



SC

No. 2-23-0072

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IN THE APPELLATE COURT OF ILLINOIS  
SECOND JUDICIAL DISTRICT

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PAUL R. DULBERG,

Plaintiff-Appellant

) Appeal from the Circuit Court of the  
) 22<sup>nd</sup> Judicial Circuit, McHenry County,  
) Illinois  
) **Relief Sought: Appellant's Brief Due Date Extended**  
) **to December 29, 2023/Allow Appellant to Amend**  
) **his Docketing Statement to Include Related**  
) **Cases/Order the Clerk of the 22<sup>nd</sup> Judicial Circuit to**  
) **Amend the Record on Appeal to Include All**  
) **Missing Documents and Hyperlinks at No**  
) **Additional Cost to Appellant and to Include an**  
) **Affidavit of Completeness & Certification /Allow**  
) **Appellant to Request the Record On Appeal for All**  
) **Related Cases /To File a Brief In Excess Of The**  
) **Prescribed Page Limits**

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

Defendants-Appellees

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) Honorable Joel D. Berg, Judge Presiding  
) Date of Notice of Appeal March 3, 2023  
) Date of Judgment February 1, 2023, 2017 LA 000377  
) Date of Post judgment Motion Order: None  
) Circuit Court 2017LA000377

**AMENDED THIRD MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S**  
**BRIEF and MOTION TO ALLOW APPELLANT TO AMEND HIS DOCKETING**  
**STATEMENT TO INCLUDE RELATED CASES / TO ORDER THE CLERK OF THE**  
**22<sup>nd</sup> JUDICIAL CIRCUIT TO AMEND HER REPORT ON APPEAL TO INCLUDE ALL**  
**MISSING DOCUMENTS AND HYPERLINKS AT NO ADDITIONAL COST TO**  
**APPELLANT AND TO INCLUDE AN AFFIDAVIT OF COMPLETENESS &**  
**CERTIFICATION /ALLOW APPELLANT TO REQUEST THE RECORD ON APPEAL**  
**FOR ALL RELATED CASES/ TO FILE A BRIEF IN EXCESS OF THE PRESCRIBED**  
**PAGE LIMITS ALL PURSUANT TO SUPREME COURT RULES 323(b), 329, 341(b),**  
**343(c), 361, 366(a)(3) and (a)(5), 608.**

(Civil)

Plaintiff-Appellant Paul R Dulberg (Appellant) moves this Honorable Court for an EXTENSION OF TIME TO FILE APPELLANT'S BRIEF and MOTION TO ALLOW APPELLANT TO AMEND HIS DOCKETING STATEMENT TO INCLUDE RELATED CASES / TO ORDER THE CLERK OF THE 22<sup>nd</sup> JUDICIAL CIRCUIT TO AMEND THE RECORD ON APPEAL TO INCLUDE ALL MISSING DOCUMENTS AND HYPERLINKS AT NO ADDITIONAL COST TO APPELLANT AND TO INCLUDE AN AFFIDAVIT OF COMPLETENESS & CERTIFICATION /ALLOW APPELLANT TO REQUEST THE RECORD ON APPEAL FOR ALL RELATED CASES/ TO FILE A BRIEF IN EXCESS OF THE PRESCRIBED PAGE LIMITS ALL PURSUANT TO SUPREME COURT RULES 323(b), 329, 341(b), 343(c), 361, 366(a)(3) and (a)(5) and 608. and in support of said motion states as

follows:

**I. APPELLANT'S AMENDED MOTION FOR AN EXTENSION OF TIME TO FILE APPELLANT'S BRIEF**

1. On September 28, Plaintiff's Attorney spoke with Appellees' Attorney indicating the nature of this Motion, to which Appellees' Attorney indicated a need to contact his clients regarding any objection to the Motion. Appellees' Attorney stated that he would get back to me as soon as the Appellees decide, and Appellees Attorney's response is attached to this Amended Motion as Appellant's Exhibit A. Appellees object to all relief requested in this Amended Motion and counter with no objection to a 21-day extension to file Appellant's Brief. (Ill. S. Ct. 361(a) and Local Rule Article 1 General Rules 102(b). Please see Appellants Exhibit A attached)
2. Appellant's Attorneys also e-mailed a copy of this Amended Motion to Appellees' Attorneys before filing it.
3. The number of days previously requested is 120, the number of days previously granted is 120, and the total number of days is 120. (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 three hundred forty-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. Appellant's Brief due date was thereafter extended a second time by this Honorable Court to September 29, 2023.
10. Sixty days is insufficient to prepare and file Appellant's Brief for the following reasons:
  - (a) The record on appeal consists of three volumes totaling 2,660 pages;
  - (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.)
  - (c) Appellant's attorney has made extensive efforts to have Appellant's Brief ready for filing by the September 29, 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 present, 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, 2<sup>nd</sup> 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; August 22, 2023 The Estate of Hutchinson,

Deceased 19PR000098 Hearing and Decision on Motion to Reconsider; August 29, 2023

Dulberg v. Baudins et al 2022L010905 Hearing on Defendants' 735 ILCS 2-619.1 Motions to Dismiss; September 18, 2023 Dulberg v. Baudins et al 2022L010905 drafting, filing, and serving Plaintiffs' 7 page 735 ILCS 5/2-1005(c) Counter-Affidavit; throughout the second 60 days consulting and advising client regarding his allegations of custodial parent's child abuse based upon 2015D007566; consulting and advising client regarding his allegations of wrongful taking without personal jurisdiction based upon 2017M1108676; September 21, 2023 Hearing on Motion for Summary Judgment, Dulberg v. Baudins et al 2022L010905; September 26, 2023 The Estate of Hutchinson, Deceased 19PR000098 Hearing Motion to Compel.

(d) Appellant's Attorney traumatic ongoing event that 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 United States to meet with future family, current friends, and Appellant's Attorney. The scheduled 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 Manila, 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 Appellant's Attorney that she was not being detained by customs in the United States 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 that did not produce any information and resigned after over a month of investigations and local government personnel began an independent investigation that was also fruitless.

It was thereafter discovered that the Japanese customs and criminal police had confiscated her ticket from Tokyo, Japan to the United States and then obtained an air ticket back to the

Philippines that she was forced to use.

The stress of an active practice coupled with the stress of a missing loved one for over 27 days, who was finally discovered to be detained in a Japanese jail, having been handcuffed and weighted leg chained, hair involuntarily cut, forced interrogations for 72 hours without the right to have legal counsel or contact with family or friends, put on trial and released as not guilty but with all personal property and money retained to be returned in the future, that Appellant's Attorney is still attempting to have returned, through first contacting the Japanese Embassy in Tokyo, Japan and thereafter the Philippine Embassy in Japan 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.

**II. APPELLANT'S AMENDED MOTION TO ALLOW APPELLANT TO AMEND HIS DOCKETING STATEMENT BY INCLUDING A STATEMENT OF RELATED CASE**

12. Appellant's Attorney used and filed the approved Illinois Supreme Court Docketing Statement (Civil) form DS-S 4603.2 but failed to add the required Related-case statement (RULES OF THE ILLINOIS APPELLATE COURT, SECOND DISTRICT October 4, 2022 Rule 113)

13. Appellant's Attorney believes that a full and complete understanding of the issues rulings and decisions cannot be properly presented to this Honorable Court without the underlying case and current pending related cases.

14. Appellant's Attorney affirmatively states that this error was inadvertent and that Appellant's case and this Honorable Courts complete understanding of this matter which began on June 28, 2011 and continues through the date of the filing

of this Motion requires the addition of documents from said related cases.

15. The related cases are as follows:

a) 2012LA000326 MCDONALD JULIE ESTATE OF VS POPOVICH THOMAS  
J. LAW OFFICES, ET AL CLOSED

b) 2012LA000178 DULBERG, PAUL VS GAGNON, DAVID, ET AL CLOSED

c) 2022L010905 Dulberg ET AL VS BAUDIN, KELLY N. , ET AL :

c1) Defendant ADR Systems of America , L.L.C. dismissed;

c2) the “Olsen Defendants” combined Motion to Dismiss pursuant to 735 ILCS 5/2-  
619.1 was granted on May 25, 2023 and a Rule 304(a) Appeal is pending 1-23-  
1142;

C3) the “Baudin Defendants” Motion to Dismiss was granted on Statute of Limitations  
grounds only on August 29, 2023;

c4) Defendant Allstate Property and Casualty Insurance Company Motion for Summary  
Judgment was granted on September 21, 2023;

d) In re: DULBERG, PAUL R. Debtor, UNITED STATES BANKRUPTCY COURT,  
NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION Case 14-83578  
CLOSED

e) NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION Paul Dulberg v. Carolyn  
Colvin, No. 15C50219

**III. APPELLANT’S AMENDED MOTION TO ORDER THE CLERK OF THE 22<sup>nd</sup>  
JUDICIAL CIRCUIT TO AMEND THE RECORD ON APPEAL TO INCLUDE ALL  
MISSING DOCUMENTS AND HYPERLINKS AT NO ADDITIONAL COST TO  
APPELLANT AND TO INCLUDE AN AFFIDAVIT OF COMPLETENESS &  
CERTIFICATION**

16. As first stated in Appellant's Second Motion for Extension of Time to file Appellant's Brief, a major obstacle to preparing said Brief was the problems caused by the Record on Appeal being improperly prepared by the Clerk of the 22<sup>nd</sup> Judicial Circuit .
17. In Appellant's Second Motion for Extension of Time to file Appellant's Brief the discovered problems were exposed: 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.) (Please see Appellant's Second Motion for Extension of Time to file Appellant's Brief Sections 9(a) and 9(b).
18. Appellant's attorney has diligently attempted to discover all the errors in the Record on Appeal but has concluded that he neither has the hours or resources to produce a complete rendering of said errors.
19. The Clerk of the 22 Judicial Circuit has the complete record at her disposal and the staff to properly prepare the requested complete Record on Appeal.
20. The Clerk of the 22 Judicial Circuit should be ordered to prepare the complete record with all Reports of Proceeding and all hyperlinks, all documents ... that equates a complete Record on Appeal and to certify not only the Records submitted but a certification that states affirmatively that the entire file is included or to list what has been destroyed or lost.
21. This amended Record on Appeal should be done at the Clerk's expense as the preparation of the Record on Appeal is one of her tasks and Appellant has already paid an extensive amount for



what she has already submitted.

**IV. ALLOW APPELLANT TO REQUEST THE RECORD ON APPEAL FOR ALL RELATED CASES**

22. Appellant believes that an ORDER from this Honorable Court would be viewed by other Clerks of Court in order to obtain their cooperation in submitting a Record on Appeal that would give this Honorable Court a complete picture of not only this case but all related cases also.

**V. ALLOW APPELLANT TO FILE A BRIEF IN EXCESS OF THE PRESCRIBED PAGE LIMITS**

23. Appellant reasonably believes that the current page limit will be inadequate to inform this Honorable Court of all the issues that support his position.

Wherefore, Plaintiff-Appellant prays that this Honorable Court recognize Plaintiff-Appellant's Attorney good faith and extensive efforts to comply with the extended briefing schedules, the problems caused by the Record on Appeal based on its page size and the errors by the Clerk of the 22<sup>nd</sup> Judicial Circuit in preparation of the Record on Appeal, grant Appellant a 90-day extension of time to file Appellant's Brief, allow Appellant to amend his Docketing Statement to include related cases, order the Clerk of the 22<sup>nd</sup> Judicial District to amend the Record on Appeal to include all missing documents and hyperlinks, at no additional cost to Appellant and to include an affidavit of completeness and the required certification, allow Appellant to Request the Record on Appeal for all related cases, file Appellant's Brief in excess of the prescribed page limits, and for any and all additional relief this Honorable Court deems equitable and just..

Dated: October 1, 2023

Respectfully submitted,

By: /s/ Alphonse A. Talarico

ARDC 6184530

707 Skokie Boulevard suite 600

Northbrook, Illinois 60062

(312) 808-1410

[contact@lawofficeofalphonsetalarico.com](mailto: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

**PROOF OF DELIVERY**

I am sending this Amended 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, [gflyn@karballaw.com](mailto:gflyn@karballaw.com), [mblum@karballaw.com](mailto:mblum@karballaw.com) by an approved electronic filing service provider (EFSP) on October 1, 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: October 1, 2023

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





Alphonse Talarico &lt;alphonsetalarico@gmail.com&gt;

EXHIBIT A

**Dulberg v. Popovich**

1 message

**George K. Flynn** <gflynn@karballaw.com>  
To: Alphonse Talarico <alphonsetalarico@gmail.com>  
Cc: "Michelle M. Blum" <mblum@karballaw.com>

Fri, Sep 29, 2023 at 11:28 AM

Dear Mr. Talarico:

Please let this confirm that I received your voicemail message on September 28, 2023, requesting certain relief, followed by our brief telephone discussion of the same day. Please be advised that I am authorized to agree to a final 21 day extension for the filing of Dulberg's brief on appeal. However, we object to the additional relief outlined in your voicemail message.

Please feel free to contact me if you have any questions regarding this matter.

Best regards,

**George K. Flynn**

**Karbal | Cohen | Economou | Silk | Dunne | LLC**  
**200 S. Wacker Drive**  
**Suite 2550**  
**Chicago, IL 60606**



P: (312) 431-3622



F: (312) 431-3670

E: [gflynn@karballaw.com](mailto:gflynn@karballaw.com)**CONFIDENTIALITY NOTE:**

This electronic message transmission contains information from the law firm of Karbal, Cohen, Economou, Silk & Dunne, LLC. which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, please immediately delete this e-mail and be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.



**CERTIFICATE OF SERVICE BY ELETRONIC DELIVERY**

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

NOTICE OF FILING AMENDED  
MOTION FOR EXTENSION OF  
TIME TO FILE APPELLANT'S  
BRIEF upon counsel listed above by an  
approved electronic filing service  
provider (EFSP) on October 1, 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](mailto: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