

No.

In the Supreme Court of Illinois

PAUL R. DULBERG,

Plaintiff-Petitioner,

v.

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

Defendants-Appellees

)
) On Petition for Leave to Appeal
) from the Illinois Appellate Court,
) Second Judicial District, Case No.
) 2-23-0072
)
) There on Appeal from the Circuit Court
) of McHenry County, Illinois,
) Law Division, 17LA377
)
)
) Hon. Joel D. Berg,
) *Judge Presiding*
)

**PAUL R. DULBERG'S
PETITION FOR LEAVE TO APPEAL**

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Dated: January 04, 2024

Oral Argument Requested

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 is as follows:

22nd Judicial Circuit Court History:

Appellate Court History:

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).

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 supplement 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

7 key points relied upon in asking the Supreme Court to review the judgment of the Appellate Court:

1. There are 9 ARDC COMPLAINTS and Judicial complaints filed in relation to this case.
 - a. Dulberg was targeted by his own attorneys (in collaboration with opposing counsel) by a sophisticated system of document and information suppression to sabotage his case against Popovich and Mast.
 - b. Dulberg was subject to fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases.
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 suppliment 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. Reasons why listed in 2023-11-21 Mot to Reconsider page ??
 - 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 (exhibit ??)
- 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 8:06 AM and is missing ROPs. (Note creation date is AFTER submission date) (Please see Exhibit G attached)
- e.** The creation dates show that the CLR vol 1 and 2 were treated differently than the ROP. They followed a different pathway in the digital system.
- f.** There are missing ROPs, mismatched sections and broken hyperlinks.
- g.** Hyperlinks are broken in a way that only defendants MTD motion and after are working. Hyperlinks are broken in a way which favors the defendants
- h.** There are further problems as described in Affidavit of Saira Pasha 2023-11-21 document page 3

4. ORDERS WITHOUT JUDGES NAMES

- a.** The following orders were issued by the 2nd Appellate Court, none of which were signed by any Judges and were signed only by the clerk:

5-26-2023 granted ([exhibit linked](#))

7-25-2023 granted ([exhibit linked](#))

10-10-2023 denied ([exhibit linked](#))

11-09-2023 denied ([exhibit linked](#))

All motions had Illinois Supreme Court approved order forms submitted with them that were tossed aside not used by the second district appellate court:

5-24-2023 proposed order ([exhibit linked](#))

7-25-2023 proposed order ([exhibit linked](#))

10-01-2023 proposed order ([exhibit linked](#))

11-03-2023 proposed order ([exhibit linked](#))

([possible exhibit linked](#))

b. Dulberg contacted the appellate court clerk to ask for the actual order signed by a Judge and not just what appeared to be the clerk's notice. He was informed that the one signed by the clerk was the court order. ([exhibit linked](#))

c. The only appellate court order showing the Judges names is final dismissal order on 12-04-2023 and was only signed by the clerk ([exhibit linked](#))

d. The final dismissal order on 12-04-2023 is when Dulberg first saw Hutchinson's name typed on an order signed by the clerk. ([exhibit linked](#)) Dulberg lost his statutory right to substitute the Judge because he was not informed which judges were assigned to his case. Dulberg and his attorney believed these rulings came from the clerk's office alone since that is all they were shown.

e. Dulberg can find no local rule in the appellate court allowing the clerk to create and sign their own ORDER while tossing aside the Illinois Supreme Court approved order form properly filed with each motion.

5. Judge Hutchinson previously presided over a 1990 criminal case involving Dulberg in McHenry County Illinois that was a was a high profile case and heavily covered in the local press.

a. In the 1990 criminal case Dulberg had filed a series of motions all to be heard at the same time based on testimony given before Judge Hutchinson.

b. Before the motions were to be heard, Dulberg remembers that Judge Hutchinson

asked the parties to approach the bench and explained to Dulberg's attorney and the states attorney why she was splitting the motions up. Judge Hutchinson would hear the motions for reconsideration and was having the motion to quash assigned to another judge.

c. Judge Hutchinson explained that she had to hear the motions for reconsideration because she made the prior rulings but the motion to quash was new and since she felt the states witnesses were less than honest when testifying before her on the issues now raised in the motion to quash she was concerned with the political implications of her possible ruling and how it would be played in the local press due to her running for the position she currently holds in the Appellate court.

d. During the 1990 case Judge Hutchinson did cause a split of the series of motions filed at the same time, she did hear the motions to reconsider and had the motion to quash assigned to another Judge that was not present for the live testimony.

e. Judge Hutchinson had placed her political aspirations to become an appellate court judge above the case before her because she feared the local press coverage and possible political ramifications if she were to rule in favor of Dulberg.

f. Hutchinson was then reassigned to less publicized cases for the duration of her campaign for appellate Court Judge.

g. The 1990 criminal case was a high profile case for Hutchinson and widely publicized by the local newspaper covering McHenry County. During Dulberg's case Hutchinson decided to run in the election for appellate court. Dulberg believes it is not possible for Hutchinson to forget about it since his case kept Hutchinson's name in the newspapers for well over a year till she got herself reassigned and transferred off it. Hutchinson's time in Dulberg's case placed her name in the hands of every reader of the news paper making her a household name just before she was elected to her current position with the appellate court.

Obviously, if Dulberg knew Judge Hutchinson was assigned to his appeal 30 plus years

later he would have asked for a substitution of Judge since Judge Hutchinson comes armed with prior knowledge about Dulberg that no impartial Judge would have embedded in their memory.

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 (this is a retroactive use of dismissal order on motions timely and properly filed before the dismissal)

- a. On December 3, 2023 Dulberg filed a Motion for Ruling on 2023-11-21 Motion to Reconsider - (We needed an answer to know what we could include in our brief before filing it) ([exhibit linked](#))
- b. On December 4, 2023 Dulberg received Order, case dismissed for not filing brief - signed by clerk Case dismissed with Judges names appearing for first time in print on an ORDER signed by the Clerk. ([exhibit linked](#))
- c. On December 5, 2023 the Motion for Ruling filed on 2023-12-03 was sent back because the case was dismissed on 2023-12-04 after the proper and timely filing of the motion. ([exhibit linked](#)) It is as if the later dismissal of the case can be applied retroactively to motions timely and properly filed before the case was actually dismissed. (Retroactive use of an order of dismissal on motions timely and properly filed before the dismissal as an excuse to reject them)

7. ORDER DENIED OVER EXTENSION OF TIME TO FILE

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

PRAYER FOR LEAVE TO APPEAL

Pursuant to Illinois Supreme Court Rule 315(c) (1), Paul R. Dulberg (“DUL”) respectfully petitions for leave to appeal the judgement of the Illinois Appellate Court for the Second District in *PAUL R. DULBERG v. HANS MAST and the LAW OFFICES OF THOMAS J. POPOVICH, P.C.* 2023 IL App (2nd) 2-23-0072 (??).¹

Pursuant to Illinois Supreme Court Rule 315(c) (2), “Date of Judgment” The date judgment was entered is December 4, 2023. There was no petition for rehearing filed. (A)

¹ The record on appeal contains 2 common law volums cited as “C__.” and one volume of transcripts cited as “__ROP.__.” Citations to this Petition’s appendix are cited as “A__.”

JUDGEMENT BELOW

(A1) The Date the Judgment was entered is December 4, 2023 Supreme Court Rule 315(c)(2)

POINTS RELIED UPON IN SEEKING REVIEW

COMPELLING REASONS FOR GRANTING REVIEW

DATES RELEVANT TO THE TIMELINESS OF THIS PETITION

STATEMENT OF THE POINTS RELIED UPON FOR REVERSAL

JURISDICTION

STATEMENT REGARDING JUDGMENT AND REHEARING

Starts here

STATEMENT OF FACTS

Starts here

ARGUMENT

I. The Illinois Supreme Court should review this matter because the trial court summary judgment ruling disregarded the Supreme Court's clear statement in *Suburban v. Carlson* (A) that in a legal malpractice cases the Statute of Limitations does not begin to run until a pecuniary loss is incurred.

1. In this matter the pecuniary loss was first experienced on December 20 (A) and Dulberg filed his Malpractice action within 2 years of that date.

2. Furthermore, pursuant to the Constitution of the State of Illinois, Article VI The Judiciary Section 16

SECTION 16. ADMINISTRATION

General administrative and supervisory authority over all courts is vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules. The Supreme Court shall appoint an administrative director and staff, who shall serve at its pleasure, to assist the Chief Justice in his duties. The Supreme Court may assign a Judge temporarily to any court and an Associate Judge to serve temporarily as an Associate Judge on any Circuit Court. The Supreme Court shall provide by rule for expeditious and inexpensive appeals.

(Source: Illinois Constitution.)

II. A major issue that was discovered subsequent to the trial court granting summary judgment to the Defendants/Appellees is that one trial court judge was the judge for the underlying case and the current case, a matter of over (X) years, and the second judge who replaced the aforementioned judge for the hearing on Defendants/Appellees Motion for Summary Judgment had, for all times relevant herein each recused themselves for all cases assigned to them other

than this case, based upon the fact that they were personal friends of the owner of Defendant/Appellees' law firm.

III. The decision of the Appellate Court should be modified to allow the requested relief of supplementing the Record on Appeal to include the underlying case, the recusals of the two judges who regularly recused themselves as personal friends of the Owner of the Defendant/Appellee Law firm and the auditing by the suggested (in the motion) Expert attorney who had previously filed an audit report that was not used to supplement the Record on Appeal indicated two missing Report of Proceedings.

APPENDIX

(A1) Illinois Supreme Court Rule 315(c)(2). Judgment was entered, December 4, 2023

CONCLUSION

For the foregoing reasons, Paul R. Dulberg respectfully requests that this Court grant this Petition and reverse the Second District's December 4, 2023 ruling.

Dated: January 8, 2024

Respectfully submitted by:

/s/ Paul R. Dulberg
Plaintiff-Petitioner

/s/ Alphonse A Talarico
Attorney for Plaintiff-Petitioner

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CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(c) certificate of compliance, the certificate of service, and the Appendix, is # words.

/s/ Alphonse A. Talarico

CERTIFICATE OF SERVICE

The undersigned certifies under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, that on **MONTH DAY**, 2024, a copy of the foregoing Paul R. DULBERG's Petition for Leave to Appeal and the attached Paul R. Dulberg's Appendix to Petition for Leave to Appeal were filed and served upon the Clerk of the Illinois Supreme Court via the efileIL system through an approved electronic filing service provider and was served on counsel of record below in the manner indicated:

Via Email and approved efilng system

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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.

/s/ Alphonse A. Talarico