified pursuant to Supreme Court Rule 137, that he had made a diligent investigation of the facts and circumstances around the Complaint he filed, and further had ascertained the appropriate law. MAST evidently believed a very good and valid cause of action existed against Caroline McGuire and William McGuire.
13. The matter proceeded through the normal stages of litigation until sometime in late 2013 or early 2014, when MAST met with DULBERG and other family members and advised them there was no cause of action against William McGuire and Caroline McGuire, and told DULBERG he had no choice but to execute a release in favor of the McGuire's for the sum of \$5,000.00. DULBERG, having no choice in the matter, reluctantly agreed with MAST and to accept the sum of \$5,000.00 releasing not only William and Caroline McGuire, but also Auto-Owners Insurance Company from any further responsibility or liability in the matter. A copy of the aforesaid general release and settlement agreement is attached hereto as Exhibit C.
14. MAST and POPOVICH continued to represent DULBERG through to and including March of 2015, following which DULBERG and the Defendants terminated their relationship.
15. Continuously throughout the period of representation, MAST and POPOVICH represented repeatedly to DULBERG there was no possibility of any liability against William and/or Caroline McGuire and/or Auto-Owners Insurance Company, and lulled DULBERG into believing that the matter was being properly handled. Then, due to a claimed failure of communication, MAST and POPOVICH withdrew from the representation of DULBERG.

16. Thereafter, DULBERG retained other attorneys and proceeded to a binding mediation before a retired Circuit Judge, where DULBERG received a binding mediation award of \$660,000.00 in gross, and a net award of \$561,000.00. Unfortunately, a "high-low agreement" had been executed by DULBERG, reducing the maximum amount he could recover to \$300,000.00 based upon the insurance policy available. The award was substantially more than that sum of money, and could have been recovered from McGuire's had they not been dismissed from the Complaint. A copy of the aforesaid Mediation Award is attached hereto as Exhibit D.

17. The McGuire's were property owners and had property insurance covering injuries or losses on their property, as well as substantial personal assets, including the property location where the accident took place at 1016 West Elder Avenue, in the City of McHenry, Illinois.

McGuire's were well able to pay all, or a portion of the binding mediation award had they still remained parties.

18. DULBURG, in his relationship with POPOVICH and MAST, cooperated in all ways with them, furnishing all necessary information as required, and frequently conferred with them.

19. Until the time of the mediation award, DULBURG had no reason to believe he could not recover the full amount of his injuries, based on POPOVICH'S and MAST'S representations to DULBERG that he could recover the full amount of his injuries from Gagnon, and that the inclusion of the McGuire's would only complicate the case.

20. Following the execution of the mediation agreement with the "high-low agreement" contained therein, and the final mediation award, DULBURG realized for the first time that the information MAST and POPOVICH had given DULBERG was false and misleading, and that in fact, the dismissal of the McGuire's was a serious and substantial mistake. Following the

mediation, DULBERG was advised to seek an independent opinion from an attorney handling Legal Malpractice matters, and received that opinion on or about December 16, 2016.

21. MAST and POPOVICH, jointly and severally, breached the duties owed DULBURG by violating the standard of care owed DULBERG in the following ways and respects:

a) Failed to take such actions as were necessary during their representation of DULBERG to fix liability against the property owners of the subject property (the McGuire's) who employed Gagnon, and sought the assistance of DULBERG;

b) Failed to thoroughly investigate liability issues against property owners of the subject property;

c) Failed to conduct necessary discovery, so as to fix the liability of the property owners to DULBERG;

d) Failed to understand the law pertaining to a property owner's rights, duties and responsibilities to someone invited onto their property;

e) Improperly urged DULBURG to accept a nonsensical settlement from the property owners, and dismissed them from all further responsibility;

f) Failed to appreciate and understand further moneys could not be received as against Gagnon, and that the McGuire's and their obvious liability were a very necessary party to the litigation;

g) Falsely advised DULBURG throughout the period of their representation, that the actions taken regarding the McGuire's was proper in all ways and respects, and that DULBURG had no choice but to accept the settlement;

h) Failed to properly explain to DULBURG all ramifications of accepting the McGuire settlement, and giving him the option of retaining alternative counsel to review the matter;

i) Continually reassured DULBURG that the course of action as to the property owners was proper and appropriate;

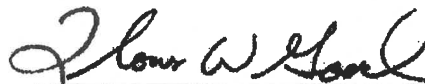
j) Were otherwise negligent in their representation of DULBERG, concealing from him necessary facts for DULBURG to make an informed decision as to the McGuire's, instead coercing him into signing a release and settlement agreement and accept a paltry sum of \$5,000.00 for what was a grievous injury.

22. That DULBERG suffered serious and substantial damages, not only as a result of the injury as set forth in the binding mediation award, but due to the direct actions of MAST and POPOVICH in urging DULBURG to release the McGuire's, lost the sum of well over \$300,000.00 which would not have occurred but for the acts of MAST and THE LAW OFFICES OF THOMAS J. POPOVICH, P.C.

WHEREFORE, your Plaintiff, PAUL DULBERG prays this Honorable Court to enter judgment on such verdict as a jury of twelve (12) shall return, together with the costs of suit and such other and further relief as may be just, all in excess of the jurisdictional minimums of this Honorable Court.

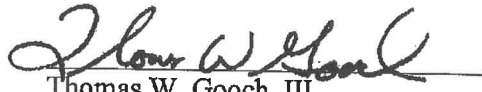
Respectfully submitted by,

PAUL DULBERG, Plaintiff, by his
attorneys THE GOOCH FIRM,



Thomas W. Gooch, III

PLAINTIFF HEREBY DEMANDS A TRIAL BY JURY OF TWELVE (12) PERSONS.


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



Binding Mediation Award

Paul Dulberg

v.

David Gagnon

ADR Systems File # 33391BMAG

On December 8, 2016, the matter was called for binding mediation before the Honorable James P. Etchingham, (Ret.), in Chicago, IL. According to the agreement entered into by the parties, if a voluntary settlement through negotiation could not be reached the mediator would render a settlement award which would be binding to the parties. Pursuant to that agreement the mediator finds as follows:

Finding in favor of:

Paul Dulberg

Gross Award:

\$660,000.

Comparative fault:

15

% (if applicable)

Net Award:

\$561,000

Comments/Explanation

Medical

\$ 60,000.

Future medical

\$ 200,000.

Lost Wage

\$ 250,000.

PIS

75,000.

LNL

75,000.


The Honorable James P. Etchingham, (Ret.)