

From: Alphonse Talarico contact@lawofficeofalphonsetalarico.com 

Subject: ISCR 315(c)(4)

Date: January 7, 2024 at 11:08 AM

To: Paul Dulberg pdulberg@icloud.com, Paul Dulberg Paul_Dulberg@comcast.net, T Kost tkost999@gmail.com

AT

Gentlemen,

Can we do a conference call today to better comply with the suggested requirements ?

PFLA SCR
315(c)(4).pdf

[8.2 MB](#)

- Rule 315 (6) (4)
- (1) a prayer for leave to appeal;
 - (2) a statement of the date upon which the judgment was entered; whether a petition for rehearing was filed and, if so, the date of the denial of the petition or the date of the judgment on rehearing;
 - (3) a statement of the points relied upon in asking the Supreme Court to review the judgment of the Appellate Court;

(4) a fair and accurate statement of the facts, which shall contain the facts necessary to an understanding of the case, without argument or comment, with appropriate references to the pages of the record on appeal, in the format as set forth in the Standards and Requirements for Electronic Filing the Record on Appeal.

(5) a short argument (including appropriate authorities) stating why review by the Supreme Court is warranted and why the decision of the Appellate Court should be reversed or modified; and

(6) an appendix which shall include the opinion or order of the Appellate Court and any documents from the record which are deemed necessary to the consideration of the petition.

(d) Format; Service; Filing. The petition shall otherwise be prepared, served, and filed in accordance with the requirements for briefs as set forth in Rules 341 through 343, except that it shall be limited to 20 pages or, alternatively, 6,000 words, excluding any items identified as excluded from the length limitation in Rule 341(b)(1).

(e) Records. The clerk of the Supreme Court shall transmit notice of the filing of the petition to the clerk of the Appellate Court, who, upon request of the clerk of the Supreme Court made either before or after the petition is acted upon, shall transmit to the clerk of the Supreme Court the record on appeal that was filed in the Appellate Court and the certified Appellate Court record.

(f) Answer. The respondent need not but may file an answer, with proof of service, within 21 days after the expiration of the time for the filing of the petition, or within such further time as the Supreme Court or a judge thereof may grant. An answer shall set forth reasons why the petition should not be granted, and shall conform, to the extent appropriate, to the form specified in this rule for the petition, omitting the items (1), (2), (3), (4) and (6) set forth in paragraph (c) except to the extent that correction of the petition is considered necessary. The answer shall be prepared, served, and filed in accordance with the requirements for briefs except that it shall be limited to 20 pages or, alternatively, 6,000 words, excluding any items identified as excluded from the length limitation in Rule 341(b)(1). No reply to the answer shall be filed. If the respondent does not file an answer or otherwise appear but wants notice of the disposition of the petition for leave to appeal, a request for such notice should be submitted to the clerk in Springfield.

(g) Transmittal of Trial Court Record if Petition Is Granted. If the petition is granted, upon notice from the clerk of the Supreme Court the clerk of the Appellate Court shall transmit to the Supreme Court the record on appeal that was filed in the Appellate Court and the Appellate Court record, unless already filed in the Supreme Court.

(h) Briefs Other Than in Child Custody, Delinquent Minor, and Pretrial Release Cases. If leave to appeal is allowed, the appellant may allow his or her petition for leave to appeal to stand

Pursuant To Ill. S. Ct Rule
315(c)(4)

Severdy

This matter began in 2017
When Plaintiff / Appellant Paul Dubey
was injured by being cut with a
Paw Power Saw after being ~~struck~~
requested to help the son of the
Property Owner
This case

- requested to be added to the record, although
on appeal was not so it cannot
be referenced in the Record on Appeal
- The Trial Court judge for the Matter
was Judge Honorable Meyer, who
Did not recuse himself, although being a personal
friend of Defendant's lawyer, ~~Robert H. Hagan~~ Hagan Most
 - The arbitrator of Recum - 360 000 for legal fees

> The Bankruptcy

- Thereafter in Paul filed
a Malpractice action against Most &
law of firm of Popson
- The judge was Meyer, the Personal
Friend of Popson's, and the
Judge who handled the
underlying case

- A Motion for Summary Judgment was
and the Hearing Date - Judge Hagan Meyer
was replaced by Judge Berg (Record on Appeal)

Judge Meyer

Judge Berg was also a admitted personal
friend of Popson's (the owner of
firm through Mattheys
recovered documents filed in other cases,
but not allowed to be part of the
record as requested

Judge Berg entered judgment for
Most of Popson's after a hearing

Judge Berg set the Date that
Plaintiff/appellant knew or should of
know of the malpractice as
although Dalbey did & pled &
raise at the hearing the day
the S. O. L. was December
when Plaintiff suffered a pecuniary
loss of Pain or Appeal - Transient
from that day

T. Leight II/appellant filed his Motion
of Appeal and the Actions
of Ground on Appeal, although
not part of the record on Appeal
continued through Motion practice
To then review and then finally cover

PREAMBLE:

Much of the matter that follows can be characterized as a snowballing effect caused by fraud committed by officers of the court. Currently there are nine (9) related ARDC investigations pending (#2023INO2517, #2023INO2518, #2023INO3135, #2023INO3136, #2023INO3894-R, 2023INO3898-R, #2023INO3897-R, 2023INO3895-R, #2023INO3896-R), two (2) submitted Judicial Inquiry Board "Complaints against a Judge," and one (1) Judiciary Inquiry Board "Complaint against a Judge" that was unable to be processed because the individual named is no longer an active Illinois state court judge.

The events of this matter occurred over a period of time in excess of 13 years and the Record on Appeal, with at least two known dates missing from the file, is currently equal to or greater than two thousand six hundred and sixty pages (2660).

This matter was hampered not only by the fraud committed by officers of the court but also by the traumatic life events that befell Plaintiff/Appellant Paul Dulberg but also his attorney as follows:

- a. The unexpected death of key witness, lifelong friend and live-in caretaker Michael McArtor;
- b. The disappearance of, false arrest and medieval interrogations , imprisonment and, by law, lack of the ability to consult with an attorney, nor contact anyone of Plaintiff/Appellant's attorney Alphonse A. Talarico's fiancé during a scheduled stopover in Tokyo, Japan on the way to O'Hare International Airport, Illinois.

The Appellate Court was made aware of each traumatic life event through motions for extension of time and other related and consequential motion practice but culminated in the order that ended this matter before the Appellate Court. (A)

The history of this matter are as follows:

Outline:

2023-10-02: Motion asks for 5 things:

- a. Extension of time to file
- b. Amend docking statement to include related cases
- c. 22nd Judicial circuit clerk amended record to include missing documents
- d. Allow appellant to request record on appeal for related cases
- e. Allow appellant to file brief in excess of prescribed page limit

All 5 were denied with no explanation with no judge names and only clerk signing court orders that were not submitted by the movant with the motions (filed motions contained Supreme Court approved court order forms that must be used by all courts in the state when submitted.

(not part of record on appeal)

2023-11-03: Emergency Motion asks for 4 things: Supplement record on Meyer, thumbdrive and 17LA377 clerks documents and audit process,

- a. Newly discovered Meyer recusal issues with defendant Popovich
- b. Meyer was the same judge in underlying case 12LA178 in violation of recusal issues with Popovich and Meyer would be a potential witness in the current case 17LA377.
- c. Meyer refused to enter subpoenaed thumb drive into record that puts the Mast deposition issues in full context.
- d. Discovered missing or materially altered documents and requesting an independent audit of clerks files for the missing documents.

All 4 were denied with no explanation with no judge names and only clerk signing court orders that were not submitted by the movant with the motions (filed motions contained Supreme Court approved court order forms that must be used by all courts in the state when submitted.

2023-11-21: Motion to Reconsider points out 3 mistakes:

- a. Previous motions for extension of time were based on serious family emergencies
- b. Supreme court rule 329 gives us the right to supplant or correct the record through the appellate court

- c. Law never requires doing a useless thing. It was impossible for us to return to the 22nd Judicial Circuit Court for the request

All were denied, case dismissed with Judges names appearing for first time.

2023-12-03: Motion for Ruling on 2023-11-21 Motion to Reconsider - We needed an answer to know what we could include in our brief

2023-12-04: Order, case dismissed for not filing brief signed by clerk

2023-12-05: Motion for Ruling sent back because case was dismissed after the timely filing of the motion. This appears to put the cart before the horse, as if the later dismissal of the case can be applied retroactively to motions timely and properly filed before the case was actually dismissed.

KEY VECTORS:

1. 9 ARDC COMPLAINTS and Judicial complaints: Collaboration between opposing counsel to sabotage plaintiff's case. Fraud on the mechanism of the court to be an impartial finder of facts.
2. ORDER DENIED TO SUPPLEMENT RECORD WITH RELATED CASES.
 - a. of Meyer recusal
 - b. Berg recusal? Didn't we have one recusal prior to the dismissal?
 - c. to fix 17LA377 clerks file (problems described in next section)
 - d. to add Barbara G. Smith thumbdrive. Also described in Clinton-Williams ARDC Setion 2K and section 2C
 - e. to add related cases listed in 2023-10-02 filing page 7. Significance of cases also described in ARDC complaint Popovich-Mast, Balke, Baudins, Gooch-Walczyk

- f. Supreme court rule 329 gives us the right to supplement or correct the record through the appellate court
- g. Law never requires doing a useless thing. It was impossible for us to return to the 22nd Judicial Circuit Court for the request
- h.

3. ORDER DENIED FOR AUDIT (missing documents in Clerks file)

- a. The Record on Appeal was filed on April 24, 2023.
- b. Common Law Record Volume 1, Common Law Record Volume 2 and Reports of proceedings all have a submission date of April 24, 2023 from 10:00 AM to 10:03 AM. (Please see Appellant Exhibit H attached) (Please see Appellant Exhibit F attached)
- c. The Record on Appeal was made available for download on April 25, 2023 at 8:48 AM.
- d. Common Law Volume 1 has a creation date of April 24, 2023 at 9:31 AM. Common Law Volume 2 has a creation date of April 24, 2023 at 9:28 AM. The Reports of proceedings has a creation date of April 25, 2023 at 806 AM. (and is missing ROPs) (Note creation date is AFTER submission date) (Please see Exhibit G attached)
- e. missing ROP, mismatched sections, broken hyperlinks. Hyperlinks are broken in a way that only defendants MTD motion and after are working.
- f. Affidavit of Saira Pasha 2023-11-21 document page 3

4. ORDERS WITHOUT JUDGES NAMES

- a. List of orders issued:

5-26-2023

7-25-2023

10-10-2023

11-09-2023

- b. All motions had standard order forms submitted with them that were not used
- c. Dulberg contacted appellate court clerk to ask for the actual order signed by a judge and not just the clerk's notice. He was told by the Clerk that the clerk signed document was the courts ORDER.
- d. Only order with Judges names disclosed to appellant is final order: 12-04-2023
- e. This is when Dulberg first saw Huchinson's name. Dulberg lost statutory request for recusal by right or cause
- f. Appellant's Obvious request for judge Hutchinson to be replaced over Hutchinson's involvement in 1990 criminal case bringing knowledge into this case that would not be allowed and no impartial judge would have.

5. ORDER DENIED OVER EXTENSION OF TIME TO FILE

Previous motions for extension of time were based on serious family emergencies

6. MOTION TO RULE WAS ACCEPTED DECEMBER 3, IGNORED BEFORE FINAL RULING ON DEC 4, AND SENT BACK ON DEC 5 (retroactive use of dismissal on motions timely and properly filed)