

SC

No. 2-23-0072

IN THE APPELLATE COURT OF ILLINOIS
SECOND JUDICIAL DISTRICT

PAUL R. DULBERG.

Plaintiff-Appellant

**HANS MAST and the LAW OFFICES OF
THOMAS J. POPOVICH, P.C.**

Defendants-Appellees

) Appeal from the Circuit Court of the
) 22nd Judicial Circuit, McHenry County,
) Illinois
) **Relief Sought: Appellant's Brief Due Date Extended**
) **to September 29, 2023**
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) Honorable Joel D. Berg, Judge Presiding
) Date of Notice of Appeal March 3, 2023
) Date of Judgment February 1, 2023
) Date of Post judgment Motion Order: None

SECOND MOTION FOR EXTENSION OF TIME TO FILE APPELLANT’S BRIEF
(Civil)

Plaintiff-Appellant Paul R Dulberg (Appellant) moves this Honorable Court for an **extension of Time to file Appellant’s Brief to September 29, 2023** and in support of said motion states as follows:

1. On July 24, 2023 and before filing this motion, Plaintiff's attorney telephoned both attorneys representing the Defendants and left a voice mail message for each indicating that I would be seeking an extension of time for filing the Appellant's Brief for 60 days based upon various problems based upon the stress of being a sole practitioner with a extremely heavy active case load complicated by an extremely stressful personal. problem. Neither attorney was available but in each case I left a detailed rendering of

my extremely stressful personal problem that added to the normal high stress of practicing law. I asked to be notified if either had an objection and that I would wait a reasonable amount of time to include any objection they might have . (Ill. S. Ct. 361(a) and Local Rule Article 1 General Rules 102(b).

2. On July 24, 2023 I received a telephone message from Defendants' attorneys stating Defendants have no objections. .
3. The number of days previously requested is 60, the number of days previously granted is 60, and the total number of days is 60.(Local rule 104 (a)(1))
4. The total number of days requested, and the total number of days granted to other parties are (0) none. (Local Rule 104(a)(2))
5. The number of days that will have elapsed from the date of filing of the Notice of Appeal to the date that the case will be ready for disposition is two hundred fifty-nine days. (Local Rule 104(a)(3), Local Rule 106(b) and Local Rule 108(a) & (b))
6. Appellant filed his Notice of Appeal on March 3, 2023.
7. The Record on Appeal was filed on April 24, 2023 and made available for download on April 25, 2023.
8. Appellant's Brief due date was first extended sixty days by this Honorable Court to July 31, 2023.
9. Sixty days is insufficient to prepare and file Appellant's Brief for the following reasons:
 - 9(a) The record on appeal consists of three volumes totaling 2,660 pages;
 - 9(b) Appellant requested the entire record be prepared, but Appellant's attorney has discovered missing report of proceedings, mismatched sections, documents with only one of the Defendants' names where it should be all,

Memorandums of Law where the body of the motions should be, violations of the Supreme Court of Illinois Standards and Requirements for Electronic Filing the Record on Appeal (Revised- Effective March 1, 2022) regarding §1. Definitions (i) Hyperlink-... and so on. (Investigation Continues.)

10. Appellant's attorney has made extensive efforts to have Appellant's Brief ready for filing by the July, 31, 2023 considering the above listed problems and his Court hearing/filing schedule on April 25, 2023 case # 2021P008775 Public Administrator's motion, May 4, 2023 case # 2022L010905 where he argued a "Motion for a Special Order" and additionally he had to brief two separate 735 ILCS 5/2-619.1 motions and a separate 735 ILCS 5/2-615 motion for hearings on May 25, 2023 and July 31, 2023, resolve a dispute regarding an order to be entered on May 4, 2023 where the Honorable Judge declined to choose between proposed orders and there wasn't a Court Reporter, drafting and filing/serving case # 2023CH04351 on May 2, 2023 a Complaint for Declaratory Judgment with an expiring Statute of Limitations against a municipal corporation and twenty-one additional defendants and two emergency personal problems as previously stated in support of Appellant's first Motion for Extension of Time.

Subsequent to the filing of Appellant's initial Motion for Extension of Time the following court schedule required Appellant's Attorney's preparation and appearances: May 31, 2023 The Estate of Hutchinson, Deceased 19PR000098 continuing after remand from the Illinois Appellate Court, 2nd District for further proceedings; Dulberg v. Baudins et al 2022L010905 drafting and filing Response to Defendants' 735 ILCS 2-619.1 Motions to Dismiss; Dulberg v. Olsen Notice of Supreme Court rule 304(a) Appeal First District 1-23-1142 on June 26, 2023; (on June 28, 2023 a traumatic

personal event that was experienced by Appellant Paul R. Dulberg” attorney that continues to the filing of this Second Motion for Extension of Time and onward (Please see below); preparation for a sur-response in Dulberg v. Baudins et al; preparation for an Amended Complaint and Response for a Motion for Summary Judgment due with an appearance July 31, 2023 in 2022L010905, Court Appearance on July 20, 2023 two separate Defendants’ 735 ILCS 5/2-615 Motions to Dismiss Case 2023CH 04351, First District, Kost v. Village of Mt. Prospect et al;

Appellant’s Attorney traumatic ongoing event began on June 28, 2023 and continues.

On June 28, 2023 Appellant’s Attorney’s Fiancée entered the airport in Manila, Philippines to take a flight to the U.S. to meet with future family, current friends, and Appellant’s Attorney. The schedule flight was to stop in Tokyo, Japan for a short lay over then on to O’Hare International Airport (ORD) Illinois.

June 28, 2023 in the Manilla, Philippines was the last time anyone has seen or heard from her. She did not arrive at O’Hare and a cooperative customs agent told Appellants’ Attorney that she was not being detained by customs and upon further investigation stated she was not on the passenger manifest of the connecting flight in Tokyo, Japan. Subsequently, the embassies in both countries were contacted, an international investigation firm was hired and local government personnel began an independent investigation.

No trace of Appellant’s Attorney’s Fiancée has been found.

The stress of an active practice coupled with the terrible stress of a missing loved one for over 27 days has affected Appellant’s Attorney in many negative ways.

11. Appellant is a sole practitioner and has no full-time staff to help in the preparation of Appellant's Brief.

Wherefore, Plaintiff-Appellant prays that this Honorable Court recognize Plaintiff-Appellant's Attorney good faith and extensive efforts to comply with the initial and extended briefing schedule, the problems caused by the Report on Appeal based on its page size and the errors by the Clerk of the Circuit Court in preparation of the Record on Appeal (and as additional relief consider ordering the Clerk to prepare an Amended Record on Appeal) and grant Appellant a minimum of 60 additional days up to and including September 29, 2023 to file his Appellant's Brief and any and all additional relief this Honorable Court deems equitable and just.

Dated: July 24, 2023

Respectfully submitted,

By: /s/ Alphonse A. Talarico
ARDC 6184530
707 Skokie Boulevard suite 600
Northbrook, Illinois 60062
(312) 808-1410
contact@lawofficeofalphonsetalarico.com

VERIFICATION BY CERTIFICATION PURSUANT TO SECTION 1-109

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



/s/ Alphonse A. Talarico

2-23-0072

E-FILED
Transaction ID: 2-23-0072
File Date: 7/24/2023 4:27 PM

Jeffrey H. Kaplan, Clerk of the Court
APPELLATE COURT 2ND DISTRICT

PROOF OF DELIVERY

SC

I am sending this Motion for Extension of Time to File Appellant's Brief , Proposed Order and

Notice of Filing to George K. Flynn and Michelle M. Blum , Karbal Cohen

Economou Silk Dunne, LLC., 200 S Wacker Drive, Suite 2550, Chicago, Illinois 60606, Tel:

(312) 431-3700, Fax: (312) 431-3670, gflynn@karballaw.com, mblum@karballaw.com by an

approved electronic filing service provider (EFSP) on July 24, 2023 at 4:30 p.m.

I certify that everything in the *Proof of Delivery* is true and correct. I understand that a false

statement herein is perjury and has penalties provided by law under 735 ILCS 5/1-109.

Dated: July 24, 2023

/s/ Alphonse A. Talarico

ARDC 6184530

707 Skokie Boulevard suite 600

Northbrook, Illinois 60062

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**NOTICE OF FILING SECOND MOTION FOR EXTENSION OF TIME TO FILE
APPELLANT'S BRIEF**

TO: George K. Flynn and Michelle M. Blum
Karbal Cohen Economou Silk Dunne, LLC
200 S Wacker Drive, Suite 2550
Chicago, Illinois 60606
Tel: (312) 431-3700, Fax: (312) 431-3670
gflyn@karballaw.com
mblum@karballaw.com

PLEASE TAKE NOTICE that on July 24, 2023, the undersigned filed the NOTICE OF FILING SECOND MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S BRIEF of Plaintiff-Appellant Paul R. Dulberg with the Clerk of the Appellate Court Second District, Illinois, a copy is hereby served upon you.

CERTIFICATE OF SERVICE BY ELETRONIC DELIVERY

I, Alphonse Talarico, an attorney, on oath state that I served the foregoing:

NOTICE OF FILING MOTION FOR
EXTENSION OF TIME TO FILE
APPELLANT'S BRIEF upon
counsel listed above by an approved
electronic filing service provider
(EFSP) on July 24, 2023 at 4:30 p.m.

/s/ Alphonse A. Talarico
ARDC 6184530
707 Skokie Boulevard suite 600
Northbrook, Illinois 60062
(312) 808-1410
contact@lawofficeofalphonsetalarico.com

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/s/ Alphonse A. Talarico