

BRAD J. BALKE, P.C.
COUNSELORS AND ATTORNEYS AT LAW

SUITE 310
542 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS 60605

TELEPHONE (312) 986-8063
FAX (312) 986-8072
E-MAIL Address: brad@balkelaw.com

FACSIMILE TRANSMISSION COVER SHEET

DATE:

TO FACSIMILE NUMBER: 815-344-5280

ATTENTION: Hans Mast

FROM: Brad J. Balke

NUMBER OF PAGES TO FOLLOW:

SENDER'S FACSIMILE NO.: (312) 986-8072

SENDER'S TELEPHONE NO.: (312) 986-8063

IF PROBLEM WITH TRANSMISSION, CONTACT: Brad J. Balke

SUBJECT OF FACSIMILE TRANSMISSION: _____

The information contained in this facsimile transmission is attorney-client privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this transmission is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return the original message to us at the address listed above via United States Mail. Thank you.

BRAD J. BALKE, P.C.
642 S DEARBORN ST, STE 310
CHICAGO, IL 60605-1508

CITIBANK, N.A.
CHICAGO, IL 60604
62-7080/2710

3453

3/20/2015

PAY TO THE ORDER OF THE LAW OFFICES OF THOMAS J. POPVICH PC

\$ **1,539.32

One Thousand Five Hundred Thirty-Nine and 32/100 ***** DOLLARS

THE LAW OFFICES OF THOMAS J. POPVICH PC

MEMO

RE: DULBERG (1/2 COST REIMBURSEMENT)

⑈003453⑈ ⑆271070801⑆800633168⑈

BRAD J. BALKE, P.C. / OPERATING ACCOUNT

3453

THE LAW OFFICES OF THOMAS J. POPVICH PC
766 · FILING FEES

3/20/2015

1,539.32

Cash -Operating RE: DULBERG (1/2 COST REIMBURSEMENT)

1,539.32

BRAD J. BALKE, P.C. / OPERATING ACCOUNT

3453

THE LAW OFFICES OF THOMAS J. POPVICH PC
766 · FILING FEES

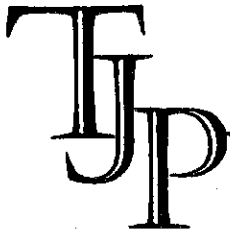
3/20/2015

1,539.32

PAYMENT
RECORD

Cash -Operating RE: DULBERG (1/2 COST REIMBURSEMENT)

1,539.32



The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET
McHENRY, ILLINOIS 60050
TELEPHONE: 815.344.3797
FACSIMILE: 815.344.5280
www.popovichlaw.com

THOMAS J. POPOVICH
HANS A. MAST
JOHN A. KORNAK

MARK J. VOGG
ROBERT J. LUMBER

March 19, 2015

VIA FACSIMILE: 312/986-8072

Brad Balke
Balke Law Office
542 S. Dearborn, Suite 310
Chicago, IL 60605

RE: *Frank Cavanaugh*

Dear Mr. Balke:

In follow up to our communications via email, please allow this letter to reflect your agreement to waive your attorney's fee with regard to your representation of Frank Cavanaugh in this matter. In return, our office will be waiving any attorney fee (not costs) in the *Paul Dulberg* matter. Please sign the bottom of this letter confirming the agreement and return it to me at your earliest convenience.

Very truly yours,



HANS A. MAST

smq

I, Brad Balke, hereby waive my attorney's lien with regard to my representation of Frank Cavanaugh and his accident of May 30, 2012.



Brad Balke

3/20/15
Date

WAUKEGAN OFFICE
210 NORTH MARTIN LUTHER
KING JR. AVENUE
WAUKEGAN, IL 60085

Chris Conneely

From: Brad Balke <brad@balkelaw.com>
Sent: Wednesday, March 18, 2015 10:22 AM
To: chrisconneely@bansleybrescia.com
Subject: FW: Dulberg

Please pay exactly half this amount to Thomas Popovich's business (McHenry, IL) on the Paul Dulberg file.

From: HANS MAST [mailto:hansmast@att.net]
Sent: Tuesday, March 17, 2015 12:01 PM
To: brad@balkelaw.com
Subject: Re: Dulberg

Our costs in Dulberg are \$3,078.64.

On Tuesday, March 17, 2015 6:53 AM, Brad Balke <brad@balkelaw.com> wrote:

Sounds fair to me.

Please forward the exact amount of your costs, so my accountant can cut a check.

-----Original Message-----

From: Hans Mast [mailto:hansmast@att.net]
Sent: Monday, March 16, 2015 12:46 PM
To: brad@balkelaw.com
Subject: Dulberg

Thanks for the call Brad. I wish you luck on this one. I recall that we have a case from a former client of yours Mr. Frank Cavanaugh. His case is a bit complicated as well. Do you want to just have a mutual agreement that our fee will be waived for Dolberg and your fee will be waived for Cavanaugh. Please advise.

As to our costs, it is understood that our costs will be fully reimbursed at the time of any settlement or recovery but that at this point prior to settlement you will pay us approx 50% of our costs which equals \$1,500 (I will confirm the exact number shortly)

Please confirm.

Hans

Law Offices of Thomas J. Popovich, P.C.
Unbilled Costs by Job
All Transactions

11:45 AM

02/26/15

Accrual Basis

Type	Num	Date	Source Name	Memo	Account	Amount
Dulberg, Paul						
Check	19289	12/13/2011	Copy-Rite, Inc	Dulberg - records from Centegra McHenry	Costs Advanced	62.10
Check	1817	5/3/2012	Associated Neurology	Dulberg - Medical Records	Costs Advanced	33.17
Check	1918	5/9/2012	McHenry County Circuit Clerk	Dulberg - Filing Fee	Costs Advanced	0.00
Check	1938	5/10/2012	McHenry County Circuit Clerk	Dulberg - Filing Fee	Costs Advanced	241.00
Check	2094	6/12/2012	Minuteman Press of McHenry	Dulberg - Copies	Costs Advanced	0.00
Bill	CH REQ AL...	8/23/2012	Dynamic Hand & Physical Therapy	Med Records-DULBERG, PAUL-ir Dynamic Hand & Phys Ther	Costs Advanced	58.56
Check	2576	9/17/2012	MDS Investigations, Inc.	Dulberg - Personal Services	Costs Advanced	115.00
Check	2702	9/28/2012	Minuteman Press of McHenry	Dulberg - Copies	Costs Advanced	14.68
Check	2785	10/8/2012	Minuteman Press of McHenry	Dulberg - Copies	Costs Advanced	6.56
Check	3096	11/26/2012	Midwest ROI	Dulberg - Medical Records	Costs Advanced	46.25
Check	3129	11/29/2012	Minuteman Press of McHenry	Dulberg - Copies	Costs Advanced	9.75
Check	3177	12/4/2012	Northwest Community Hospital	Dulberg - Medical Records	Costs Advanced	76.27
Check	3178	12/4/2012	MidAmerica Hand to Shoulder Clinic	Dulberg - Medical Billing	Costs Advanced	20.00
Bill	13870	2/4/2013	Urbanski Reporting Company, Inc.	Deposition-DULBERG-dep of Gagnon	Costs Advanced	772.90
Check	3557	2/25/2013	Michael McAfor	Dulberg - Subpoena for Deposition	Costs Advanced	35.00
Check	4317	7/2/2013	Minuteman Press of McHenry	Dulberg - Copies	Costs Advanced	86.75
Check	4399	7/9/2013	Urbanski Reporting Company, Inc.	Dulberg - Deposition	Costs Advanced	972.10
Bill	80587	11/19/2013	Minuteman Press of McHenry	163 BW copies - Dulberg	Costs Advanced	35.45
Bill	11-21-13	11/21/2013	Deb Fisher	Deposition - DULBERG, PAUL - Dep of P Dulberg	Costs Advanced	453.20
Bill	80723	12/11/2013	Minuteman Press of McHenry	225 b/w copies	Costs Advanced	33.75
Total Dulberg, Paul						3,072.49
TOTAL						3,072.49

7:17 PM

05/18/15

Accrual Basis

Brad J. Balke, P.C.
Unbilled Costs by Job
All Transactions

Type	Date	Source Name	Memo	Account	BI	Amount
Check	03/27/2015	DYNAMICS	INV 12289 (MCGOWEN)	736 - Outside Servi...	U	1,680.50
Check	04/24/2015	HEALTHPORT	1663260 (INV0168708631)(MCGO...	765 - MEDICAL RE...	U	92.42
Total MICHAEL MCGOWAN						3,478.26
MICHAEL R. INGRAM						
Check	04/10/2015	MCHENRY COUNT...	RE: MICHAEL R. INGRAM	765 - MEDICAL RE...	U	41.19
Total MICHAEL R. INGRAM						41.19
MIGDALIA GUERRA						
Check	09/10/2014	ROI SOLUTIONS, I...	RE: MIGDALIA GUERRA	765 - MEDICAL RE...	U	52.63
Check	03/27/2015	ROI SOLUTIONS, I...	RE: GUERRA, M	765 - MEDICAL RE...	U	53.60
Check	05/15/2015	HEALTHPORT	1663260 (INV0168223461)(GUERR...	765 - MEDICAL RE...	U	106.94
Check	05/15/2015	HEALTHPORT	1663260 (INV0168338821)(GUERR...	765 - MEDICAL RE...	U	30.28
Total MIGDALIA GUERRA						243.45
MIKE EANNARINO						
Check	08/15/2013	DR ROBERT A. SM...	RE: MIKE EANNARINO	765 - MEDICAL RE...	U	50.00
Total MIKE EANNARINO						50.00
NATALIE TERUEL						
Check	02/07/2014	KANE COUNTY SH...	RE: TERUEL	766 - FILING FEES	U	83.00
Check	02/07/2014	KANE COUNTY CI...	RE: TRUEL	766 - FILING FEES	U	276.00
Check	07/15/2014	KANE COUNTY SH...	RE: TERUEL	766 - FILING FEES	U	83.00
Check	09/03/2014	KANE COUNTY CI...	RE: TERUEL V. MARTIN	766 - FILING FEES	U	10.00
Check	09/03/2014	ITS YOUR SE	INV 1405456 (TERUEL VS MAGALL...	736 - Outside Servi...	U	300.00
Total NATALIE TERUEL						752.00
NICHOLAS THEIS						
Check	05/16/2015	LBIELA	RE: NICHOLAS THEIS	736 - Outside Servi...	U	150.00
Total NICHOLAS THEIS						150.00
PATRICIA LUDWIG						
Credit Card C...	12/10/2014	LEXIS NEXIS		766 - FILING FEES	U	13.00
Total PATRICIA LUDWIG						13.00
PAUL DULBERG						
Check	03/20/2015	THE LAW OFFICE...	RE: DULBERG (1/2 COST REIMBU...	766 - FILING FEES	U	1,539.32
Total PAUL DULBERG						1,539.32
PAUL GRUBISIC						
Check	03/19/2015	ILLINOIS STATE P...	RE: PAUL GRUBISIC	766 - FILING FEES	U	5.00
Total PAUL GRUBISIC						5.00

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

PAUL DULBERG,

Plaintiff,

v.

**DAVID GAGNON, Individually, and as
Agent of CAROLINE McGUIRE and BILL
McGUIRE, and CAROLINE McGUIRE
And BILL McGUIRE, Individually,**

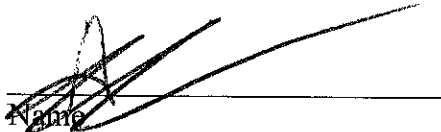
Defendant(s).

No. 12 LA 178

RELEASE OF ATTORNEYS' LIEN

1. I, Hans Mast, on behalf of Thomas J. Popovich, P.C. and any related entities, agree to waive any all claim to attorneys' fees in the above-titled matter. I expressly give Brad J. Balke, P.C. Power of Attorney to endorse signature on all checks. I reserve reimbursement for costs.

My firm's Tax ID # is: _____.


Name

3 - 23 - 15
Date

RELEASE OF CLIENT TRUST ACCOUNT FUNDS (3/23/2015)

PAUL DULBERG

FUNDS ON DEPOSIT f/b/o PAUL DULBERG WITHIN CLIENT TRUST
ACCOUNT OF THE LAW OFFICES OF THOMAS J. POPOVICH, P.C.:

\$ 5,000.00

LESS:

Costs Advanced by Law Offices of Thomas J. Popovich, P.C. \$ (3,078.64)

TOTAL EXPENSES TO BE RECOVERED AT THIS TIME: \$ -*

*CASE LIENS AND/OR OUTSTANDING BALANCES: **

Hand Surgery Associates \$ (9,444.00)

Northwest Community Hospital \$ (6,366.00)

MedChex \$ (3,390.00)

Karen Levin, MD \$ (2,420.00)

Dynamic Hand Therapy \$ (24,604.00)

Northern Illinois Medical Center \$ (1,323.75)

TOTAL LIENS/OUTSTANDING BALANCES TO BE PAID AT THIS TIME: \$ -

TOTAL ATTORNEY FEES

(1/3 of Gross Settlement) \$ (1,666.67)

TRUST ACCOUNT FUNDS TO BE RELEASED:

\$ 3,333.33

**NO COSTS ADVANCED REIMBURSED AT THIS TIME AND NO LIENS/OUTSTANDING BALANCES PAID -- ONLY ATTORNEY FEES WERE PAID FROM THE \$5,000.00 ON DEPOSIT WITHIN CLIENT TRUST ACCOUNT AND BALANCE TURNED OVER TO LAW OFFICES OF BRAD J. BALKE, P.C. AS PER AGREEMENT/DIRECTION FROM SAID LAW FIRM ON BEHALF OF PAUL DULBERG. COSTS ADVANCED TO BE REIMBURSED AS A SEPARATE TRANSACTION AS PER AGREEMENT.*

I UNDERSTAND AND APPROVE ALL OF THE ITEMS AND AMOUNTS LISTED ABOVE. I ALSO UNDERSTAND AND AGREE THAT IF THERE ARE ANY ADDITIONAL BILLS OR LIENS WHICH MAY NEED TO BE PAID IN THE FUTURE, I AM SOLELY RESPONSIBLE FOR THE PAYMENT OF SAID BILLS OR LIENS. I AGREE TO REIMBURSE THE LAW OFFICES OF THOMAS J. POPOVICH IF THEY ARE REQUIRED TO PAY ANY SUCH BILL OR LIEN NOW OR IN THE FUTURE. THE LAW OFFICES OF THOMAS J. POPOVICH HAS ADVISED ME THAT THEY HAVE NOT RECEIVED ANY LIENS FROM ANY HEALTH CARE PROVIDERS OR HEALTH INSURANCE CARRIERS OTHER THAN THOSE LISTED ABOVE, BUT THAT HEALTH OR AUTOMOBILE INSURANCE MAY HAVE PAID SOME/ALL OF THE MEDICAL BILLS AND MAY BE ENTITLED TO REIMBURSEMENT DEPENDING ON THE POLICY PROVISIONS AND WHETHER OR NOT I HAVE SIGNED A REIMBURSEMENT AGREEMENT.

DATED THIS 23 DAY OF MARCH, 2015.



Law Offices of Brad J. Balke, P.C., for Paul Dulberg

I have taken my medical records from the Law Offices of Thomas J. Popovich.

I request that the Law Offices of Thomas J. Popovich destroy my medical records.

PROPERTY DAMAGE--WELDING ALLEGEDLY SPARKS NEW YEAR'S EVE WAREHOUSE FIRE
(GGG 28/4) *Higgins Brothers Inc., Illinois Emcasco Insurance Co. as subrogee of Higgins Brothers Inc. v Associated Services Inc.* 12L-12341 Tried Mar. 4-10, 2015 (16P)

Verdict: Not Guilty
Judge: Thomas V. Lyons, II (IL Cook-Law)
Pltf Attys: Steven R. Johnson and Matthew T. Andris of *Langhenry, Gillen* (Wheaton) for both pltfs Demand: \$1,000,000 Asked: \$1,076,270
Deft Attys: Daniel G. Suber and Thomas J. Olson of *Daniel G. Suber & Associates* (Grange Mutual Ins.) Offer: \$50,000
Pltf Expert: Joseph Mazzone (Fire Cause/Origin) for both pltfs
Deft Expert: David DeVries (Fire Protection)

On December 31, 2011, a fire broke out at the Higgins Brothers warehouse located at 1428 W. 37th St. in Chicago's Back of the Yards neighborhood. The Chicago Fire Department's Office of Fire Prevention investigated the cause of the fire, and determined that the point of origin was on the first floor of the warehouse where an MIG welder had been used the day before to fabricate a new filter wall for a paint spray booth operated at the warehouse facility. The welding was performed by David Suarez, the owner of deft Associated Services. Higgins Brothers and its insurer, Illinois Emcasco, sued deft to recover the cost of property damage repairs and associated expenses. Illinois Emcasco sought \$662,572 paid out for damage to the building, \$300,000 for business personal property, and \$90,000 extra expenses, for a total of \$1,052,572. Higgins sought \$1,000 for its deductible on building damage, \$21,465 for loss of business personal property, and \$1,233 extra expenses, for a total of \$23,698. The defense argued that even if a spark from the welding arc was the ignition source of the fire, the fire's actual cause and fuel source was paint overspray which had accumulated up to five inches in the rear plenum of the paint spray booth. The defense denied negligence, contended Higgins Brothers was at fault for not having sufficient clearance between the booth's chimney and the combustible wooden second floor above, and further maintained that Higgins was negligent in not having an operable sprinkler system over the paint spray booth.

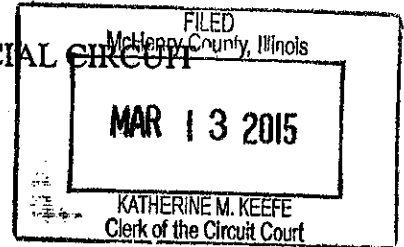
TRAFFIC--CAR OWNER SUED FOR NEGLIGENT ENTRUSTMENT TO UNLICENSED DRIVER
(GGG 28/5) *Ramon Weatherspoon v Pablo Velazquez, Jose Gonzalez* 12L-13709 Tried Feb. 11-17, 2015 (1B)

Verdict: Not Guilty v both defts.
Judge: James M. McGing (IL Cook-Law)
Pltf Attys: Daniel M. Breen and Christopher J. Goril of *Breen Goril Law* Demand: \$20,000
Deft Atty: Clifford M. Panek of *Parrillo, Weiss* for both defts (American Access) Offer: none
Pltf Medl: Dr. Alan Olefsky (Emergency Medicine)

December 9, 2011, pltf driving westbound on Lake St. in Chicago contended deft Velazquez struck his vehicle near Kilbourn Ave. while trying to pass him on his left side and crossing over into oncoming traffic, forcing pltf into a pole. Pltf M-48 claimed neck, back and shoulder soft tissue injuries (\$12,339 medical expenses, \$1,900 property damage). Pltf further brought a negligent entrustment claim against deft car owner Gonzalez because Velazquez did not have a driver's license. Deft M-30 landscaper Velazquez denied he changed lanes and maintained pltf hit him while coming from his right side. The defense denied pltf was injured. The jury reportedly deliberated only 20 minutes.

SUMMARY SINCE SEPT. 1, 2014:	<u>GUILTY:</u>	<u>DL:</u>	<u>NG:</u>	<u>AWARDED:</u>	<u>OFFERED:</u>	<u>PLTF PCT:</u>
Law Division Circ Ct	55	2	67	\$81,311,013	\$18,129,582	46.0%
U.S. Dist Ct	5	0	4	\$31,683,779	\$405,000	<u>LAST WK:</u>
1st Munic Dist Circ Ct	0	0	2	\$0	\$3,500	45.5%
2nd-6th Munic Dist Circ Ct	4	0	2	\$57,615	\$69,500	<u>AVG VERD:</u>
TOTALS	64	2	75	\$113,052,407	\$18,607,582	\$1,766,444
Totals Apr. 25, 2014	86	3	66	\$114,340,352	\$30,766,855	\$1,329,539
Law Division Apr. 25, 2014	81	2	59	\$112,965,953	\$30,650,855

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



PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

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

Defendants.

COPY

NOTICE OF MOTION

TO: ***VIA FIRST CLASS MAIL:***

Perry Accardo
Law Office of Steven A. Lihosit
200 N. LaSalle Street, Suite 2550
Chicago, IL 60601-1092

VIA CERTIFIED MAIL:

Paul Dulberg
4606 Hayden Court
McHenry, IL 60051

On March 13, 2015 at 9:00 a.m., or as soon thereafter as counsel may be heard, I shall appear before the **Honorable Thomas A. Meyer** or any judge sitting in his stead, in courtroom 201 in the Circuit Court of McHenry County in Woodstock, Illinois and shall then and there present **MOTION TO WITHDRAW AS COUNSEL**, a copy of which is hereby served upon you

AFFIDAVIT OF SERVICE

I certify that I served this Notice by mailing to whom it is directed at approximately 5:00 p.m. on March 5, 2015 in McHenry, IL and further that the statements set forth in this Affidavit of Service are true and correct.



Hans A. Mast, Attorney for Plaintiff

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

3416 West Elm Street
McHenry, IL 60050
815-344-3797
Attorney ID No. 06208070

7014 0150 0001 6951 9351

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Paul Dulberg		
4606 Hayden Court		
McHenry, IL 60051		
City, State, Zip		

PS Form 3800, August 2006 See Reverse for Instructions

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

PAUL DULBERG,

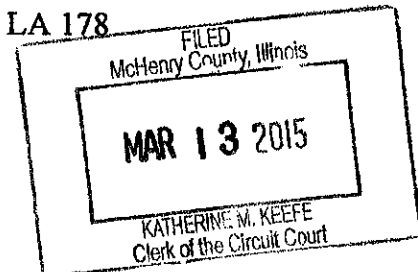
Plaintiff,

vs.

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

Defendants.

No. 12 LA 178



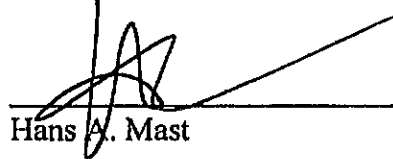
MOTION TO WITHDRAW AS COUNSEL

NOW COME the LAW OFFICES OF THOMAS J. POPOVICH, P.C., attorneys for the Plaintiff, PAUL DULBERG, and hereby move to withdraw as counsel for the Plaintiff in this cause pursuant to Supreme Court Rule 13. In support of said Motion, the attorneys hereby state as follows:

1. Communication between Plaintiff and Plaintiff's counsel has broken down resulting in an unworkable situation for both attorney and client.
2. By copy of this motion, Plaintiff is hereby advised that, to ensure notice of any further action in this cause, she should retain new counsel or within 21 days of the hearing of this motion and withdrawal of counsel, retain other counsel or file her own supplementary appearance with the clerk of the circuit court, stating an address at which service of notices or other papers may be had upon her.

WHEREFORE, the LAW OFFICES OF THOMAS J. POPOVICH, P.C. respectfully requests that this Court enter an Order granting the LAW OFFICES OF THOMAS J. POPOVICH, P.C. leave to withdraw as counsel for the Plaintiff, PAUL DULBERG.

Respectfully submitted,



Hans A. Mast

LAW OFFICES OF THOMAS J. POPOVICH
3416 West Elm Street
McHenry, IL 60050
(815) 344-3797
Attorney No. 06208070

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

PAUL DULBERG,

Plaintiff,

vs.

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

Defendants.

No. 12 LA 178

COPY

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Perry Accardo
Law Office of Steven A. Lihosit
200 N. LaSalle Street, Suite 2550
Chicago, IL 60601-1092

VIA CERTIFIED MAIL:

Paul Dulberg
4606 Hayden Court
McHenry, IL 60051

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AFFIDAVIT OF SERVICE

I certify that I served this Notice by mailing to whom it is directed at approximately 5:00 p.m. on March 5, 2015 in McHenry, IL and further that the statements set forth in this Affidavit of Service are true and correct.



Hans A. Mast, Attorney for Plaintiff

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

3416 West Elm Street
McHenry, IL 60050
815-344-3797
Attorney ID No. 06208070

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as)
Agent of CAROLINE McGUIRE and BILL)
McGUIRE and CAROLINE McGUIRE)
and BILL McGUIRE, Individually,)
Defendants.)

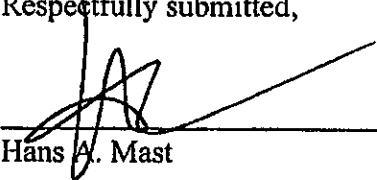
MOTION TO WITHDRAW AS COUNSEL

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1. Communication between Plaintiff and Plaintiff's counsel has broken down resulting in an unworkable situation for both attorney and client.
2. By copy of this motion, Plaintiff is hereby advised that, to ensure notice of any further action in this cause, she should retain new counsel or within 21 days of the hearing of this motion and withdrawal of counsel, retain other counsel or file her own supplementary appearance with the clerk of the circuit court, stating an address at which service of notices or other papers may be had upon her.

WHEREFORE, the LAW OFFICES OF THOMAS J. POPOVICH, P.C. respectfully requests that this Court enter an Order granting the LAW OFFICES OF THOMAS J. POPOVICH, P.C. leave to withdraw as counsel for the Plaintiff, PAUL DULBERG.

Respectfully submitted,



Hans A. Mast

LAW OFFICES OF THOMAS J. POPOVICH
3416 West Elm Street
McHenry, IL 60050
(815) 344-3797
Attorney No. 06208070

United States Bankruptcy Court

Northern District of Illinois

Case No. 14-83578

Chapter 7

In re: Debtor (name(s) used by the debtor(s) in the last 8 years, including married maiden name and address):

Paul R. Dunberg

1000 N. La Grange Rd.

West Chicago, IL 60185

Debtor's Attorney / Debtor's Attorney's Address:

1000 N. La Grange Rd.

West Chicago, IL 60185

DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge, **IT IS ORDERED:** The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

FOR THE COURT

U.S. Bankruptcy Court

Northern District of Illinois

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

EHRMANN GEHLBACH BADGER LEE & CONSIDINE, LLC

ATTORNEYS AT LAW
COMMERCE TOWERS, SUITE 100
P.O. BOX 447
215 E. FIRST STREET
DIXON, IL 61021

TELEPHONE: (815) 288-4949
FACSIMILE: (815) 288-3068
E-MAIL: HEEQ@EQBLC.COM



Rolfe F. EHRMANN
1949 - 2011
WARREN H. BADGER
1911-2005

GARY R. GEHLBACH
DAVID W. BADGER
DOUGLAS E. LEE
ALSO ADMITTED IN IOWA,
VIRGINIA, & THE DISTRICT
OF COLUMBIA
DANA M. CONSIDINE
MEGAN G. HEEQ
DARLA A. FOULKER
SARWAT B. HANIF

May 22, 2015

BY EMAIL

Brad J. Balke, Esq.
542 S. Dearborn, Suite 310
Chicago, IL 60605

Re: Paul R. Dulberg
Bankruptcy Case No. 14 83578

Dear Attorney Balke:

Following up on matters we recently discussed, the Bankruptcy Estate seeks to employ you to assist the Estate in pursuing Mr. Dulberg's pending personal injury claim.

It is my understanding that you do not have a conflict of interest, and that you can represent the Bankruptcy Estate. As a caution, I enclose a copy of Debtor's list of creditors (Schedules D through F). In light of this information, if you do not have a conflict, I would be most appreciative if you would review the enclosed Affidavit of Disinterest for accuracy and completeness.

Also, please know if you are able to settle the pending personal injury claim, before any settlement can be finalized, I will need to file with the Bankruptcy Court a motion approving the Debtor's settlement, along with approval of the payment of your attorney fees and costs, and the fees to be paid to any third party. In that motion and order, we can ask that your firm's fees and costs and any third party fees paid out of the gross proceeds, with the net proceeds tendered to the Estate.

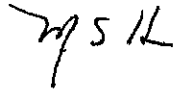
Brad J. Balke, Esq.

2

May 22, 2015

Very truly yours,

EHRMANN GEHLBACH BADGER LEE & CONSIDINE, LLC

A handwritten signature in black ink, appearing to read 'M G Heeg'.

Megan G. Heeg

MGH/kme
Enclosures

B-6D (Official Form 6D) (12/07)

In re Paul R Dulberg

Case No. _____

Debtor

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	H U S B A N D W I F E J O I N T C O M M U N I T Y	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
Account No. xxxxx7987			Opened 11/30/01 Last Active 8/14/14					
ABN AMRO Mortgage Group			Location: 4606 Hayden Court, McHenry IL 60051-7918					
			Value \$ 140,000.00				124,358.00	0.00
Account No.								
			Value \$					
Account No.								
			Value \$					
Account No.								
			Value \$					
Subtotal (Total of this page)							124,358.00	0.00
Total (Report on Summary of Schedules)							124,358.00	0.00

☐ continuation sheets attached

BGF (Official Form 6F) (12/07)

In re **Paul R Dulberg**

Case No. _____

Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	H U S B A N D W I F E J O I N T C O M M U N I T Y	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
Account No. xxxxxxA380 Alexian Brothers Medical Group PO Box 5588 Belfast, ME 04915-5500		-	Medical services				153.00
Account No. xxxxx # x8062 Associated Neurology SC 1900 Hollister Drive Suite 250 Libertyville, IL 60048-5249		-	Medical services - Attn: Dr. Levin				3,015.00
Account No. xxxx xxxxxx x8060 Bank of America PO Box 982235 El Paso, TX 79998		-	Opened 12/01/00 Last Active 7/02/14 Credit Card - Accelerated				6,660.24
Account No. xxxx xxxx xxxx 6628 Capital One Bank Attn: General Correspondence PO Box 30285 Salt Lake City, UT 84130		-	Opened 5/01/00 Last Active 7/01/14 Charge Account - Visa Business Card				10,043.35
Subtotal (Total of this page)							19,871.59

3 continuation sheets attached

Subtotal
(Total of this page)

19,871.59

BSF (Official Form 6F) (12/07) - Cont.

In re **Paul R Dulberg**

Case No. _____

Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E D E B T O R	H W J C	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
			DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.				
Account No. Dr. Frank W. Sek 4606 W. Elm Street McHenry, IL 60050		-	Medical services				590.00
Account No. xxxxxx0185 Dynamic Hand Therapy & Rehab 4938 S. US Highway 12 Suite C Fox Lake, IL 60020		-	Medical services				30,190.00
Account No. x0330 Hand Surgery Associates, SC Dr. Sagerman / Dr. Blafora 515 W. Algonquin Road Arlington Heights, IL 60005		-	Medical services				9,318.00
Account No. xxxxxx-xMRIG McHenry Radiologists & Imaging PO Box 220 McHenry, IL 60051		-	Medical services				50.00
Account No. xxx2454 MidAmerica Hand to Shoulder Clinic Dr. Talerico 75 Remittance Drive, Suite 6035 Chicago, IL 60675		-	Medical services				390.00
Subtotal (Total of this page)							40,539.00

Sheet no. 1 of 3 sheets attached to Schedule of
Creditors Holding Unsecured Nonpriority Claims

In re **Paul R Dulberg**

Case No. _____

Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E D E B T O R	H W J C	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
			DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.				
Account No. xxxxxxxxxx3233 Moraine Emergency Physicians PO Box 8759 Philadelphia, PA 19101-8759		-	Medical services				1,346.00
Account No. xxxxx-x0323 Northern Illinois Medical Center 4201 Medical Center Drive McHenry, IL 60050		-	Medical services				1,323.75
Account No. xxxxx5382 Northwest Community Hospital 25709 Network Place Chicago, IL 60673		-	Medical services				6,366.00
Account No. xxxxx5382 Northwest Suburban Anesthesiologists 8163 Solutions Center Chicago, IL 60677-8001		-	Medical services				1,365.00
Account No. xxxxx-x59 00 Oak Trust Credit Union 1 South 450 Summit Avenue Oakbrook Terrace, IL 60181		-	Opened 3/01/97 Last Active 7/23/14 Credit Card				716.00
Subtotal (Total of this page)							11,116.75

Sheet no. 2 of 3 sheets attached to Schedule of
Creditors Holding Unsecured Nonpriority Claims

B6P (Official Form 6F) (12/07) - Cont.

In re **Paul R Dulberg**

Case No. _____

Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CO-DEBTOR H W J C	Husband, Wife, Joint, or Community	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNDISPUTED	DISPUTED	AMOUNT OF CLAIM
Account No. xx5085 Open Advanced MRI of Round Lake Medchex PO Box 502 Katonah, NY 10536	-		Medical services				3,390.00
Account No. Walgreens 3925 W. Elm Street McHenry, IL 60050	-		Medical services				48.68
Account No. Walmart Pharmacy 3801 Running Brook Farms Boulevard Joliet, IL 60051	-		Medical services				821.29
Account No. xxxx xxxx xxxx 3318 Worlds Foremost Bank NA 4800 NW 1st Street Suite 300 Lincoln, NE 68521	-		Opened 5/01/01 Last Active 6/19/14 Credit Card - Cabelas Visa				12,501.00
Account No.							

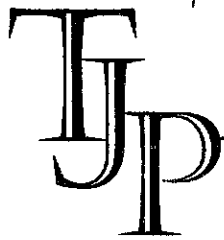
Sheet no. **3** of **3** sheets attached to Schedule of
Creditors Holding Unsecured Nonpriority Claims

Subtotal
(Total of this page)

16,760.97

Total
(Report on Summary of Schedules)

88,288.31



The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET
McHENRY, ILLINOIS 60050
TELEPHONE: 815.344.3797
FACSIMILE: 815.344.5280
www.popovichlaw.com

THOMAS J. POPOVICH
HANS A. MAST
JOHN A. KORNAK

MARK J. VOGG
ROBERT J. LUMBER

April 2, 2015

Brad Balke
Balke Law Office
542 S. Dearborn, Suite 310
Chicago, IL 60605

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*
McHenry County Case: 12 LA 178

Dear Brad:

Please find enclosed Mr. Dulberg's medical expense report in the above-referenced matter.

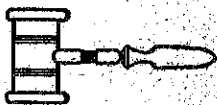
Very truly yours,


HANS A. MAST

smq
Enclosure

WAUKEGAN OFFICE
210 NORTH MARTIN LUTHER
KING JR. AVENUE
WAUKEGAN, IL 60085

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Client Trust Account
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McHenry, IL 60050
(815) 344-3797

MC HENRY SAVINGS BANK
MC HENRY, IL 60050
707266/2718

16599

3/23/2015

PAY TO THE
ORDER OF Paul Dulberg AND Law Offices Of Brad J. Balke, P.C.

\$ **3,333.33

Three Thousand Three Hundred Thirty-Three and 33/100*****

DOLLARS

▲ TAMPER RESISTANT TONER AREA ▲

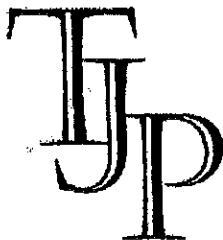


MEMO

Dulberg, Paul - Release/Turnover of Trust Acct. Funds

Thomas J. Popovich

⑈016599⑈ ⑆271972569⑆ 1520019009⑈



The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET
McHENRY, ILLINOIS 60050
TELEPHONE: 815.344.3797
FACSIMILE: 815.344.5280
www.popovichlaw.com

THOMAS J. POPOVICH
HANS A. MAST
JOHN A. KORNAK

MARK J. VOGG
ROBERT J. LUMBER

March 17, 2015

VIA CERTIFIED MAIL:

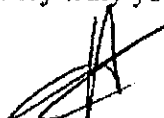
Perry Accardo
Law Office of Steven A. Lihosit
200 N. LaSalle Street, Suite 2550
Chicago, IL 60601-1092

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*
McHenry County Case: 12 LA 178

Dear Mr. Accardo:

Please find enclosed our Notice of Attorney's Lien in the above-referenced matter.

Very truly yours,


HANS A. MAST

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Law Office of Steven A. Lihosit
200 N. LaSalle Street, Suite 2550
Chicago, IL 60601-1092

Street, Apt. N.
or PO Box N.
City, State, Zi

PS Form 3800, August 2008

See Reverse for Instructions

Postmark Here

WAUKEGAN OFFICE
210 NORTH MARTIN LUTHER
KING JR. AVENUE
WAUKEGAN, IL 60085

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

3416 WEST ELM STREET

McHENRY, IL 60050

PHONE: 815-344-3797

FAX: 815-344-5280

NOTICE OF ATTORNEY'S LIEN

TO: Perry Accardo
Law Office of Steven A. Lihosit
200 N. LaSalle Street, Suite 2550
Chicago, IL 60601-1092

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*
McHenry County Case: 12 LA 178

You are hereby notified that **PAUL DULBERG**, has placed in my hands as his attorney, for suit or collection, a claim, demand or cause of action against the Defendant in the above matter growing out of a certain accident that occurred on or about **June 28, 2011, at 1016 W. Elder Avenue, McHenry, Illinois, McHenry County** and has agreed to pay me for my services certain legal fees not exceeding one-third of whatever amount may be recovered therefrom by suit, settlement or otherwise, plus costs and that a lien is hereby made and placed upon said claim, demand or cause of action of such fee.



Hans A. Mast

I, Han A. Mast, an attorney, on oath state that I served this Notice by mailing a true and correct copy of the same to the party(s) listed above and depositing the same in the U.S. Mail at McHenry, Illinois before 5:00 p.m. on March 17, 2015.



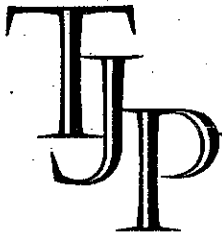
Hans A. Mast

LAW OFFICES OF THOMAS J. POPOVICH

3416 West Elm Street

McHenry, IL 60050

815-344-3797



The Law Offices of Thomas J. Popovich P.C.

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McHENRY, ILLINOIS 60050
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www.popovichlaw.com

THOMAS J. POPOVICH
HANS A. MAST
JOHN A. KORNAK

MARK J. VOGG
ROBERT J. LUMBER

February 19, 2015

Paul Dulberg
4606 Hayden Court
McHenry, IL 60051

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*
McHenry County Case: 12 LA 178

Dear Paul:

Please find enclosed your updated medical expense report itemizing your medical bills related to the underlying occurrence in the amount of \$58,387.33.

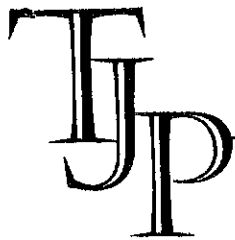
Please review the medical expense report and advise me if there are any bills that we are missing related to your care in this case.

Very truly yours,

COPY
HANS A. MAST

smq
Enclosure

WAUKEGAN OFFICE
210 NORTH MARTIN LUTHER
KING JR. AVENUE
WAUKEGAN, IL 60085



The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET
McHENRY, ILLINOIS 60050
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www.popovichlaw.com

THOMAS J. POPOVICH
HANS A. MAST
JOHN A. KORNAK

MARK J. VOGG
ROBERT J. LUMBER

February 16, 2015

Paul Dulberg
4606 Hayden Court
McHenry, IL 60051

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*
McHenry County Case: 12 LA 178

Dear Paul:

Please be advised that the Defendant has agreed to submit this matter to the court for purposes of pre-trial settlement conference. What this involves is that all the parties will appear on April 9, 2015 at 1:30 p.m. at the McHenry County Courthouse, 2200 N. Seminary, Courtroom 201, Woodstock, Illinois. We will meet with the judge and discuss the case and potentially negotiate a settlement.

I would you to be available and present for the pre-trial settlement. Please advise whether you are available for the pre-trial settlement conference as scheduled above.

Also, please find enclosed the draft of our Pre-Trial Settlement Memorandum. Please review and contact me to discuss.

I look forward to hearing from you.

Very truly yours,



HANS A. MAST

smq
Enclosure

WAUKEGAN OFFICE
210 NORTH MARTIN LUTHER
KING JR. AVENUE
WAUKEGAN, IL 60085

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

PAUL DULBERG,)	
)	
Plaintiff,)	
)	
vs.)	No. 12 LA 178
)	
DAVID GAGNON, Individually, and as)	
Agent of CAROLINE McGUIRE and BILL)	
McGUIRE and CAROLINE McGUIRE)	
and BILL McGUIRE, Individually,)	
)	
Defendants.)	

PLAINTIFF'S PRE-TRIAL SETTLEMENT MEMORANDUM

Statement of the Case

On June 28, 2011, the Plaintiff, Paul Dulberg, was assisting friend/Defendant David Gagnon, with cutting down an evergreen tree at the home of Gagnon's parents, 1016 W. Elder Avenue, in McHenry, and as Dulberg held down onto a limb, Gagnon swiped his right forearm with the chain saw causing a deep laceration, resulting in a nerve injury.

Dulberg testified that the accident occurred when the defendant walked toward him while cutting a branch he was holding. The limb was large and part of it was resting on the ground. The defendant walked toward Dulberg with the chainsaw pointing down at a 45 degree angle. The chain was not moving. Then Paul heard the chain saw RPM's ramp up. This alerted Dulberg and he dropped the branch. Paul released the limb before the chain saw came in contact with it. The defendant came up with the saw at a 45 degree pointing up and cut Dulberg. The Defendant never made contact with the branch. David had *one hand* on the arm and the other on the trigger of the chainsaw. His arm and his two fingers are painful all the way through to the elbow, including the pinky, ring finger and thumb. There is a fiery burning sensation, tingling. The cold also bothers his arm. Sometimes when he is resting his arm he has pain and tingling and burning in the arm. Grabbing things and moving his arm does cause pain. Dr. Sagerman did surgery in July, 2012 to remove the scar tissue. Paul is still receiving physical therapy for his left arm. His right arm is doing better. All of Paul's fingers are affected when he grasps things. He experiences burning pain in his right arm where the scar tissue was. He was given anti-inflammatories from his doctor. He stated he tries not to use them. On his right arm, he is unable to bend his pinky all the way in. Dr. Sagerman told him that nerve damage takes a long time to heal.

Gagnon testified that Dulberg was holding the branch with his left arm and reaching to hold the branch with his right arm when Dulberg's arm was struck by the chainsaw. He admits Dulberg was reaching for the branch so that he could hold on to the lower end of the branch and keep it steady while Gagnon was cutting the limbs from the branch (suggesting Gagnon was operating the chain saw knowing Dulberg was 'repositioning' his arm - contrary to the instructions of the manual) Gagnon acknowledged in his deposition to giving a recorded statement to Plaintiff's counsel in which he described the accident as follows:

...we got to a branch that maybe we shouldn't have tried to cut, it was a little flimsy, so when I hit the crotch it flexed.."

See Xerox photos of chain saw, diagram of "tree," and Plaintiff's injury - attached as Group Exhibit "1."

The chain saw was owned by Gagnon's father, Bill McGuire. Gagnon had used the chainsaw the day before on his own, while trimming the trees. The chainsaw manual provides, in part, as follows:

Chainsaw Manual:

Basic Safety Precautions:

Read this manual carefully until you completely understand and can follow all safety rules, precautions, and operating instructions before attempting to use the unit.

Keep children, bystanders, and animals a minimum of 35 feet (10 meters) away from the work area. **Do not allow other people or animals to be near the chain saw when starting or operating the chain saw.** (Fig. 2)

Only loan your saw to expert users who are completely familiar with saw operation and correct use. Give other users the manual with operating instructions, which they have to read before using the saw.

Keep all parts of your body away from the saw chain when the engine is running.

Apply the chain brake prior to any repositioning of the operator in the cutting area.

Do not operate the chain saw with one hand! Serious injury to the operator, helpers, bystanders, or any combination of these persons may result from one-handed operation. A chain saw is intended for two-handed use.

Always begin cutting with the engine at full speed and the saw housing against the wood.

Medical

Dr. Karen Levin, at Associated Neurology, saw Dulberg on 7/28/11 (1 month after accident) and in her report (attached as Exhibit "2") states . . . that Dulberg had no prior history on the right arm, and that as a result of the accident Dulberg suffered a cut on the right forearm requiring stitching in the muscle and outer area. When the pain diminished, there was numbness and tingling noticed in the forearm and digits. She believed Dulberg was suffering from brach neuropathy to the sensory nerves. She referred him to a hand surgeon.

Dulberg saw Dr. Marcus Talerico (Mid America) for ongoing forearm pain. His visits were December 2, 2011 and January 6, 2012. Dr. Talerico did not feel there was any significant nerve involvement and referred Dulberg for therapy.

Dulberg next saw Dr. Scott Sagerman, who testified that he first saw Dulberg on 2/27/12 with a history of a large scar on the mid forearm with pain and symptoms including muscle pain and weakness in gripping and pulling things in his forearm are related to the accident. Dulberg suffered a deep laceration to his forearm and there was some injury to those muscles and nerves which may have been causing the pain in that area. He diagnosed Dulberg with a right forearm laceration with possible ulnar nerve issues and damage. The EMG/NCV was normal. He performed a surgery to the forearm on 7/9/12 to - in part - remove scarring (and for cubital tunnel release). (Sagerman records are attached as Exhibit "3")

Dulberg next saw Dr. Kathy Kujawa for post traumatic dystonia of the right hand, and she recommended Botox injections for spasms. She believed the involuntary spasms as well as the pain that Dulberg continued to suffer was due to the nerve damage and nerve issues directly to the chainsaw accident. She felt it would be permanent and Dulberg would need expensive medical treatment to have a decent quality of life.

Plaintiff's medical expenses are itemized in the attached Medical Expense Report in the amount of \$58,387.33 (Attached as Exhibit "4")

Settlement

Demand - \$135,000

Offer: none (Allstate Insurance Company)

COPY

HANS A. MAST, Attorney for Plaintiff

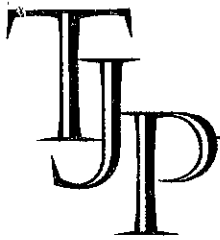
LAW OFFICES OF THOMAS J. POPOVICH

3416 West Elm Street

McHenry, IL 60050

815-344-3797

Attorney No. 06208070



The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET
McHENRY, ILLINOIS 60050
TELEPHONE: 815.344.3797
FACSIMILE: 815.344.5280
www.popovichlaw.com

THOMAS J. POPOVICH
HANS A. MAST
JOHN A. KORNAK

MARK J. VOGG
ROBERT J. LUMBER

February 16, 2015

Paul Dulberg
4606 Hayden Court
McHenry, IL 60051

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*
McHenry County Case: 12 LA 178

Dear Paul:

Please be advised that the Defendant has agreed to submit this matter to the court for purposes of pre-trial settlement conference. What this involves is that all the parties will appear on April 9, 2015 at 1:30 p.m. at the McHenry County Courthouse, 2200 N. Seminary, Courtroom 201, Woodstock, Illinois. We will meet with the judge and discuss the case and potentially negotiate a settlement.

I would you to be available and present for the pre-trial settlement. Please advise whether you are available for the pre-trial settlement conference as scheduled above.

Also, please find enclosed the draft of our Pre-Trial Settlement Memorandum. Please review and contact me to discuss.

I look forward to hearing from you.

Very truly yours,


HANS A. MAST

smq
Enclosure

WAUKEGAN OFFICE
210 NORTH MARTIN LUTHER
KING JR. AVENUE
WAUKEGAN, IL 60085

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

PAUL DULBERG,)	
)	
Plaintiff,)	
)	
vs.)	No. 12 LA 178
)	
DAVID GAGNON, Individually, and as)	
Agent of CAROLINE McGUIRE and BILL)	
McGUIRE and CAROLINE McGUIRE)	
and BILL McGUIRE, Individually,)	
)	
Defendants.)	

PLAINTIFF'S PRE-TRIAL SETTLEMENT MEMORANDUM

Statement of the Case

On June 28, 2011, the Plaintiff, Paul Dulberg, was assisting friend/Defendant David Gagnon, with cutting down an evergreen tree at the home of Gagnon's parents, 1016 W. Elder Avenue, in McHenry, and as Dulberg held down onto a limb, Gagnon swiped his right forearm with the chain saw causing a deep laceration, resulting in a nerve injury.

Dulberg testified that the accident occurred when the defendant walked toward him while cutting a branch he was holding. The limb was large and part of it was resting on the ground. The defendant walked toward Dulberg with the chainsaw pointing down at a 45 degree angle. The chain was not moving. Then Paul heard the chain saw RPM's ramp up. This alerted Dulberg and he dropped the branch. Paul released the limb before the chain saw came in contact with it. The defendant came up with the saw at a 45 degree pointing up and cut Dulberg. The Defendant never made contact with the branch. David had *one hand* on the arm and the other on the trigger of the chainsaw. His arm and his two fingers are painful all the way through to the elbow, including the pinky, ring finger and thumb. There is a fiery burning sensation, tingling. The cold also bothers his arm. Sometimes when he is resting his arm he has pain and tingling and burning in the arm. Grabbing things and moving his arm does cause pain. Dr. Sagerman did surgery in July, 2012 to remove the scar tissue. Paul is still receiving physical therapy for his left arm. His right arm is doing better. All of Paul's fingers are affected when he grasps things. He experiences burning pain in his right arm where the scar tissue was. He was given anti-inflammatories from his doctor. He stated he tries not to use them. On his right arm, he is unable to bend his pinky all the way in. Dr. Sagerman told him that nerve damage takes a long time to heal.

Gagnon testified that Dulberg was holding the branch with his left arm and reaching to hold the branch with his right arm when Dulberg's arm was struck by the chainsaw. He admits Dulberg was reaching for the branch so that he could hold on to the lower end of the branch and keep it steady while Gagnon was cutting the limbs from the branch (suggesting Gagnon was operating the chain saw knowing Dulberg was 'repositioning' his arm - contrary to the instructions of the manual) Gagnon acknowledged in his deposition to giving a recorded statement to Plaintiff's counsel in which he described the accident as follows:

...we got to a branch that maybe we shouldn't have tried to cut, it was a little flimsy, so when I hit the crotch it flexed.."

See Xerox photos of chain saw, diagram of "tree," and Plaintiff's injury - attached as Group Exhibit "1."

The chain saw was owned by Gagnon's father, Bill McGuire. Gagnon had used the chainsaw the day before on his own, while trimming the trees. The chainsaw manual provides, in part, as follows:

Chainsaw Manual:

Basic Safety Precautions:

Read this manual carefully until you completely understand and can follow all safety rules, precautions, and operating instructions before attempting to use the unit.

Keep children, bystanders, and animals a minimum of 35 feet (10 meters) away from the work area. **Do not allow other people or animals to be near the chain saw when starting or operating the chain saw.** (Fig. 2)

Only loan your saw to expert users who are completely familiar with saw operation and correct use. Give other users the manual with operating instructions, which they have to read before using the saw.

Keep all parts of your body away from the saw chain when the engine is running.

Apply the chain brake prior to any repositioning of the operator in the cutting area.

Do not operate the chain saw with one hand! Serious injury to the operator, helpers, bystanders, or any combination of these persons may result from one-handed operation. A chain saw is intended for two-handed use.

Always begin cutting with the engine at full speed and the saw housing against the wood.

Medical

Dr. Karen Levin, at Associated Neurology, saw Dulberg on 7/28/11 (1 month after accident) and in her report (attached as Exhibit "2") states . . . that Dulberg had no prior history on the right arm, and that as a result of the accident Dulberg suffered a cut on the right forearm requiring stitching in the muscle and outer area. When the pain diminished, there was numbness and tingling noticed in the forearm and digits. She believed Dulberg was suffering from brach neuropathy to the sensory nerves. She referred him to a hand surgeon.

Dulberg saw Dr. Marcus Talerico (Mid America) for ongoing forearm pain. His visits were December 2, 2011 and January 6, 2012. Dr. Talerico did not feel there was any significant nerve involvement and referred Dulberg for therapy.

Dulberg next saw Dr. Scott Sagerman, who testified that he first saw Dulberg on 2/27/12 with a history of a large scar on the mid forearm with pain and symptoms including muscle pain and weakness in gripping and pulling things in his forearm are related to the accident. Dulberg suffered a deep laceration to his forearm and there was some injury to those muscles and nerves which may have been causing the pain in that area. He diagnosed Dulberg with a right forearm laceration with possible ulnar nerve issues and damage. The EMG/NCV was normal. He performed a surgery to the forearm on 7/9/12 to - in part - remove scarring (and for cubital tunnel release). (Sagerman records are attached as Exhibit "3")

Dulberg next saw Dr. Kathy Kujawa for post traumatic dystonia of the right hand, and she recommended Botox injections for spasms. She believed the involuntary spasms as well as the pain that Dulberg continued to suffer was due to the nerve damage and nerve issues directly to the chainsaw accident. She felt it would be permanent and Dulberg would need expensive medical treatment to have a decent quality of life.

Plaintiff's medical expenses are itemized in the attached Medical Expense Report in the amount of \$58,387.33 (Attached as Exhibit "4")

Settlement

Demand - \$135,000

Offer: none (Allstate Insurance Company)

COPY

HANS A. MAST, Attorney for Plaintiff

LAW OFFICES OF THOMAS J. POPOVICH

3416 West Elm Street

McHenry, IL 60050

815-344-3797

Attorney No. 06208070

EHRMANN GEHLBACH BADGER LEE & CONSIDINE, LLC

ATTORNEYS AT LAW

COMMERCE TOWERS, SUITE 100

P.O. Box 447

215 E. FIRST STREET

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THE DISTRICT OF COLUMBIA

DANA M. CONSIDINE

MEGAN G. HEEG

DARLA A. FOULKER

SARWAT B. HANIF

TELEPHONE: (815) 288-4949

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E-MAIL: HEEG@eqblc.com



ROLFE F. EHRMANN
1949 - 2011

WARREN H. BADGER
1911-2005

February 16, 2015

BY FAX

Hans A. Mast, Esq.

The Law Offices of Thomas J. Popovich P.C.

3416 W. Elm Street

McHenry, IL 60050

FAXED
2-16-15

Re: Your File: Paul Dulberg v. David Gagnon, et al
My File: Bankruptcy Estate of Paul Dulberg; Case No. 14-82297

Dear Attorney Mast:

Thank you for the information you sent on January 23rd. At this point in time, I am unable to determine if my bankruptcy case may be an asset case. (If it might be an asset case, my Estate needs to retain you to continue the pending pi case -- assuming you can be and want to be retained.)

I received from you a list of medical bills (which bills total over \$58,000.) In addition, I just received from Debtor's counsel a copy of a letter from US Phy, by which this creditor claims a medical lien.

Can you please advise:

- 1) What is the total amount of medical liens filed against the pending pi case? (I received a copy of a document, listing medical bills totaling \$58,387.33, but I don't know if any of these bills are unpaid and, if so, if the unpaid providers timely filed a medical lien).
- 2) As to the medical lien apparently claimed by US Phy (via its letter of January 8, 2015 - a copy of which is attached for your ready reference) is this letter the first lien claim it made against the personal injury cause of action? If so, based upon the little research I've done, to date, I don't think this letter is sufficient to claim a lien -- post-bankruptcy filing -- on Debtor's right to recover in his pi case. (It may be that I need to file

something in the bankruptcy case to cause this lien to be removed. Investigation continues.)

- 3) Once I know the above facts, I will need to know the potential range of recovery, and, assuming the potential recovery is large enough, if you want to be retained by the Bankruptcy Estate to continue to represent the Debtor/Estate in the pending personal injury cause of action.

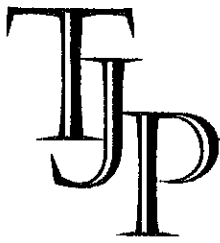
I look forward to hearing from you again soon.

Very truly yours,

EHRMANN GEHLBACH BADGER LEE & CONSIDINE, LLC


Megan G. Heeg

MGH/kme



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JOHN A. KORNAK

MARK J. VOGG
ROBERT J. LUMBER

February 4, 2015

Paul Dulberg
4606 Hayden Court
McHenry, IL 60051

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*
McHenry County Case: 12 LA 178

Dear Paul:

Please be advised that the Defendant has agreed to submit this matter to the court for purposes of pre-trial settlement conference. What this involves is that all the parties will appear on April 9, 2015 at 1:30 p.m. at the McHenry County Courthouse in Woodstock, Illinois. We will meet with the judge and discuss the case and potentially negotiate a settlement.

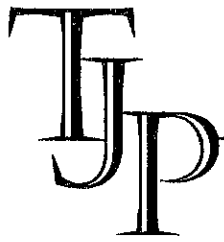
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HANS A. MAST

smq

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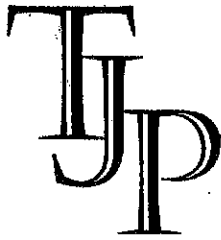
Very truly yours,

A handwritten signature in black ink, appearing to be 'HANS A. MAST'.

HANS A. MAST

smq

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11/2
FAXED

THOMAS J. POPOVICH
HANS A. MAST
JOHN A. KORNAK

MARK J. VOGG
ROBERT J. LUMBER

January 7, 2015

VIA FACSIMILE: 815/288-3068

Megan G. Heeg
Ehrmann, Gehlbach, Badger, Lee & Considine, LLC
215 E. First Street, Suite 100
Dixon, IL 61021

RE: *Bankruptcy Estate of Paul Dulberg, Case No. 14-82297*

Dear Ms. Heeg:

I received your recent correspondence. I am currently representing Paul Dulberg for injuries he suffered when his arm was struck by a chainsaw on June 28, 2011. We are in the midst of discovery. There is no scheduled trial date. At this point, the defense is taking a "no liability" position and therefore, the chance of recovery is uncertain. I believe liability will be extremely difficult. We have calculated Paul's medical expense related to the occurrence as exceeding \$60,000. To my knowledge, most of the medical expense is outstanding. However, my belief is that any eventual recovery will be much less.

I will be pursuing settlement negotiations. I am not sure at this time how this case will end up. Happy to speak with you at your convenience.

Very truly yours,

HANS A. MAST

smq

WAUKEGAN OFFICE
210 NORTH MARTIN LUTHER
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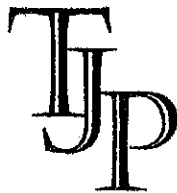
P1

Jan 7 2015 04:01pm

Sender: GUEST

TTI 1: Law Offices T Popovich TTI Number: 1-815-344-5280

Destination	Type	Mode	Start Time	Time	Page	Note	Result	Details
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January 7, 2015

VIA FACSIMILE: 815/288-3068

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215 E. First Street, Suite 100
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WAUKEGAN, IL 60085

Ehrmann Gehlbach Badger Lee & Considine, LLC

215 E. First Street, Suite 100

Dixon, IL 61021

815-288-4949

Fax: 815-288-3068 E-mail: heeg@egblc.com

FAX TRANSMISSION COVER SHEET

Date: January 6, 2015
To: Thomas J. Popovich, Esq.
Fax: 815-344-5280
Re: Dulberg
Sender: Megan G. Heeg, Esq./kme

add to
service list
090129
Barak
"Trustee"

YOU SHOULD RECEIVE ⁴ PAGES, INCLUDING THIS COVER SHEET. IF YOU DO NOT
RECEIVE ALL THE PAGES, PLEASE CALL 815-288-4949.

CONFIDENTIALITY NOTICE: The information contained in this facsimile message is **ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION** intended only for the use of the individual or entity named herein. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the United States Postal Service. Thank you.

EHRMANN GEHLBACH BADGER LEE & CONSIDINE, LLC**ATTORNEYS AT LAW**

COMMERCE TOWERS, SUITE 100

P.O. Box 447

215 E. FIRST STREET

DIXON, IL 61021

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Rolfe F. EHRMANN
1949 - 2011
WARREN H. BADGER
1911-2005

January 6, 2015

BY FAX

Thomas J. Popovich, P.C.
Law Offices of Thomas J. Popovich, P.C.
3416 West Elm Street
Lake, Illinois 60050

Re: Your File: Paul Dulberg v. David Gagnon, et al
My File: Bankruptcy Estate of Paul Dulberg; Case No. 14-82297

Dear Attorney Popovich:

Paul R. Dulberg filed a Chapter 7 bankruptcy petition on November 26, 2014, and I was assigned as Trustee. (A copy of the Notice of bankruptcy filing is attached for your ready reference.) As Trustee, I am duty bound to collect the Bankruptcy Estate's assets for the benefit of the Debtor's unsecured creditors.

One of the assets of Mr. Dulberg's Bankruptcy Estate is his interest in the personal injury cause of action pending in McHenry County, Illinois. Please note the Bankruptcy Estate's interest in your records.

Debtor has provided to me a copy of the Complaint, but nothing more. At this time, can you please "pull out your crystal ball" and estimate for my Estate the possible result of the pending litigation, the possible timing of its resolution, the extent of any medical liens, and the likely final distribution to debtor? Also, if the case has sufficient worth, it may be best if the Bankruptcy Estate retains you and your firm to continue the representation (for the benefit of the Bankruptcy Estate.)

I look forward to hearing from you soon.

THU 06 2015 10:10:51 AM EMBLO

Thomas J. Popovich, P.C.

2

January 6, 2015

Very truly yours,

EHRMANN GEHLBACH BADGER LEE & CONSIDINE, LLC


Megan G. HeegMGH/kme
Enclosure

Case 14-83578 Doc 9 Filed 12/01/14 Entered 12/01/14 09:51:23 Desc 341Mtg

Chap7/Ind No Assets Page 1 of 2

B9A (Official Form 9A) (Chapter 7 Individual or Joint Debtor No Asset Case) (12/12)

Case Number 14-83578

UNITED STATES BANKRUPTCY COURT

Northern District of Illinois

Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on 11/26/14.

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

**Creditors — Do not file this notice in connection with any proof of claim you submit to the court.
See Reverse Side For Important Explanations**

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Paul R. Dulberg
4606 Hayden Court
McHenry, IL 60051-7918

Case Number: 14-83578
Office Code: 3

Social Security / Individual Taxpayer ID / Employer Tax ID / Other
nos:
xxx-xx-4001

Attorney for Debtor(s) (name and address):

David L. Stretch
Law Office of David L. Stretch
5447 West Bull Valley Road
McHenry, IL 60050-7410
Telephone number: 815-578-0055

Bankruptcy Trustee (name and address):

Megan G. Heag
Ehrmann Gehlbach Badger Lee & Considine
Pob 447-215 E First St, Ste 100
Dixon, IL 61021
Telephone number: 815-288-4949

Meeting of Creditors:

Date: December 30, 2014

Time: 10:00 AM

Location: 308 West State Street, Room 40, Rockford, IL 61101

All debtors are required to attend and bring a picture ID and proof of their Social Security Number to the 341 meeting.

Presumption of Abuse under 11 U.S.C. § 707(b)

See "Presumption of Abuse" on reverse side.

The presumption of abuse does not arise.

Deadlines:

Papers must be received by the bankruptcy clerk's office by the following deadlines:

Deadline to Object to Debtor's Discharge or to Challenge Dischargeability of Certain Debts: 3/2/15

Deadline to Object to Exemptions:

Thirty (30) days after the conclusion of the meeting of creditors.

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.

Creditor with a Foreign Address:

A creditor to whom this notice is sent at a foreign address should read the information under "Do Not File a Proof of Claim at This Time" on the reverse side.

Address of the Bankruptcy Clerk's Office:

Western Division
327 South Church Street
Rockford, IL 61101
Telephone number: 1-866-222-8029

For the Court:

Clerk of the Bankruptcy Court:
Jeffrey P. Allsteadt

Hours Open: Monday - Friday 8:30 AM - 4:30 PM

Date: December 1, 2014