

**Subject:** RE: Dulberg v. The Law Offices of Thomas J. Popovich  
**Date:** Wednesday, July 11, 2018 at 4:09:18 PM Central Daylight Time  
**From:** Sabina Walczyk  
**To:** me

Hi Paul,  
Thanks for the information.  
We do not have a due date yet for our response but I have saved this information and will use it when we start drafting the response.  
We will enter into a briefing schedule on the next court date, July 20, 2018.

Thanks,

Sabina D. Walczyk  
Associate Attorney  
The Gooch Firm  
209 South Main Street  
Wauconda, Illinois 60084  
(847) 526-0110 (phone)  
(847) 526-0603 (fax)

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

From: me <[pdulberg@comcast.net](mailto:pdulberg@comcast.net)>  
Sent: Wednesday, July 11, 2018 4:01 PM  
To: Office Office <[office@goochfirm.com](mailto:office@goochfirm.com)>  
Cc: Thomas W. Gooch III <[gooch@goochfirm.com](mailto:gooch@goochfirm.com)>; Sabina Walczyk <[swalczyk@goochfirm.com](mailto:swalczyk@goochfirm.com)>; Nikki <[nikki@goochfirm.com](mailto:nikki@goochfirm.com)>  
Subject: Re: Dulberg v. The Law Offices of Thomas J. Popovich

Hi Tom & Sabina,

Please find the attached file  
DULBERG-AMENDED-COMPLAINT-MOTION-TO-DISMISS-REPLY.txt

Note: The Mast to Barch letter dated December 26th, 2013 is in the files I last brought to your office and should be added as an exhibit.

If you need another copy please let me know.

If you have any problems with the attached file please let me know.

Thank you,  
Paul  
817-107-1750

On 7/10/2018 2:05 PM, me wrote:

Hi Tom and Sabina,

Just wanted to touch base and let you know that by sometime tomorrow I should have a very detailed response to questions at the heart of the defendants motion to dismiss for you to review and will get it to you via email.

Please give me a call or lets set up an appointment time, There are a few things I'd like to discuss...

a.) Hiring a premises liability expert specializing in ultrahazardous situations (I realized that the Chainsaw expert I hired (Dr. Lanford) for the case against GAGNON only spoke of the MCGUIRES partial liability as the owners of the chainsaw, not as The owners of the property and the premises liability issue. I believe these are two very different liabilities and must be addressed.)

b.) Hiring a premises liability attorney specializing in ultrahazardous situations (To argue any mock trial or whatever it is that needs to be done for us that may very well be in our future)

c.) Discuss the pros and cons of accepting the GAGNON award amounts vs. a separate trial over the MCGUIRES homeowners liabilities and responsibilities under ultrahazardous situations. (chainsaws and felling trees puts this in a whole new catagory of Ultrahazardous situations and I believe moves us from "reasonable care for invitees or licensees" to "strict liability" against the homeowners

If I am correct about the change in level of liabilities, which I am pretty darn positive I am, It further shows how Mast and Popovich completely dropped the ball and mishandled this case.

Thank you both for so much,  
Paul  
847-497-4250

On 7/6/2018 11:23 AM, Office Office wrote:

I will find out from the attorney and let you know. It really depends on the Judge.

I will let Tom & Sabina know.

Thank you and have a great weekend!

Melissa J. Podgorski  
Paralegal  
The Gooch Firm  
209 South Main Street  
Wauconda, Illinois 60084  
(847) 526-0110 (phone)  
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-----Original Message-----

From: me <[pdulberg@comcast.net](mailto:pdulberg@comcast.net)>

Sent: Friday, July 6, 2018 11:13 AM

To: Office Office <[office@goochfirm.com](mailto:office@goochfirm.com)>

Cc: Thomas W. Gooch III <[gooch@goochfirm.com](mailto:gooch@goochfirm.com)>; Sabina Walczyk <[swalczyk@goochfirm.com](mailto:swalczyk@goochfirm.com)>; Nikki <[nikki@goochfirm.com](mailto:nikki@goochfirm.com)>

Subject: Re: Dulberg v. The Law Offices of Thomas J. Popovich

Hi Melissa,

Thank you for a copy of the defendants motion to dismiss.  
I will read this in detail over the next few days.

Please let me know of anything in this motion that is remotely concerning or gives the defendant a leg to stand on.

Please let Tom and Sabina know that I will provide anything they feel they need to defeat the defendants motion.

Thank you again,  
Paul

Paul Dulberg  
847-497-4250

On 7/6/2018 9:12 AM, Office Office wrote:

Dear Mr. Dulberg,

Sorry for the inconvenience, we did receive the attached Motion to Dismiss from the Defendant's yesterday. For some reason it was in my junk email.

Please note they set their motion for July 20, 2018. We will keep you advised of what transpires in Court that day. Also, please know that them filing a Motion to Dismiss is most common in response to a Complaint. The Judge will hear their motion and decide if he will allow it or not. If he does, we will have to file a response to their Motion to Dismiss. If the Judge denies their motion, we will

have to amend the Complaint.

Basically, you have nothing to worry about at this time. This matter will not be dismissed based on that motion.

If you have any questions, please let me know.

Thank you,

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**Subject:** RE: Dulberg v. The Law Offices of Thomas J. Popovich  
**Date:** Wednesday, July 11, 2018 at 4:22:05 PM Central Daylight Time  
**From:** Sabina Walczyk  
**To:** me

Hi Paul,  
So the last court order states that we have a status of pleadings on July 20, 2018.

On this date, since the Defendants filed a Motion to Dismiss, the Court will give us the briefing schedule--setting out when our Response is due, when their Reply is due and when the hearing will be set.

So to answer your question, the briefing schedule gives us the due date, which we will know what it is on the next court date.  
Please let me know if that answered your question.

Sabina D. Walczyk  
Associate Attorney  
The Gooch Firm  
209 South Main Street  
Wauconda, Illinois 60084  
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-----Original Message-----  
From: me <[pdulberg@comcast.net](mailto:pdulberg@comcast.net)>  
Sent: Wednesday, July 11, 2018 4:15 PM  
To: Sabina Walczyk <[swalczyk@goochfirm.com](mailto:swalczyk@goochfirm.com)>  
Subject: Re: Dulberg v. The Law Offices of Thomas J. Popovich

Hi Sabina,  
ok i'm confused  
Is the briefing schedule not the due date for our response?

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Melissa J. Podgorski

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Waukegan, Illinois 60084



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