

Instructions ▼ Check the box to the right if your case involves custody, visitation, or removal of a child. Enter the appellate court case number. Just below "In the Appellate Court of Illinois," enter the number of the appellate district where the appeal was filed. If the case name in the trial court began with "In re" (for example, "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties in the trial court, and check the correct boxes to show which party filed the appeal ("appellant") and which party is responding to the appeal ("appellee"). To the far right, enter the trial court county, trial court case number, and trial judge's name.	<div style="border: 1px solid black; padding: 10px;"> <input type="checkbox"/> THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a). </div> <div style="text-align: center; margin-top: 20px;"> Appellate Case No.: <u>2-23-0072</u> </div> <div style="text-align: center; margin-top: 20px;"> IN THE APPELLATE COURT OF ILLINOIS </div> <div style="text-align: center; margin-top: 20px;"> <u>SECOND</u> District </div>		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border: none; vertical-align: top;"> <p>In re _____</p> <p><u>Paul R. Dulberg</u> Plaintiff/Petitioner (<i>First, middle, last names</i>)</p> <p><input checked="" type="checkbox"/> Appellant <input type="checkbox"/> Appellee</p> <p style="text-align: center;">v.</p> <p><u>Hans Mast and the Law Office of Thomas J. Popovich, P.</u> Defendant/Respondent (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> Appellant <input checked="" type="checkbox"/> Appellee</p> </td> <td style="width: 40%; border: none; vertical-align: top; padding-left: 20px;"> <p>Appeal from the Circuit Court of <u>McHenry</u> County</p> <p>Trial Court Case No.: <u>2017LA000377</u></p> <p>Honorable <u>Joel D. Berg</u> Judge, Presiding</p> </td> </tr> </table>	<p>In re _____</p> <p><u>Paul R. Dulberg</u> Plaintiff/Petitioner (<i>First, middle, last names</i>)</p> <p><input checked="" type="checkbox"/> Appellant <input type="checkbox"/> Appellee</p> <p style="text-align: center;">v.</p> <p><u>Hans Mast and the Law Office of Thomas J. Popovich, P.</u> Defendant/Respondent (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> Appellant <input checked="" type="checkbox"/> Appellee</p>	<p>Appeal from the Circuit Court of <u>McHenry</u> County</p> <p>Trial Court Case No.: <u>2017LA000377</u></p> <p>Honorable <u>Joel D. Berg</u> Judge, Presiding</p>
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MOTION

In 1, check the box that identifies who is filing the *Motion*.

1. ☒ Plaintiff/Petitioner-Appellant ☐ Plaintiff/Petitioner-Appellee
- ☐ Defendant/Respondent-Appellant ☐ Defendant/Respondent-Appellee

In 2, state specifically what you want the court to give you (e.g., "35 more days to file my brief"). This should be a short statement. You will give your reasons in the next section.

2. State what you want the court to do for you: Appellant moves for a ruling on his Motion to
- Reconsider filed on November 21, 2023 and for a ruling on his Motion to allow Appellant to file a
- Reply to Appellees' Response to Appellant's Motion to Reconsider filed on November 28, 2023
- pursuant to the common-law of the State of Illinois, most currently stated by the Illinois Supreme
- Court in (Docket No. 128474) THE PEOPLE OF THE STATE OF ILLINOIS, Appellant, v. BRYAN N.
- BRUSAW, APPELLEE. (November 30, 2023) and the earliest statement found in CASE v. PHILLIPS
- 182 Ill. 187, 55 N.E. 66 (1899).

In 3, write down the reasons why the court should give the relief you are asking for (e.g. "I need more time to finish and file my brief, because [insert reasons]").

3. State the reasons why the court should do what you have asked it to do:

Pursuant to the Illinois common law holdings that a motion that is not ruled upon by the trial court (in THE PEOPLE OF THE STATE OF ILLINOIS, Appellant, v. BRYAN N. BRUSAW, Appellee) or that is not ruled upon by the Appellate Court (in CASE v. PHILLIPS 182 Ill.187, 55 N.E.66) (1899) is presumed to have been abandoned or waived by the movant.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name.

Enter your complete current address and telephone number.

I certify that everything in the *Motion* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

/s/ Alphonse A. Talarico
Your Signature

707 Skokie Boulevard #600
Street Address

Alphonse A. Talarico
Print Your Name

Northbrook, Illinois 60062
City, State, ZIP

(312) 808-1410
Telephone

PROOF OF SERVICE

In **1a**, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In **1b**, check the box to show how you sent the document, and fill in any other information required on the blank lines.

CAUTION: If the other party does not have a lawyer, you may send the document by email only if the other party has listed their email address on a court document.

In **c**, fill in the date and time that you sent the document.

In **2**, if you sent the document to more than 1 party or lawyer, fill in **a**, **b**, and **c**. Otherwise leave **2** blank.

1. I sent this document:**a. To:**Name: George K. Flynn*First**Middle**Last*Address: 200 S. Wacker Drive, Suite 2550 Chicago Illinois 60606*Street, Apt #**City**State**ZIP*Email address: gflynn@karball.com

- b. By:** ☐ Personal hand delivery
☐ Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

Address of Post Office or Mailbox

- ☐ Third-party commercial carrier, with delivery paid for at:

Name (for example, FedEx or UPS) and office address

- ☒ The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)
☐ Email (not through an EFM or EFSP)
☐ Mail from a prison or jail at:

Name of prison or jail

- c. On:**
- December 3, 2023

*Date*At: 9:00 ☐ a.m. ☒ p.m.*Time***2. I sent this document:****a. To:**Name: Michelle M. Blum*First**Middle**Last*Address: 200 S. Wacker Drive, Suite 2550 Chicago Illinois 60606*Street, Apt #**City**State**ZIP*Email address: mblum@karballaw.com

- b. By:** ☐ Personal hand delivery
☐ Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

Address of Post Office or Mailbox

- ☐ Third-party commercial carrier, with delivery paid for at:

Name (for example, FedEx or UPS) and office address

Enter the Case Number given by the Appellate Court Clerk: 2-23-0072

- ☒ The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)
☐ Email (*not through an EFM or EFSP*)
☐ Mail from a prison or jail at:

Name of prison or jail

c. On: December 3, 2023
Date

At: 9:00 ☐ a.m. ☒ p.m.
Time

In 3, if you sent the document to more than 2 parties or lawyers, fill in **a**, **b**, and **c**. Otherwise leave **3** blank.

3. I sent this document:

a. To:

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email address: _____

- b. By: ☐ Personal hand delivery
☐ Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

Address of Post Office or Mailbox

- ☐ Third-party commercial carrier, with delivery paid for at:

Name (for example, FedEx or UPS) and office address

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☐ Email (*not through an EFM or EFSP*)
☐ Mail from a prison or jail at:

Name of prison or jail

c. On: _____
Date

At: _____ ☐ a.m. ☐ p.m.
Time

If you are serving more than 3 parties or lawyers, fill out and file 1 or more *Additional Proof of Service* forms with this form.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name.

I certify that everything in the Proof of Service is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

/s/ Alphonse A. Talarico

Your Signature

Alphonse A. Talarico

Print Your Name