THE UNITED STATES OF AMERICA

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT

McHENRY COUNTY, ILLINOIS

PAUL R. DULBERG, INDIVIDUALLY AND THE PAUL R. DULBERG REVOCABLE TRUST	)	
Plaintiffs,	)	
vs.	)	CASE NO.
THOMAS W. GOOCH, SABINA SERSHON, EDWARD X. CLINTON, JULIA WILLIAMS, ALPHONSE TALARICO, GEORGE FLYNN, THOMAS J. POPOVICH, HANS MAST, THE GOOCH FIRM, CLINTON LAW FIRM, LLC., LAW OFFICE OF ALPHONSE A. TALARICO	)	
Defendants,		

COMPLAINT AT LAW

Plaintiffs, PAUL R. DULBERG, INDIVIDUALLY AND THE PAUL R. DULBERG REVOCABLE TRUST, for their Complaint against Defendants THOMAS W. GOOCH, SABINA SERSHON, EDWARD X. CLINTON, JULIA WILLIAMS, ALPHONSE TALARICO, GEORGE FLYNN, THOMAS J. POPOVICH, HANS MAST, THE GOOCH FIRM, CLINTON LAW FIRM, LLC., LAW OFFICE OF ALPHONSE A. TALARICO, state as follows:

NATURE OF THE CASE

1. This is an action against defendants THOMAS W. GOOCH A/K/A THOMAS WILLIAM GOOCH III, THE GOOCH FIRM, SABINA SERSHON A/K/A SABINA WALCZYK, THE GOOCH FIRM for **PRIMA FACIE NEGLIGENT CONDUCT (LEGAL MALPRACTICE), FRAUD AGAINST DULBERG and FRAUD ON THE COURT**

2. This is an action against defendants EDWARD X. CLINTON A/K/A CLINTON LAW FIRM, LLC., JULIA WILLIAMS A/K/A CLINTON LAW FIRM, LLC., WILLIAMS LAW, LLC. for **PRIMA FACIE NEGLIGENT CONDUCT (LEGAL MALPRACTICE), FRAUD AGAINST DULBERG and FRAUD ON THE COURT**

3. This is an action against defendants ALPHONSE TALARICO A/K/A LAW OFFICE OF ALPHONSE A. TALARICO for **PRIMA FACIE NEGLIGENT CONDUCT (LEGAL MALPRACTICE), FRAUD AGAINST DULBERG and FRAUD ON THE COURT.**

4. This is an action against defendants GEORGE FLYNN A/K/A KAUFMAN DOLOWICH, LLP. for **CIVIL CONSPIRACY TO COMMIT FRAUD AGAINST DULBERG and FRAUD ON THE COURT.**

5. This is an action against defendants THOMAS J. POPOVICH A/K/A LAW OFFICES OF THOMAS J. POPOVICH, P.C., HANS MAST A/K/A LAW OFFICES OF THOMAS J. POPOVICH, P.C. for **CIVIL CONSPIRACY TO COMMIT FRAUD AGAINST DULBERG and FRAUD ON THE COURT.**

In this action, Plaintiffs seek in excess of $50,000.01 from each named defendant.

PARTIES

6. Plaintiffs are PAUL R. DULBERG, INDIVIDUALLY AND THE PAUL R. DULBERG REVOCABLE TRUST. Paul R. Dulberg is an Illinois resident whose address is 4606 Hayden Court, McHenry Illinois 60051. The Paul R. Revocable Trust of which Paul R. Dulberg and Thomas W. Kost are Co-Trustees is an Illinois Revocable Trust whose address is 4606 Hayden Court, McHenry Illinois 60051.

7. Defendants are:

A) THOMAS W. GOOCH is an Illinois resident and Attorney with a registered address of 209 S Main St, Wauconda, Illinois 60084-1827. He is also the principle owner and Agent for Co-Defendant THE GOOCH FIRM, an Illinois Domestic Corporation whose address is 209 S Main St, Wauconda, Illinois 60084-1827 and does business under the Assumed Name of THE GOOCH FIRM.

B) SABINA SERSHON A/K/A SABINA WALCZYK is an Illinois resident and Attorney with a registered address of 1475 E. Woodfield Road, Suite 700 Schaumburg, Illinois 60173. She is employed by Great American Insurance Group an Illinois Domestic Corporation whose address is 1475 E. Woodfield Road, Suite 700 Schaumburg, Illinois 60173 and does business

under the Assumed Name of Great American Insurance Group and was employed by Co-Defendant THE GOOCH FIRM at the time the events described in this Complaint took place.

C) THE GOOCH FIRM A/K/A THE LAW OFFICES OF GAUTHIER and GOOCH, is an Illinois Domestic Company with an assumed name of THE GOOCH FIRM With an address of 209 S Main St, Wauconda, Illinois 60084-1827, and no known listed Registered Agent.

D) EDWARD X. CLINTON is an Illinois resident and Attorney with a registered address of 111 West Washington Street Suite 1437, Chicago, Illinois 60602-2708. He is also an owner and Agent for Co-Defendant CLINTON LAW FIRM, LLC. an Illinois Domestic Corporation whose address is 111 West Washington Street Suite 1437, Chicago, Illinois 60602-2708 and does business under the Assumed Name of CLINTON LAW FIRM, LLC.

E) JULIA WILLIAMS is an Illinois resident and Attorney with a registered address of 111 West Washington Street Suite 1437, Chicago, Illinois 60602-2708. She is employed by Co-Defendant CLINTON LAW FIRM, LLC. an Illinois Domestic Corporation whose address is 111 West Washington Street Suite 1437, Chicago, Illinois 60602-2708 and does business under the Assumed Names of CLINTON LAW FIRM, LLC. and WILLIAMS LAW, LLC..

F) CLINTON LAW FIRM, LLC. A/K/A CLINTON LAW FIRM, is an Illinois Domestic Company with an assumed name of CLINTON LAW FIRM, LLC. with an address of 111 West Washington Street Suite 1437, Chicago, Illinois 60602-2708, and Registered Agent EDWARD X. CLINTON, JR. at 111 W Washington St STE 1437, Chicago, IL 60602-2708.

G) ALPHONSE TALARICO is an Illinois resident and Attorney with a registered address of 707 Skokie Blvd Suite 600, Northbrook, Illinois 60062-2841. He is also the owner of Co-Defendant LAW OFFICE OF ALPHONSE A. TALARICO. an Illinois Domestic Corporation whose address is 707 Skokie Blvd Suite 600, Northbrook, Illinois 60062-2841 and does business under the Assumed Name of LAW OFFICE OF ALPHONSE A. TALARICO.

H) LAW OFFICE OF ALPHONSE A. TALARICO is an Illinois Domestic Company with an assumed name of LAW OFFICE OF ALPHONSE A. TALARICO with an address of 707 Skokie Blvd Suite 600, Northbrook, Illinois 60062-2841, and no listed Registered Agent.

I) GEORGE FLYNN is an Illinois resident and Attorney with a registered address of 30 N. LaSalle Suite 1700 Chicago, Illinois 60602-3389. He is an employee of KAUFMAN DOLOWICH, LLP. an Illinois Domestic Corporation whose address is 30 N. LaSalle Suite 1700 Chicago, Illinois 60602-3389 and does business under the Assumed Name of KAUFMAN DOLOWICH, LLP.

J) THOMAS J. POPOVICH is an Illinois resident and Attorney with a registered address of 3416 W Elm St, McHenry, Illinois 60050-4433. He is the principle owner of LAW OFFICES OF THOMAS J. POPOVICH, P.C., an Illinois Domestic Corporation whose address is 3416 W Elm St, McHenry, Illinois 60050-4433 and does business under the Assumed Name of LAW OFFICES OF THOMAS J. POPOVICH, P.C..

K) HANS MAST is an Illinois resident and Attorney with a registered address of 3416 W. Elm Street, McHenry, Illinois 60050-4433 and does business under the Assumed Names of HANS MAST LAW GROUP LLC. and LAW OFFICES OF THOMAS J. POPOVICH, P.C..

JURISDICTION AND VENUE

8. This Court has personal jurisdiction for each Defendant as follows:

8a. THOMAS W. GOOCH pursuant to 735 ILCS 5/2-209(a)(2), 735 ILCS 5/2 209(a)(7), 735 ILCS 5/2-209(a)(11), 735 ILCS 5/2-209(a)(12), 735 ILCS 5/2-209(a)(14), 735 ILCS 5/2-209(b)(2);

8b. SABINA SERSHON pursuant to 735 ILCS 5/2-209(a)(2), 735 ILCS 5/2 209(a)(7), 735 ILCS 5/2-209(a)(11), 735 ILCS 5/2-209(a)(12), 735 ILCS 5/2-209(a)(14), 735 ILCS 5/2-209(b)(2);

8c. GOOCH LAW FIRM pursuant to 735 ILCS 5/2 209(a)(7), 735 ILCS 5/2-209(b)(3);

8d. EDWARD X. CLINTON pursuant to 735 ILCS 5/2-209(a)(2), 735 ILCS 5/2 209(a)(7), 735 ILCS 5/2-209(a)(11), 735 ILCS 5/2-209(a)(12), 735 ILCS 5/2-209(a)(14), 735 ILCS 5/2-209(b)(2);

8e. JULIA WILLIAMS pursuant to 735 ILCS 5/2-209(a)(2), 735 ILCS 5/2 209(a)(7), 735 ILCS 5/2-209(a)(11), 735 ILCS 5/2-209(a)(12), 735 ILCS 5/2-209(a)(14), 735 ILCS 5/2-

209(b)(2);

8f. CLINTON LAW FIRM pursuant to 735 ILCS 5/2 209(a)(7), 735 ILCS 5/2-209(b)(3);

8g. ALPHONSE TALARICO pursuant to 735 ILCS 5/2-209(a)(2), 735 ILCS 5/2 209(a)(7), 735 ILCS 5/2-209(a)(11), 735 ILCS 5/2-209(a)(12), 735 ILCS 5/2-209(a)(14), 735 ILCS 5/2-209(b)(2);

8h. TALARICO LAW FIRM pursuant to 735 ILCS 5/2 209(a)(7), 735 ILCS 5/2-209(b)(3);

8i. GEORGE FLYNN pursuant to 735 ILCS 5/2-209(a)(2), 735 ILCS 5/2-209(b)(2);

8j. THOMAS POPOVICH pursuant to 735 ILCS 5/2-209(a)(2), 735 ILCS 5/2-209(b)(2);

8k. HANS MAST pursuant to 735 ILCS 5/2-209(a)(2), 735 ILCS 5/2-209(b)(2).

9. This Court has subject matter jurisdiction pursuant to The Constitution of the State of Illinois, Article VI The Judiciary, Section 9. Circuit Courts-Jurisdiction because legal malpractice and fraud matters were committed within the State of Illinois.

10. Venue is proper pursuant to 735 ILCS 5/2-101(2) because the acts which form the basis of claims made in this complaint took place during case 17LA377 in the 22nd Judicial Circuit Court located in McHenry County, Illinois. 17LA377 was a legal malpractice case, the underlying cases of which were 12LA178 and BK 14-83578. Underlying case 12LA178 was a personal injury case in the 22nd Judicial Circuit Court located in McHenry County, Illinois.

SUMMARY OF UNDERLYING LEGAL MALPRACTICE CASE 17LA377, RELATED LEGAL MALPRACTICE CASE 22L010905 AND THEIR UNDERLYING CASES 12LA178 AND BK 14-83578 COMMON TO ALL COUNTS

11. Underlying personal injury case 12LA178 was initiated to recover damages for a chainsaw injury caused by defendant Gagnon while employed by defendants McGuires using tools and a chainsaw provided by the McGuires on the McGuire's property resulting in a cut through 40% of Dulberg's dominant right arm. Defendant Gagnon (who was operating the chainsaw that cut Dulberg's arm) already admitted negligence for Dulberg's chainsaw injury as early as March, 2013 in 12LA178 court records[1] but Dulberg was never informed that Gagnon already admitted

1 Gagnon never filed an answer to a Cross-Claim filed against him **(Exhibit 112)** by Co-Defendants McGuires on February 1, 2013 which accuses Gagnon of being negligent for Dulberg's chainsaw injury.

negligence for Dulberg's chainsaw injury as early as March, 2013 by Dulberg's retained attorneys or the presiding judge. Dulberg also later learned that at least 9 out of the 10 depositions taken in personal injury case 12LA178 had forged signatures of court reporters attached as certification pages or no certification pages at all. What actually happened in underlying case 12LA178, as documented in this complaint, is that a conspiracy took place to commit professional misconduct and fraud and fraud on the court between opposing counsels and including the presiding judge to collapse the personal injury claims of Dulberg so the defendants faced no or minimum liability for Dulberg's chainsaw injury. A sophisticated and coordinated system of document and information suppression was used intentionally to target the injured plaintiff Dulberg.

12. Underlying federal bankruptcy case 14-83578[1] was filed on November 24, 2014 (over 20 months after defendant Gagnon admitted negligence for Dulberg's chainsaw injury) because Dulberg was advised by Mast and Popovich that Dulberg was unable to recover medical bills (less than $60,000) due to what was taking place in personal injury case 12LA178. The reason Dulberg declared bankruptcy is explained by Dulberg in an email of September 26, 2014 to his attorney Mast **(Exhibit DA)**. Dulberg was forced into binding mediation against his will and an "upper cap" of $300,000 was placed on the binding mediation agreement by defendant Allstate and Dulberg's retained attorneys the Baudins before Judge Meyer in the 22nd Judicial Circuit Court between June 13, 2016 and August 10, 2016 (even though defendant Gagnon already admitted negligence for Dulberg's chainsaw injury over 41 months earlier). The binding mediation agreement with an "upper cap" of $300,000 was antered into without informing bankruptcy trustee Megan Heeg or the bankruptcy court. Dulberg refused to sign the binding mediation agreement and refused to enter into binding mediation. Bankruptcy case 14-83578 was a positive asset bankruptcy case as all creditors were paid in full and Dulberg was the sole residual beneficiary of the bankruptcy estate. On October 28, 2022 Dulberg requested and received a copy of the binding mediation agreement from Robert Chapman, an attorney representing ADR Systems of America, and saw the executed agreement for the first time

1 took place in U.S. Bankruptcy Court Northern District of Illinois (Western Division)

(Exhibit AB). Dulberg saw his signature had been forged on an altered binding mediation agreement without Dulberg's consent or knowledge.

13. 17LA377 is a legal malpractice case (which involved all of the defendants) that was initiated by Dulberg to uncover questionable events that took place in underlying cases 12LA178 and BK 14-83578. What actually took place during 17LA377 proceedings is described in this complaint. As documented in this Complaint, in 17LA377 a conspiracy took place involving all 3 of Dulberg's retained legal malpractice law firms to hide what happened in underlying cases 12LA178 and BK 14-83578 and which includes presiding Judges (all defendants in this case). The attorneys named as defendants committed prima facie professional misconduct, fraud against Dulberg and fraud on the court to collapse the claims of their permanently disabled client Dulberg so no defendant faced liability for any actions in either underlying case 12LA178 or underlying case BK 14-83578. The attorneys from the 3 law firms named as defendants also conspired to steer claims away from other potential defendants who were involved in underlying cases 12LA178 and BK 14-83578. A sophisticated and coordinated system of document and information suppression which is described in this complaint was used to target Dulberg. 17LA377 was presided over by Judge Thomas A. Meyer and Judge Joel D. Berg who both have a conflict of interest with the defendant Popovich and the presiding Judge was also the Judge of underlying case 12LA178 so the conspiracy also involved the Judges. Therefore 17LA377 is a conspiracy of all named defendants to hide what happened in underlying cases 12LA178 and BK 14-83578 and to protect and shield other attorneys and law firms from liability for actions in underlying cases 12LA178 and BK 14-83578.

14. Related legal malpractice case 22L010905 is similar to the current underlying legal malpractice case 17LA377 as it is also a case of Dulberg's retained legal malpractice attorney and defendant Talarico committing prima facie negligent conduct, fraud against Dulberg and fraud on the court by deliberately collapsing the claims of Dulberg to protect and shield Dulberg's previously retained attorneys in 12LA178 so the defendants and potential defendants faced no liability for their actions in underlying cases 12LA178 and BK 14-83578. When Dulberg first saw

his signature had been forged on an altered binding mediation agreement **(Exhibit AB)** without Dulberg's consent or knowledge on October 28, 2022 Dulberg acted to raise new claims based on what the Baudins and bankruptcy trustee Joseph Olsen did in BK 14-83578. Even though the claims Dulberg asked Talarico to file were related to Federal Bankruptcy Court case 14-83578, Talarico informed Dulberg that the proper venue to file the claims is in the Circuit Court of Cook County, Illinois, County Department Law Division because ADR Systems of America is where the contract was executed and ADR Systems of America is in Cook County. Talarico filed these claims in the wrong court deliberately while Talarico used a sophisticated and coordinated system of document and information suppression to deliberately collapse Dulberg's claims in case 22L010905 which is described in detail in five 22L010905 documents filed with the court **(Exhibit DS-1, Exhibit DS-2, Exhibit DS-3, Exhibit DS-4, Exhibit DS-5)**.

RELEVANT FACTS OF UNDERLYING PERSONAL INJURY CASE 12LA178 AND BANKRUPTCY CASE 14-83578 COMMON TO ALL COUNTS

15. On June 28, 2011 Gagnon operated the chainsaw in close proximity to Dulberg and it struck Dulberg in the right arm, Dulberg's dominant arm, cutting him severely requiring medical attention to save Dulberg's life. Dulberg incurred substantial and catastrophic injuries, including, but not limited to, pain and suffering, loss of use of his right arm which resulted in a finding of permanent disability by Social Security Administration on April 20, 2017; current and future medical expenses in amount in excess of $260,000.00; Dulberg's lifelong career in photography, graphic design, and commercial printing; lost wages in excess of one million dollars; and other damages.

16. On December 1, 2011 Dulberg hired Mast, Popovich, and Thomas J. Popovich, individually to represent him in prosecuting his claims against Gagnon and the McGuires. Mast, Popovich, and Thomas J. Popovich, individually entered into an attorney clientrelationship with Dulberg.

17. On May 15, 2012 Popovich and Mast filed personal injury case 12LA 178 in the 22nd Judicial Circuit Court on Dulberg's behalf which named Caroline McGuire, Bill McGuire and David Gagnon as defendants **(Exhibit DZ).**

18. As of March, 2013 Gagnon admitted negligence for Dulberg's chainsaw injury by failing to

file an answer to co-defendant McGuire's "CROSS-CLAIM FOR CONTRIBUTION AGAINTS CO-DEFENDANT DAVID GAGNON" **(Exhibit 112)**.

19. On October 22, 2013 Mast made a settlement offer of $7,500 to McGuires **(Exhibit 65)** through their attorney Barch claiming Dulberg discussed it with him and agreed. There is no evidence of any communication between Mast and Dulberg about any $7,500 offer leading up to October 22, 2013 or at any time following October 22, 2013.

20. On November 20, 2013 Dulberg met Mast at the law offices of Thomas J. Popovich. Dulberg's brother, Thomas Kost, also attended the meeting. In the meeting Mast used the example of ***Tilschner v Spangler 949 N.E.2d 688 409 Ill. App. 3d 988 350 Ill. Dec. 896*** **(Exhibit 107).** Mast claimed that the McGuires were not responsible for Dulberg's injury because Restatement of Torts 318 is not applicable in Illinois. Mast also claimed that the accident was not foreseeable by the McGuires and they had no control over Gagnon's actions. Mast also gave Dulberg a packet of other examples of case law but **Mast did not discuss the other case laws at the meeting. They only discussed *Tilschner v Spangler.***

21. Mast gave Dulberg a certified slip ruling of ***Tilschner v Spangler 949 N.E.2d 688 409 Ill. App. 3d 988 350 Ill. Dec. 896*** **(Exhibit 107)** to take home and read. He also gave other documents[1] [2]of case law to Dulberg, but Mast only discussed ***Tilschner v Spangler*** at the meeting.

22. Thomas Kost kept a rough set of notes **(Exhibit 72)** during the meeting. The notes consist of the 7 phrases:

"forseeable"
"duty"
"negligent"
"statement of torts sect 318 not applicable in Illinois"
"agent vs contractor"
"level of control"
"Kajawa"

23. Mast claimed that if Dulberg doesn't accept the $5,000 the McGuires will simply file a

1 **Exhibit 70** ***LAJATO v. AT T, INC 283 Ill. App. 3d 126 669 N.E.2d 645***
2 **Exhibit 71** ***CHOI v. COMMONWEALTH EDISON CO 129 Ill. App. 3d 878 473 N.E.2d 385***

motion to get out of the case for free. Mast said the McGuires do not have to offer anything and are offering $5,000 to be nice. Mast assured Dulberg that Dulberg could recover competely from the remaining defendant Gagnon. Dulberg asked to read the depositions of the McGuires and of Gagnon before making a decision.

24. It is not possible to explain why Mast called the November 20th meeting or what was discussed (if Dulberg already agreed to settle with the McGuires for $7,500).

25. Dulberg disagreed with the $5,000 offer from first learning about it on Nov 18 until finally agreeing on December 18th. The $7,500 offer was not mentioned once during these Mast-Dulberg exchanges. The entire discussion between Dulberg and Mast from November 18, 2013 to December 17, 2013 was in terms of choosing between two options: (1) Accept the $5,000 offer or (2) get nothing. It is not possible to explain why any of this happened if Dulberg already agreed to settle with the McGuires for $7,500 on October 22, 2013.

26. On December 26, 2013 Mast contacted McGuire's attorney Barch to inform him that they would accept the $5,000 offer. (Exhibit 79)

27. On January 22, 2014 Judge Meyer approved a motion by the McGuires for a good-faith settlement **(Exhibit 81).**

28. Dulberg declared bankruptcy on November 24, 2014 as a result of being told by Mast and Popovich that Dulberg cannot collect enough money to even pay the medical bills resulting from the chainsaw accident from Gagnon because it was "Dulberg's word against "Gagnon's word" and the insurance company will not pay if negligence is contested. Dulberg was not informed that defendant Gagnon already admitted negligence for Dulberg's chainsaw injury.

29. A chapter 7 bankruptcy filing provides the bankruptcy court with jurisdiction over the filing debtor's assets and debts. A bankruptcy court's original and exclusive jurisdiction over matters under Title 11 of the United States Code, 11 U.S.C. §§ 101-1330 ("Bankruptcy Code"), is set forth in 28 U.S.C. § 1334. Specifically, under section 1334(a), bankruptcy courts have original jurisdiction over petitions for relief under the Bankruptcy Code referred by the district court. While, under § 1334(b), bankruptcy courts have jurisdiction over other civil proceedings "arising

under," "arising in," or "related to" cases filed under the Bankruptcy Code.

30. Upon the filing of the petition, a bankruptcy estate is automatically created by the bankruptcy court. The bankruptcy estate consists of all legal or equitable interests of the debtor in property at the time of the bankruptcy filing. Section 541 of the Bankruptcy Code defines what property is included in the bankruptcy estate. The bankruptcy estate includes all property in which the debtor has an interest, even if it is owned or held by another person. The scope of the bankruptcy estate as defined in the Bankruptcy Code is very broad and includes almost every imaginable kind of property that a debtor owns at the time the bankruptcy petition is filed, including intangible assets, such as the right to file a lawsuit for a plethora of claims.

31. Once the bankruptcy estate is created, the assets of the estate are legally administered by the bankruptcy trustee. The trustee is appointed by the court to represent the debtor's estate in the proceeding. The trustee is responsible for "administering" the estate's assets, which basically means managing those assets for the estate. But a trustee cannot act without approval from the bankruptcy court. In Chapter 7 bankruptcies, the trustee is primarily responsible for liquidating any unprotected assets and distributing the sale proceeds to creditors.

32. Standing[1] is a threshold jurisdictional issue such that a court must determine whether a litigant has the legal capacity to pursue claims before the court and which it can adjudicate. Where standing is lacking, the pending matter must be dismissed. The Bankruptcy Code determines who has the legal capacity to commence litigation concerning claims and causes of action that belonged to the debtor prior to filing for bankruptcy.

33. When an individual files a bankruptcy petition, the property that the person owns at the time of filing becomes property of a bankruptcy estate. 11 U.S.C. § 541(a) (1). The Bankruptcy Code defines property of the bankruptcy estate very broadly. The estate encompasses any lawsuits in which the debtor is currently a plaintiff. It also includes legal claims and causes of action that the debtor could bring, but has not yet filed. Specifically, pre-petition legal claims not exempted by the debtor may be administered and liquidated by the trustee. 11 U.S.C. § 704(a) (1). In Chapter

1 Generally speaking, standing is the ability to commence litigation in a court of law.

7 bankruptcy proceedings, the trustee, not the debtor, has exclusive standing to pursue any cause of action that is property of the estate. 11 U.S.C. § 323. Pursuant to section 323 of the Code, the trustee is the legal "representative of the estate" and is the proper party in interest "to sue and be sued." As such, the trustee has the right to litigate, settle, or sell the legal claim for the benefit of creditors. Bankruptcy proceedings under Chapter 7 or liquidation bankruptcies require liquidation or sale of non-exempt assets to pay creditors.

34. Dulberg's debts were largely medical bills which totalled around $60,000. Once the bankruptcy debts were paid in full (which they were), Dulberg became the sole residual beneficiary of the bankruptcy estate. Dulberg's bankruptcy was a positive asset bankruptcy. Bankruptcy Code 11 U.S.C. § 726 – Distribution of property of the estate lists 6 catagories of beneficiaries of the bankruptcy estate, to be paid in descending order first to last. Creditors in catagories 1 to 5 of 11 USC 726 were paid in full. The 6th and final catagory is listed as, "(6) sixth, to the debtor."

35. Bankruptcy trustee Megan Heeg administered the bankruptcy estate once Dulberg declared bankruptcy **(Exhibit 232)**. Case 12LA178 became a protected asset of the bankruptcy estate from the moment Dulberg declared bankruptcy.

36. Neither Judge Meyer nor Popovich nor Mast nor Balke nor the Baudins ever informed Dulberg that the bankruptcy caused Dulberg to lose control over the direction of case 12LA178 and that the case 12LA178 could not move forward in Illinois circuit court without approval from the federal bankruptcy court **(Exhibit 232)**. Instead, Judge Meyer, Popovich, Mast, Balke and the Baudins treated Dulberg as the sole plaintiff of standing in 12LA178 from the moment Dulberg declared bankruptcy until issuing a final order in 12LA178 on December 12, 2016.

37. Judge Meyer, Mast, Popovich, Balke and the Baudins intentionally and knowingly acted toward property of the bankruptcy estate so as to keep the property out of the proper jurisdiction until the case was dismissed or a settlement was reached for $50,000 or less or an "upper cap" was placed on the value of the case.

38. On May 13, 2015 Judge Meyer presided over a settlement conference where $50,000 was

offered to Dulberg if Dulberg settled the case with defendant Gagnon. Dulberg was encouraged to accept the offer of $50,000 by his attorney Balke and by Judge Meyer but Dulberg refused. Balke told Dulberg Balke will resin as counsel if Dulberg does not accept the offer of $50,000.

39. On June 12, 2015 Judge Meyer granted Balke's leave to withdraw as counsel and Judge Meyer informed Dulberg that Dulberg had to find an attorney or file pro-se after 28 days or Meyer would dismiss case 12LA178.

40. On July 10, 2015 Dulberg filed an appearance Pro Se and appeared in court pro se so the case 12LA178 would not be dismissed.

41. On November 6, 2015 the Baudins filed an appearance and on January 28, 2016 the Baudins appeared before Judge Meyer representing Dulberg as the plaintiff of standing in case 12LA178..

42. From June 13, 2016 to August 10, 2016 Judge Meyer presided over 4 court dates where an agreement between the Baudins and Allstate alone is reached to enter into a "binding mediation" agreement with an "upper cap" of $300,000.

43. Records of Proceedings of 12LA178 from June 13, 2016 to August 10, 2016 **(Exhibit F2, Exhibit 129, Exhibit 130, Exhibit 131)** provide clear evidence of who placed a $300,000 upper cap on the value of personal injury case 12LA178, when binding mediation was agreed to and where the agreement was made and authorized:

a) **Who** placed a $300,000 upper cap on the value of the personal injury case (***The Baudins and Allstate alone***)

b) **When** the agreement was made (***On or before August 10, 2016 without bankruptcy trustee Megan Heeg being consulted or represented***)

c) **Where** the agreement was made (***In the 22nd Judicial Circuit Court with Judge Meyer presiding***)

44. The Baudins took 2 contradictory positions on whether Dulberg gave his consent to the binding mediation agreement

On April 25, 2023 the Baudins stated:

> "On or about October 9, 2016, the Baudin Defendants spoke with Plaintiff and informed him that the binding mediation would proceed with or without Plaintiff's consent as "the bankruptcy trustee and judge had the authority to order the process into a binding mediation agreement without [Plaintiff's] consent." (Ex. A, ¶ 50.)"

(**Exhibit EH-1**, page 4)

On July 7, 2023, in case 22L010905 the Baudins took the following position (**Exhibit EH-2**, page 6):

> The only "fact" that Plaintiff claims he learned after December 2016 was that his signature was affixed to the Binding Mediation Agreement, purportedly without his knowledge or approval. But **Plaintiff did not "own" the claim that was proceeding to binding mediation and had no power to decide whether or on what terms the mediation would proceed**. It does not matter whether he signed his own name, whether the bankruptcy trustee signed his name, or whether someone else did. It does not even matter that a mediation agreement was signed. A**ll that matters is that the bankruptcy trustee and defense resolved the claim on terms to which they agreed.** [Emphasis added]

The Baudins never claimed Dulberg gave consent to binding mediation throughout case 22L010905 proceedings.

45. On June 7, 2024 for the first time in any court or communications records the Baudins claimed that Dulberg gave his permission to enter into binding mediation on July 20, 2016 and Dulberg agreed to $300,000 "upper cap" on the value Dulberg could be awarded (**Exhibit CB** page 6):

> **Mr. Dulberg agreed to the binding mediation and the high/low provisions were explained to him.** Mr. Baudin encouraged Mr. Dulberg and his mother to enter into a binding mediation. He explained the benefits this approach had to his case and the nature of the proposed agreement. The parties would agree to place a $50,000 floor and a $300,000 ceiling on Mr. Dulberg's potential award. Notably, Mr. Dulberg had been offered $50,000 so making this figure the floor ensured that he would receive at least that much if the case went to mediation, even if the mediator awarded a sum less than $50,000. The ceiling of $300,000 represented the maximum amount the defendants would have to pay, even if the mediator awarded a larger sum. This is a compromise where each side knows the stakes beforehand. **On July 20, 2016, Mr. Dulberg advised Mr. Baudin that he wanted to proceed with the mediation.** [Emphasis added]

46. Attorney-client communications records between Dulberg and the Baudins **(Exhibit 230)** demonstrate that Dulberg never agreed to enter into binding mediation at any time. There is no evidence of Dulberg giving consent on July 20, 2016 and there is a large body of evidence that Dulberg actively refused to enter into any binding mediation agreement before, during and after July 20, 2016. The Baudins claim that Dulberg's mother (Barbara Dulberg) witnessed the July 20,

2016 agreement. Dulberg's mother has provided a video statement and signed an affidavit stating that no such agreement took place on July 20, 2016 or at any other time.

47. On July 20, 2016 at 1:24 PM Dulberg informed Randall Baudin:

> Randy, I truly appreciate yours and Kelly's honest advice and I hope I continue to receive it in the future. Please don't take this personal because it's not. I value everything you have to offer more than you know. I will be moving forward with litigation at this time. However, should Allstate consider a full settlement with no strings attached in the future so they can save the cost of litigation or a humiliating defeat I'm not opposed to entertaining it and most likely will accept it. This is too important to me and my family. I just cannot give up the protections of a public trial with the possibility of review should something be handled wrongly in the hopes of saving a few thousand dollars and time. Thank you both for your honest advice now let's move forward together and enjoy winning this case together. (**Exhibit 230** page 56)

48. There is no evidence bankruptcy trustee Megan Heeg or the bankruptcy court were ever informed this binding mediation with an "upper cap" of $300,000 was agreed and reported to Judge Meyer by August 10, 2016. There is no evidence that bankruptcy trustee Megan Heeg or the bankruptcy court were ever informed by the Baudins that defendant Gagnon already admitted negligence for Dulberg's chainsaw injury as of March, 2013.

49. On August 31, 2016 bankruptcy trust Megan Heeg resigned as trustee and bankruptcy trustee Joseph Olsen was appointed.

50. On September 27, 2016 bankruptcy trustee Joseph Olsen sent a letter (**Exhibit EH-1** page 115) to the Baudins stating:

> "As you know the undersigned represents Joseph D. Olsen, the duly appointed,
>
> qualified and acting Trustee of the above referenced Debtor's estate. You are instructed not to settle the Debtor's cause of action without first obtaining authorization from the Trustee. Because of your experience with the case the Trustee desires to employ you and your firm as attorneys for the estate to prosecute this cause of action."
>
> "Enclosed please find a copy of a statement of disinterest pursuant to Bankruptcy Rule 2014 which we will need to present to the court at the hearing of the Motion to employ your firm. Please execute same, have your signature notarized and return it to me with the information requested above. Can you please provide a copy of the State Court Complaint and Answer filed by the defendant."

51. Bankruptcy Judge Thomas M. Lynch was not informed of a binding mediation agreement with an "upper cap" of $300,000 until October 4, 2016 or later, when newly appointed bankruptcy trustee Joseph Olsen filed a motion to enter into a binding mediation agreement with an "upper cap" of $300,000 and filed a motion to hire the Baudins as counsel to the bankruptcy estate **(Exhibit EH-4)**.

52. On October 31, 2016 Trustee Joseph Olsen appeared before the Honorable Thomas M. Lynch and the following exchange took place **(Exhibit A6)**[Emphasis added]:

> MR. OLSEN: Good morning, Your Honor. Joseph Olsen, trustee. This comes before the Court on two motions. One is to authorize the engagement of special counsel to pursue a personal injury litigation, I think it's in Lake County, involving a chainsaw accident of some sort. And then, presumably, if the Court grants that, the second one is **to authorize the estate to enter into -- I'm not sure what you call it, but binding mediation. But there's a floor of $50,000, and there's a ceiling of $300,000. And I guess I've talked with his attorney. He seems very enthusiastic about it. There may be some issues about the debtor being a good witness or not, I guess.** It had to do with a neighbor who asked him to help him out with a chainsaw, and then I guess the neighbor kind of cut off his arm, or almost cut off his arm right after that. There's some bitterness involved, understandably, I guess. But I don't do personal injury work at all, so I'm not sure how that all flows through to a jury, but **he didn't seem to want to go through a jury process. He liked this process**, so...
>
> THE COURT: Very well. Mr. Olsen, first of all, with regard to the application to employ the Baudin law firm, it certainly appears to be in order and supported by affidavit. Their proposed fees are more consistent with at least what generally is the market than some of the fees you and I have seen in some other matters. One question for you: Have you seen the actual engagement agreement?
>
> MR. OLSEN: I thought it was attached to my motion.
>
> THE COURT: Okay.
>
> MR. OLSEN: If it's not, it should have been. It's kind of an interesting -- actually, this is kind of a unique one. The debtor actually paid them money in advance, and then he's going to get a credit if they actually win, which I guess enures, now, to my benefit, but that's okay. And there's a proviso for one-third, except if we go to trial, then it's 40 percent. So these are getting more creative by the PI bar as we plod along here, I guess, but...
>
> THE COURT: It's a bar that's generally pretty creative. And my apologies. I saw the affidavit, but you did have the agreement attached, and one was in front of the other. And the agreement is just as you describe it. It appears to be reasonable, and so I'll approve the application. Tell me about this binding mediation. It's almost an

oxymoron, isn't it?

MR. OLSEN: Well, **I guess the mediators don't know there's a floor and a ceiling. I'm not sure where that comes from, but that's -- yeah. And whatever number they come back at is the number we're able to settle at, except if it's a not guilty or a zero recovery, we get 50,000, but to come back at 3 million, we're capped at 300,000.**

THE COURT: Interesting.

MR. OLSEN: A copy of the mediation agreement should also be attached to that motion.

THE COURT: And I do see that. That appears to be in order. It's one of those you wish them luck

MR. OLSEN: I don't want to micromanage his case.

THE COURT: But that, too, sounds reasonable. **There's been no objection?**

MR. OLSEN: Correct.

THE COURT: Very well. I will approve -- authorize, if you will, for you to enter into the binding mediation agreement, see where it takes you.

MR. OLSEN: Thanks, Your Honor.

53. Bankruptcy trustee Joseph Olsen explained that the binding mediation agreement exists because Dulberg "wanted it that way" and Dulberg "seems very enthusiastic about it" because "There may be some issues about the [Dulberg] being a good witness or not" and that Dulberg "didn't seem to want to go through a jury process" and Dulberg "liked this process" and that there are no objections to the binding mediation agreement.

54. Bankruptcy trustee Joseph Olsen either did not know or knew and did not inform bankruptcy Judge Thomas M. Lynch that defendant Gagnon already admitted negligence for Dulberg's injury as of March, 2013.

55. Bankruptcy trustee Joseph Olsen either did not know or knew and did not inform bankruptcy Judge Thomas M. Lynch that the binding mediation agreement was made by the Baudins and Allstate alone by August 10, 2016 with Judge Meyer presiding and without bankruptcy trustee Megan Heeg or the bankrupty court knowing or approving the binding mediation agreement and with Dulberg actively refusing to enter in the agreement.

56. Bankruptcy trustee Joseph Olsen didn't know where the "upper cap" of $300,000 on the value of the case came from, stating, "I guess the mediators don't know there's a floor and a ceiling. I'm not sure where that comes from, but that's -- yeah."

57. Judge Meyer, who presided over underlying personal injury case 12LA178 and legal malpractice case 17LA377, never stated or recognized on the court records of either case that an "upper cap" of $300,000 existed on the value of 12LA178 even though Judge Meyer knew of the agreement.

58. The Baudins first claimed it was none of Dulberg's business whether there was an upper cap and who put it there. They then claimed for the first time on June 7, 2024 that Dulberg consented to an "upper cap" of $300,000.

59. On December 8, 2016 Dulberg was awarded $660,000 but $360,000 was not recoverable due to the binding mediation being capped off.

60. On December 12, 2016 Judge Meyer issued a final order dismissing the case **(Exhibit EH-3)** after having the following exchange **(Exhibit 235)** with Allstate attorney Shoshone Reddington in the 22nd Judicial Circuit Court:

> UNIDENTIFIED VOICE: Number five, Dulberg. I talked to Baudin & Baudin this morning -- or Baudin Law Group, and Randy Baudin indicated to me he's going to be in another county and his wife's out of state, but they're agreeable with me getting a dismissal with prejudice based on the fact that we've had a binding mediation on Thursday and we're expecting an award.
>
> THE COURT: Wonderful. All right.
>
> UNIDENTIFIED VOICE: Thank you.
>
> THE COURT: I'll be curious what the award was. All right. Thank you..

RELEVANT FACTS OF LEGAL MALPRACTICE CASE 17LA377 COMMON TO ALL COUNTS

61. Dulberg first met with Thomas Gooch on December 16, 2016. Dulberg's brother Thomas Kost also attended the meeting. Dulberg told Gooch about his bankruptcy case 14-83578. Dulberg told Gooch that Dulberg was forced into a binding mediation process by the bankruptcy trustee and bankruptcy Judge. At the first meeting Dulberg explained to Thomas Gooch that an

arbitration judge awarded $660,000 to Dulberg but Dulberg could only collect $300,000 due to an "upper cap" being placed on the value of 12LA178 without Dulberg's consent. Dulberg told Gooch that Dulberg never agreed to be entered into binding mediation and Dulberg refused to sign the agreement so Dulberg's signature cannot be found on any agreement. Dulberg gave Gooch a copy of the proposed unsigned binding mediation agreement **(Exhibit 106).**

62. At the first meeting Dulberg explained to Thomas Gooch that Mast's legal theory of why the employers of Gagnon, providers of the chainsaw that cut Dulberg and owners of the property on which the chainsaw injury occurred, the McGuires, were not liable for Dulberg's chainsaw injury was because the Restatement of Torts 318 is not applicable in Illinois as demonstrated in the case of Tilschner v Spangler. Dulberg handed Gooch a certified slip opinion of the Tilschner v Spangler Appellate Court ruling that Mast gave to Dulberg dated the day the ruling was issued, May 6, 2011 **(Exhibit 107)**, a rare certified document that was issued to participating attorneys (Popovich and Mast being participating attorneys in Tilschner v Spangler) the same day the ruling was made. Gooch handed the document back to Dulberg. Gooch told Dulberg that Gooch does not need the document because Gooch can look the case up online. Gooch could only access the November 6, 2011 final ruling online, which is not the same document as the certified slip opinion Dulberg handed to Gooch. Dulberg explained to Gooch that Mast explained his legal theory to Dulberg at a meeting with witness Thomas Kost present and with the witness Thomas Kost took notes during the meeting **(Exhibit 72)**.

63. Gooch told Dulberg and his brother, Thomas Kost, that the 2 year Statute of Limitations begins to be calculated immediately as of Dulberg's first meeting with Gooch on December 16, 2016. Gooch explained that since Gooch specialized in legal malpractice, Gooch can be considered an 'expert' on the subject of attorney liability, and therefore Dulberg's first meeting with Gooch establishes the time when Dulberg first knew or first became aware that Popovich and Mast breached a duty of care and caused an "injury" to Dulberg. Dulberg and his brother, Thomas Kost, were informed by Gooch that the 2 year Statute of Limitations begins on December 16, 2016 because this is when Dulberg first learned (from Gooch himself, who is an

"expert") that Dulberg has a valid claim against Popovich and Mast.

64. The key secondary legal source "Trial Handbook for Illinois Lawyers" Chapter 22 Section 29 is reproduced as **Exhibit 253** but we have added red, blue, purple and green underlines to highlight certain key statements. The underlined statements in **Exhibit 253** help us clearly see how Gooch (and Clinton and Williams) intentionally targeted Dulberg. The statements underlined in red go to the heart of the requirements for legal sufficiency for a legal malpractice claim in Illinois. The statements underlined in blue go to the heart of how to calculate the Statute of Limitations in a legal malpractice case in Illinois. The statement underlined in green describes an action which are considered to be prima facie professional misconduct by an attorney in Illinois.

65. "Trial Handbook for Illinois Lawyers", has been available since 1964 and is a key secondary source which is available through Westlaw. The section on attorney professional misconduct is only 3 pages long.

66. Gooch targeted his client Dulberg by intentionally filing complaints in case 17LA377 that were not legally sufficient according to the minimum standards described in the statements underlined in red in **Exhibit 253**. In this way Gooch knowingly and intentionally wrote the 17LA377 Complaint and Amended Complaint to fail the minimum standard for legal sufficiency described in the statements underlined in red in **Exhibit 253**. Gooch knowingly and intentionally refused to write a complaint on Dulberg's behalf that would be legally sufficient and could therefore be accepted by the court.

67. The discovery rule "delays commencement of the statute of limitations until the plaintiff knew or reasonably should have known of the injury and that [the defendant(s)] may have been wrongfully caused." Dancor International, Ltd. v. Friedman, Goldberg & Mintz, 288 Ill. App. 3d 666, 672 (1997). The discovery rule is a rule which applies to interpreting Illinois Statute 735 ILCS 5/13-214.3) (from Ch. 110, par. 13-214.3) Sec. 13-214.3, which states claims against attorneys for legal malpractice "must be commenced within 2 years from the time the person bringing the action knew or reasonably should have known of the injury for which damages are

sought."

68. Gooch knowingly and intentionally misinformed Dulberg how to calculate the Statute of Limitations by deliberately misrepresenting the word "injury" in the way the word is commonly used and as it appears in a standard dictionary, as a "hurt" or "damage" and the act of hurting or damaging and not as "injury" is actually defined in statements underlined in blue in **Exhibit 253.**

69. The common definition and meaning of the word "injury" (according to Merriam Webster dictionary) is:

> (1) hurt, damage, or loss sustained,
>
> (2a): an act that damages or hurts: wrong, (2b): violation of another's rights for which the law allows an action to recover damages,

70. The word "injury" in Illinois legal malpractice cases (as explained in "Handbook for Illinois Trial Lawyers" Chapter 22 Section 29) has a very specific meaning as follows

> "The injury in a legal malpractice action is not a personal injury, nor is it the attorney's negligent act itself."
>
> [the injury] "is a pecuniary injury to an intangible property interest caused by the lawyer's negligent act or omission."
>
> [not injured] "unless and until he has suffered a loss for which monetary damages may be sought." [not injured until] "the judgment or settlement or dismissal of the underlying action."

The statements underlined in blue in the key secondary source "Handbook for Illinois Trial Lawyers" Chapter 22 Section 29 in **Exhibit 253** are as follows[1]: "The injury in a legal malpractice action is not a personal injury, nor is it the attorney's negligent act itself. Rather, it is a pecuniary injury to an intangible property interest caused by the lawyer's negligent act or omission." "In a legal malpractice action, a client is not considered "injured," as would trigger an accrual of a claim, unless and until he has suffered a loss for which monetary damages may be sought." "the injury does not accrue and the statute of limitations does not begin to run on

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1 If these statements are applied to case 17LA377, Dulberg contends that the 2 year Statute of Limitations is calculated from December 12, 2016 when case 17LA377 came to rest and for the first time the actual pecuniary injury could be realized and calculated. On December 12, 2016 Judge Meyer issued and signed the final court order dismissing 17LA377 **(Exhibit 235, Exhibit DY)**.

a claim for legal malpractice until the judgment or settlement or dismissal of the underlying action."

71. The deceptive practice that Gooch used is to define "injury" as an "attorney's negligent act" or a "wrong action by attorney".

72. The sentence underlined in green in "Handbook for Illinois Trial Lawyers" Chapter 22 Section 29 in Exhibit 253. states: "It is prima facie negligent conduct for an attorney to misadvise a client on a settled point of law that can be looked up by the means of ordinary research techniques." This statement gives a clear and concise description of what Gooch (and later Clinton, Williams and Talarico) did to Dulberg. When Gooch knowingly and intentionally filed both the Complaint and Amended Complaint that was legally insufficient while insisting to Dulberg that the complaints were legally sufficient, Gooch committed willful and wanton prima facie professional misconduct because Gooch intentionally misadvised Dulberg, his client, on a settled point of law that could be looked up by the means of ordinary research techniques. And when Gooch knowingly and intentionally misinformed Dulberg how to calculate the Statute of Limitations, Gooch once again committed willful and wanton prima facie professional misconduct because Gooch was intentionally misadvising Dulberg, his client, on a settled point of law that could be looked up by the means of ordinary research techniques.

73. On December 16, 2016 Gooch produced an ATTORNEY-CLIENT RETAINER AGREEMENT ADVANCED FEE WAIVER **(Exhibit 109)**. The agreement is signed by Paul R. Dulberg and Thomas W. Gooch for the law firm of GAUTHIER and GOOCH. Thomas Gooch entered into an attorney client relationship with Dulberg. Based upon the attorney client relationship, Thomas Gooch and any other attorneys working for his firm owed professional duties to Dulberg, including a duty of care..

74. The agreement stated:

> "This is an Agreement you, Paul R. Dulberg of 4606 Haydew Court, McHenry, Illinois, and I, THOMAS W. GOOCH, of THE LAW OFFICES OF GAUTHIER and GOOCH, have made this 16th day of December, 2016."

75. Section 1 of the agreement stated:

> "ENGAGEMENT AGREEMENT - You agree to retain and engage me to represent you in relation to a certain matter relating to an excessive fees case against Thomas J. Popovich, the Law Offices of Thomas J. popovich, P.., and his nominees, you authorize me to appear in any lawsuit which may be filed in this matter, to enter into discussions toward settlement or compromise of any such litigation, or to proceed as I deem advisable with your approval."

76. Section 7 of the letter stated:

> "SETTLEMENT - I will not make any settlement of your case without your consent, nor will any proceedings be filed in court without your prior knowledge and consent unless necessary to protect you interests on an emergency basis."

77. On December 16, 2016 Gooch wrote to Popovich in a letter (**Exhibit 108**, page 4), "I intend to file suit against you in the next 7 days." The box of 12LA178 and BK 14-83578 paper case files Dulberg left with Gooch just after their first meeting on December 16, 2016 was not scanned into digital files by an employee of Gooch until June 26, 2017 to June 28, 2017.[1]

78. On November 28, 2017 (over 340 days after Gooch wrote to Popovich "I intend to file suit against you in the next 7 days") Gooch filed COMPLAINT AT LAW **(Exhibit 111)**, which consists of 22 paragraphs. Gooch did not allow Dulberg to review the complaint before filing it. There is not a single point in any paragraph related to the duty of care the McGuires owed to Dulberg or any breach of that care (which is considered an "underlying case" or "case within a case"). There was no mention of defendant Gagnon at all. There was no mention of bankruptcy or bankruptcy case 14-83578 at all (even though BK 14-83578 was the underlying case of legal malpractice case 17LA377 and the case 12LA178 had become a protected asset of the bankruptcy estate from the time Dulberg declared bankruptcy). In this way Gooch knowingly and intentionally wrote COMPLAINT AT LAW **(Exhibit 111)** to fail the minimum standard for legal sufficiency described in the statements underlined in red in **Exhibit 253**. Gooch knowingly and intentionally refused to write a complaint on Dulberg's behalf that would be legally sufficient and could therefore be accepted by the court.

79. Thomas Gooch did not refer at all to Mast's legal opinion based on Tilschner v Spangler and the Restatement of Torts 318 which Mast gave to Dulberg **(Exhibit 107)** to explain why Mast

1 See creation dates for files in 'Gooch Thumbdrive' in **Exhibit EA-2.**

believed the McGuires were not liable for Dulberg's chainsaw injury in the COMPLAINT AT LAW.

80. Gooch wrote in COMPLAINT AT LAW "Unfortunately, a "high-low agreement" had been executed by DULBERG, reducing the maximum amount he could recover to $300.000.00 based upon the insurance policy available." (**Exhibit 111** Paragraph 16). Thomas Gooch was told by Dulberg that Dulberg never agreed to enter into binding mediation and refused to sign any binding mediation agreement. Gooch was in possession of only an unsigned proposed binding mediation agreement **(Exhibit 106)** which Dulberg gave to him.

81. Gooch never raised and intentionally omitted anything connected to Dulberg's bankruptcy case 14-83578 on the 17LA377 court record. the word "bankruptcy" never appears in 17LA377 court records during Gooch's representation of Dulberg.

82. Gooch never informed Dulberg or the court that Gagnon admitted negligence for Dulberg's injury as of March 2013 **(Exhibit 112)**. Gooch did not include as defendants Brad J. Balke, W. Randall Baudin, Kelly Baudin, the Baudin Law Group, Baudin & Baudin or Trustee Olsen or name any of them as defendants even though they were either Dulberg's retained attorneys in 12LA178 or the bankruptcy trustee after defendant Gagnon already admitted negligence for Dulberg's injury and none of them informed Dulberg or acted on this information. None of their names appeared in COMPLAINT AT LAW **(Exhibit 111)** at all. Gooch did not name Thomas Popovich (principal of law firm) as a defendant. Gooch only named Hans Mast and the Law Offices of Thomas J. Popovich, P.C. as defendants in COMPLAINT AT LAW.

83. On February 7, 2018 Defendants filed DEFENDANTS' COMBINED MOTION TO DISMISS **(Exhibit 113)**. Item 4 states:

> "Dulberg fails to allege requisite facts in support of each and every element of the "underlying" case or "case within a case" against the McGuires".

84. Items 8 and 9 state:

> "Dulberg has failed to file his legal malpractice complaint against Popovich and Mast within the two year statute of limitations period which shall begin to run at "the time the person bringing the action knew or reasonably should have known of the injury for which damages are sought."

> "Here, the Plaintiff did not file his Legal Malpractice Complaint against Defendents until November 28, 2017, at least seven (7) months too late."

Note that this explanation by opposing counsel of how to calculate the Statute of Limitations is in direct contradiction to Illinois law. Both Gooch and opposing counsel Flynn are using the same novel legal theory of how to calculate the Statute of Limitations in an Illinois legal malpractice case which is in direct contradiction to Illinois law according to the statements underlined in blue in "Trial Handbook for Illinois Lawyers" Chapter 22, Section 29 in **Exhibit 253**.

85. In MEMORANDUM IN SUPPORT OF DEFENDANTS' COMBINED MOTION TO DISMISS (**Exhibit 114** page 5) Flynn states:

> "Dulberg fails to allege requisite facts in support of each and every element of the "underlying" case or "case within the case" against the McGuires". Simply put, Dulberg fails to plead any facts in support of his conclusions that there was some liability against the McGuires."

86. On March 27, 2018 Gooch filed PLAINTIFF'S RESPONSE TO DEFENDANTS' COMBINED MOTION TO DISMISS **(Exhibit 115)**. Rather than simply explain how the McGuires (the 'underlying case') were liable for Dulberg's injury as required the statements underlined in red in **Exhibit 253**, Gooch claimed COMPLAINT AT LAW is legally sufficient as written and gave the following reasons to support his argument:

> 1. A motion to Dismiss pursuant to section 2-615 attacks the legal sufficiency of the Complaint by alleging defects on its face. Weisblatt v. Colky, 265 Ill.App.#d 622, 625, 637 N.E.2d 1198, 1200 (1st Dist. 1994). Section 2-615 motions "raise but a single issue: whether, when taken as true, the facts alleged in the Complaint set forth a good and sufficient cause of action." Visvardis v. Ferleger 375 Ill.App.3d 719, 723, 873 N.E.2d 436, 440 (Ill.App.I Dist. 2007), quoting Scott Wetzel Services v. Regard, 271 Ill.App.3d 478, 480, 208 Ill. De. 98, 648 N.E.2d 1020 (1995).
>
> 2. When the legal sufficiency of a Complaint is challenged by a section 2-615 Motion
>
> to Dismiss, all well-pleaded facts in the Complaint are taken as true and a reviewing court must determine whether the allegations of the Complaint, construed in a light most favorable to the plaintiff, are sufficient to establish a cause of action upon which relief may be granted. Vitro v. Mihelcic, 209 Ill.2d 76, 81, 806 N.E.2d 1155, 1161 (2005). A cause of action should not be dismissed on the pleadings unless it clearly appears that no set of facts can be proved that will entitiled the plaintiff to recover. Zedella v. Gibson, 165 Ill.2d 181, 185, 650 N.E.2d 1000 (1995).

Based on this reasoning Gooch claimed that COMPLAINT AT LAW is indeed legally sufficient

according to Illinois law.

87. On April 12, 2018 Dulberg sent an email (**Exhibit DX**) to Gooch and Margaret G. Buckley that stated:

> "I noticed part of the defense argument was centered around our response to "defendants combined motion to dismiss" #4. In there it states that; "DULBERG's gross award of $660,000 was cut to only $300,000 due to a high-low agreement that was executed as part of the McGuire settlement."
> " was executed as part of the McGuire settlement." must be a typo. "was accepted because of the McGuire settlement" is much closer to the truth.
> Im not exactly sure who or where the hi-low idea originated but I suspect it was Allstate Insurance for GAGNON. Randy Jr & Kelly Baudin would know the details. Should I contact them?"

Gooch never replied.

88. On May 10, 2018 defendants' 2-615 motion to dismiss Dulberg's complaint was granted **(Exhibit 116)(Exhibit DC)**. Dulberg was given leave to file an amended complaint.

89. Around May 20, 2018 Dulberg and Thomas Kost met with Sabina Sershon just before the first amended complaint was to be filed by Gooch in order to discuss the complaint before filing it with the court. Sershon told Dulberg and Kost that Dulberg's first meeting with Gooch cannot be used to calculate the Statute of Limitations. Sershon claimed that the discovery of the injury mentioned in 735 ILCS 5/13-214.3(b) came when Dulberg's previous attorneys (The Baudins) in underlying case 12LA178 received a report from chainsaw expert Dr Lanford which was created on February 17, 2016 which states "it is my opinion that Mr. Gagnon was fully responsible for this accident and his parents - the McGuires - were also somewhat responsible by letting their son, Mr. Gagnon, use their chainsaw - a potentially dangerous tool - without enforcing the warnings and instructions available in the owner's manual." Sershon insisted that Dulberg "first knew" of the "injury" caused by Popovich and Mast when Dulberg read the chainsaw expert's report.

90. On June 7, 2018 FIRST AMENDED COMPLAINT AT LAW **(Exhibit 117)** was filed by Gooch with the court. FIRST AMENDED COMPLAINT AT LAW consists of 32 paragraphs. The first 13 paragraphs are identical to the original complaint. There were (once again) no

paragraphs related to the duty of care the McGuires owed to Dulberg or a breach of that care in the FIRST AMENDED COMPLAINT. Thomas Popovich individually was not named as a defendant. There was no mention of Defendant Gagnon or Gagnon's admission of negligence for Dulberg's injury as of March, 2013 or anything related to Dulberg's bankruptcy.

91. On July 5, 2018 Popovich and Mast filed DEFENDANTS' MOTION TO DISMISS **(Exhibit 118)** Item 5 states:

> "Dulberg fails to allege requisite facts in support of a legal malpractice claim, including each and every element of the "underlying" case or "case within a case" against the McGuires."

This statement is identical to the statement in paragraph 49 on their first Motion To Dismiss **(Exhibit 114)**.

92. On August 17, 2018 Gooch filed PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS FIRST AMENDED COMPLAINT AT LAW **(Exhibit 120)**. Rather than simply explain how the McGuires (the 'underlying case') owed a duty of care to Dulberg, Gooch produced "Argument (under 2-615)" **(Exhibit 120)** titled "Dulberg sufficiently states a cause of action for legal malpractice against the Defendants" in which Gooch states (paragraph 1, line 1) : "In his First Amended Complaint, DULBERG sufficiently set forth the necessary elements of legal malpractice." In "Argument (under 2-615)" Gooch gives a 34 paragraph argument for why the Defendants' 2-615 Motion for Dismissal should not be granted. Not one of the 34 paragraphs addressed why the McGuires owed Dulberg a duty of care the day of the accident. Not one of these items addressed how the McGuires breached that duty to Dulberg.

93. On September 12, 2018 the hearing on the Motion to Dismiss took place and the Motion was granted (**Exhibit 122** p 37). Neither Gooch nor Sabina Sershon appeared in court. They did not announce they wouldn't attend beforehand. They simply didn't show up. Dulberg was granted leave to file a Second Amended Complaint.

94. When Gooch knowingly and intentionally filed both COMPLAINT AT LAW **(Exhibit 111)** and FIRST AMENDED COMPLAINT AT LAW **(Exhibit 117)** that was legally insufficient while insisting to Dulberg and to the court that the complaints were legally sufficient, Gooch

committed willful and wanton prima facie professional misconduct because Gooch intentionally misadvised Dulberg, his client, on a settled point of law that could be looked up by the means of ordinary research techniques. And when Gooch knowingly and intentionally misinformed Dulberg how to calculate the Statute of Limitations, Gooch once again committed willful and wanton prima facie professional misconduct for the same reason.

95. Gooch never informed Dulberg that the 12LA178 record contains an admission of negligence[1] by Gagnon for Dulberg's chainsaw injury as early as March, 2013. Gooch completely avoided underlying case BK 14-83578 and never mentioned Dulberg's bankruptcy in any court record.

96. Gooch also used the legally insufficient complaints to intentionally place factually incorrect statements on the record like "the high-low agreement" was "executed by Dulberg" that Gooch knew to be untrue since Gooch only possessed an unsigned copy of a proposed binding mediation agreement **(Exhibit 106)**.

97. Dulberg then asked his brother, Thomas Kost, to try to figure out why the Gooch complaints were not being accepted by the court and what needed to be done to fix the problem.

98. On October 1, 2018 Thomas Kost wrote a plain text document for Paul Dulberg called "second_amended_complaint_comments.txt" **(Exhibit 123)** and emailed the document to Dulberg. Dulberg then forwarded the text document as an email attachment to Thomas Gooch (**Exhibit 122** page 40). The text document explained the requirements for legal sufficiency of a legal malpractice claim in Illinois and explained how COMPLAINT AT LAW **(Exhibit 111)** and the FIRST AMENDED COMPLAINT AT LAW **(Exhibit 117)** failed to meet these minimum requirements. The text document included a detailed list of ways which the McGuires were liable for Dulberg's injury which should be placed in the complaint. The text document also explained that the case law Tilschner v Spangler is the legal opinion Mast gave for why the McGuires were not liable for Dulberg's injury and that this information should be included in the complaint (which is what Dulberg and Kost told Gooch at their first meeting on December 16, 2016).

99. On October 2, 2018 Thomas Gooch replied to Dulberg by email (**Exhibit 122**, page 41)

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1 Gagnon never filed an answer to a Cross-Claim filed against him (**Exhibit 112**) by Co-Defendants McGuires on February 1, 2013 which accuses Gagnon of being negligent for Dulberg's chainsaw injury.

stating:

"> Mr. Duhlberg;

> I have your attachment and am deeply offended by it.

> I more upset over being ordered to call you today. I am preparing for trial and frankly don't have time to read or comment on your attempts to educate me on what legal malpractice is all about, I particularly don't have time top read outdated cases on the elements of a legal malpractice case, nor do I have any intention of quoting the law you sent to me.

> You understand full well I'm sure that I have been doing this for a very long time, if I need help on understanding the law I will get from someone who knows how to do legal research, you and your brother don't.

> If I have anymore of this authoritative comments or instructions I will have to give particular thought to withdrawing my appearance and letting you represent your self or find someone else, understand this is not an empty threat, I will tolerate any more of this. If I need a factual question answered and I'm sure I will in the course of this litigation then I will ask you but kindly stop with rudimentary research. The Google searches of you and your brother are not replacements for my law license.

> I generally don't have a proble3m with relatives helping out and being involved just so long as the client understands that the relatives involvement may waive the attorney client privilege. However at this point your brother has become more the problem then helpful. While I can not prevent him from injecting himself into your case through you, I am no longer willing to have him present at conferences or communicate directly with me.

> At this point with everything I have going and the attitude you are displaying I have serious doubts as continuing to represent you. Kindly do not communicate with my staff on the telephone in the manner you chose today

> Sincerely

> Thomas W Gooch"

100. Dulberg responded by email **(Exhibit 122, page 46)** stating,

"Hello Tom and Sabina, I didn't understand the last email I received so I need some clarification. I was never rude or not courteous to you staff and your staff was always courteous to me. Yesterday I talked with Nikki breifly just to confirm that the office received the email. She was friendly and courteous. I said nothing rude or offensive.

I never ordered you or anyone to call me yesterday. I honestly don't know why you believe I did. I was not aware there was anything offensive in the attachment I sent. As I read it again I still can't see anything offensive in it.

As you know I have a permanent disability. You may not know I am on medication to control pain and spasms and this medication does not allow me to focus on complex subjects to a prolonged time. Since I do not understand your last email and I don't have much time before appearing in court I need to know where I stand.

Are you thinking of not continuing to represent me in this case?

Are you going to submit a second amended complaint on October 10 and appear in court?

Will I be given enough time to review the complaint before it is submitted?

May I comment on it or request changes to it or ask questions about it?

I do not want to offend anyone, so I need to know what I can comment on or ask questions about.

I have no memory of any inappropriate behavior when talking to Nikki yesterday. Please let me know how I can communicate with your staff or what I can include in an email in the future so you are not offended again.

Sorry if I did anything wrong. Sincerely, Paul Dulberg "

101. On October 3, 2018 Gooch replied to Dulberg's email point by point. Gooch responses are in bold font. The email **(Exhibit 122)** is reproduced:

"From: Thomas W. Gooch III gooch@goochfirm.com

Subject: RE: from tom

Date: October 3, 2018 at 12:56 PM

To: Paul Dulberg pdulberg@comcast.net

As you know I have a permanent disability. You may not know I am on medica:on to control pain and spasms and this medica:on does not allow me to focus on complex subjects for a prolonged :me. Since I do not understand your last email and I don't have much :me before appearing in court I need to know where I stand.

You seem to have been very focused when you delivered to me your research

notes on the elements of legal malprac8ce, not that I need the wri;en lecture on what legal malprac8ce consists of

Are you thinking of not con:nuing to represent me in this case?

Yes I am considering withdrawing on your behalf. I need no research from you on legal malprac8ce answering my ques8ons on facts is helpful when I ask. I want no more involvement from your brother, Obviously he can talk to you all you want, I can't prevent that but if I perceive further interference from him then I

will have to re-evaluate my con8nued ability to competently represent you. I will not allow him to be here in my office for any purpose. "

Are you going to submit a second amended complaint on October 10 and appear in court?

We may seek an extension, we appear on court dates as a general rule always. You do not and have not had any court dates that require your appearance.

Will I be given enough :me to review the complaint before it is submiFed?

When I determine the complaint is in my opinion legally sufficient it gets filed, naturally you will get a copy of it for your records.

May I comment on it or request changes to it or ask ques:ons about it?

You, not your brother, can ask all the ques8ons you wish. I generally do not ask a client if a complaint is legally sufficient, nor do I want a client draFing a complaint that I have to sign. Most clients do not know the difference between pleading conclusions of law or fact, pleading evidence or the correct pleading of ul8mate material factual allega8ons. In as much as you have advised you are on pain medicine unable to "focus on complex subjects I ques8on how much you could help in any event. I can get a lot done when I don't have to answer emails like this one.

I do not want to offend anyone, so I need to know what I can comment on or ask ques:ons about.

Making demands and lecturing me on the law are greats way to be offensive, likewise demanding to know when you will be called and comments about caring about anyone else we represent or other cases is not conducive to not offending us.

gooch"

102. Dulberg gave Gooch an advance payment retainer of $10,000.00 plus an additional advance of $5000.00 for costs. $480.00 went to copy costs and filing fees. The remaining $4520.00 was for hiring an expert witness. Gooch never hired the expert witness and never returned the advance. Gooch profited $14,520.00 from Dulberg, at least $4,520.00 of which should have been returned to Dulberg upon Gooch's withdrawal but never was.

103. Thomas Gooch was fired by Dulberg on October 8, 2018. Gooch received the termination letter on October 9, 2018. **(Exhibit 147)**

104. The Gooch case file **(Exhibit EA-1, Exhibit EA-2)** was received by the Clinton law firm

on or about November 21, 2018. There are no "Tilschner v Spangler" references anywhere in the Gooch case file.

105. On November 8, 2023 Dulberg and Kost filed an ARDC Complaint (No. 2023IN03895) against Gooch and Sershon **(Exhibit DU-1)**. The ARDC Complaint contains a detailed timeline of Gooch's actions related to 17LA377. The only explanation Gooch gave for his actions described in this complaint and in the ARDC Complaint against Gooch **(Exhibit DU-1)** are in Gooch's ARDC Response to the ARDC Complaint we filed against him **(Exhibit DU-2)**.

106. On September 19, 2025 the ARDC informed Dulberg that the ARDC is initiating a 20 count complaint against Gooch **(Exhibit DU-3)**.

107. On October 10, 2018 at 5:25 PM Dulberg sent an email **(Exhibit 148)** to Williams stating:

> "... Per our discussion, here are the files.
> Please find the attached zip file.
> Download and extract the file to see what has been pleaded, the rulings etc...
>
> Among the files is a file named second_amended_complaint_comments.txt. Pay special attention to this file as it lays out what was going into the second amended complaint and lays out the case moving forward. There are large gaps of empty lines in this file. Please keep scrolling down to read all of it.
>
> I hope this helps prepare you for our consultation this Friday. ..."

108. On October 12, 2018 Dulberg and Kost met with Clinton and Williams at their office. Dulberg and Kost explained why Gooch was fired and explained the contents of the text file "second_amended_complaint_comments.txt" and explained that Mast cited the case ***Tilschner v Spangler 949 N.E.2d 688 409 Ill. App. 3d 988 350 Ill. Dec. 896*** as the legal opinion why Dulberg had no case against the McGuire defendants just as the same information is written in the text file "second_amended_complaint_comments.txt".

109. On October 18, 2018 Clinton created a file "Dulberg Research TILSCHNER v. SPANGLER - FindLaw.pdf" in the folder "Dulberg Master File/Dulberg Matter Ed Clinton/" **(Exhibit C3, Exhibit EB-1, Exhibit EB-2**).

110. Around November 1, 2018 Dulberg retained Ed Clinton and Julia Williams of the The Clinton Law Firm to represent Dulberg in legal malpractice case 17LA377. **(Exhibit 146, Exhibit**

149) Clinton and Williams were given $5,000 as a retainer. The attorney-client contract between The Clinton Law Firm and Dulberg **(Exhibit 146)** states: "It is agreed that we will handle this matter on a contingency basis. Our firm will be entitled to one-third of any recovery whether from settlement or judgment" and states: "Our firm requests a retainer of $5,000 in order to cover the initial costs in this case. We will not begin work until this letter is signed and the retainer fee is received."

111. On December 4, 2018 at 2:20 PM, two days before SECOND AMENDED COMPLAINT **(Exhibit 132)** was filed, a file called "working.pdf" **(Exhibit C4)** was sent to Williams attached to an email **(Exhibit C5)** . Dulberg's comments are in colored font. In the document "working. pdf" Dulberg wrote to Williams in item 50-k on page 9 in red font:

> "The necessary facts are: MAST told DULBERG and another family member at a meeting in which DULBERG was trying to decide whether to accept the MCGUIRE's offer of $5,000 that because the restatement of torts 318 is not applicable in Illinois, DULBERG had no case against the MCGUIRES and that the MCGUIRES did not have to offer any settlement at all. DULBERG asked MAST to cite case law that shows why the MCGUIRES were not at least partially liable for DULBERG'S injury, and MAST cited Tilscher v Spangler, a case which confirms that restatement of torts 318 is not applicable in Illinois. At the same meeting MAST also informed DULBERG that the MCGUIRES made an offer of $5,000 to be nice (they did not have to offer anything) and if DULBERG did not accept the offer it would be withdrawn and the MCGUIRES will ask for summary judgement. MAST informed DULBERG that the presiding judge would grant the MCGUIRES a summary judgement dismissing the case against them, leaving DULBERG with no settlement at all from the MCGUIRES. Mast, "The legality of it all is that a property owner does not have legal liability for a worker (whether friend, son or otherwise) who does the work on his time, using his own independent skills."

Clinton and Williams removed the paragraph above before filing SECOND AMENDED COMPLAINT **(Exhibit 132)** with the court.

112. On December 4, 2018 at 2:20 PM Dulberg sent an email **(Exhibit A2)** to Williams stating:

> "Please find the two file attachments named working.pdf and comment on complaint. txt Comment on complaint.txt contains a color code explanation for what is in working.pdf. Also, I have attached the order in which the judge decided what was stricken along with the transcripts that will be needed to decipher the courts order. Please feel free to contact me with any and all questions you may have."

113. In the document "working.pdf" Dulberg edited paragraph 43 in red font to include:

(Exhibit C4)(Exhibit A2 page 10)

> "Dulberg, who was injured, disabled and unable to work with household bills stacking up, realized the medical bills and attorney fees would leave him with very little if anything and decided to file for bankruptcy protection. Mast then tried to get Dulberg to enter into a mediation with Gagnon with a $50,000 cap. At this point Dulberg severed the relationship with Mast."

Dulberg edited paragraph 44 to state:

> "In December of 2016, Dulberg was ordered by the Bankruptcy Trustee into a binding mediation related to his claims against Gagnon."

Dulberg edited paragraph 46 in red font to include:

> "Due to the Binding Mediation Agreement into which the Bankruptcy Trustee ordered Dulberg, Dulberg could not collect more from Gagnon. The bankruptcy trustee took the money and paid Dulberg's debt in full (it was a 100% solvent bankruptcy)."

114. On Dec 5, 2018, at 10:33 AM, Julia Williams wrote **(Exhibit A3)**:

> "... Attached please find the revised version of the second amended complaint. We will plan to file it tomorrow by morning. If you can, I request that you send further thoughts and edits by 5pm today. I have a deposition in the afternoon and cannot file it later in the day. I reviewed your comments and edits. Overall, many were accepted. There were some, particularly the language about the bankruptcy, that I thought were unnecessary and would simply muddy the waters for the judge.
>
> In this case, we need to show that Mast/Popovich had a duty to advise you properly and protect your interest, they failed to do that by urging you to settle with the McGuires when you could have continued with the case against them and obtained a much better result, instead you settled and were not able to recover at least $300,000. The bankruptcy proceedings are necessary to this case. They will add color to the case and the information will definitely come out in the discovery process. That being said, I don't want to confuse the issues and the recovery by making allegations about the bankruptcy in the complaint. Further, I don't want to increase any burden of proof we may have by making allegations that are necessary to prove our case. ..."

Williams removed the statements Dulberg wrote about Dulberg's 2014 bankruptcy from the Second Amended Complaint before filing SECOND AMENDED COMPLAINT with the court.

(Exhibit A4)(Exhibit A5)

115. On December 6, 2018 Clinton and Williams filed SECOND AMENDED COMPLAINT

(Exhibit 132) in case 17LA377.

116. Clinton and Williams intentionally continued and extended Gooch's original intentional misrepresentation of the statements in "Trial Handbook for Illinois Lawyers" Chapter 29, Section 22 underlined in blue in **Exhibit 253** (about calculating Statute of Limitations) when filing the SECOND AMENDED COMPLAINT. SECOND AMENDED COMPLAINT was accepted by the court because Clinton and Williams addressed the statements underlined in red (concerning legal sufficiency) by inserting what Kost wrote about the McGuires' liability to Gooch in 'second_amended_complaint_comments.txt' **(Exhibit 123)** but SECOND AMENDED COMPLAINT was intentionally crafted by Clinton and Williams with the same misrepresentation of the statements underlined in blue (of how to calculate Statute of Limitations) that Gooch placed in COMPLAINT AT LAW **(Exhibit 111)** and FIRST AMENDED COMPLAINT AT LAW **(Exhibit 117)**.

117. When Clinton and Williams knowingly and intentionally misinformed Dulberg how to calculate the Statute of Limitations, Clinton and Williams also (like Gooch and Sershon) committed willful and wanton prima facie professional misconduct because Clinton and Williams were intentionally misadvising Dulberg, their client, on a settled point of law that could be looked up by the means of ordinary research techniques.

118. All statements by both Gooch, Clinton and Williams in COMPLAINT AT LAW **(Exhibit 111)** and FIRST AMENDED COMPLAINT AT LAW **(Exhibit 117)** and SECOND AMENDED COMPLAINT **(Exhibit 132)** on how Gooch, Clinton and Williams determined the moment from which to calculate of Statute of Limitations in 17LA377 are as follows [Emphasis added]:

COMPLAINT (**Exhibit 111**, paragraph 20)

> "20. **Following the execution of the mediation agreement with the "high-low agreement" contained therein, and the final mediation award, DULBURG realized for the first time** that the information MAST and POPOVICH had given DULBERG was false and misleading, and that in fact, the dismissal of the McGuire's was a serious and substantial mistake. Following the mediation, DULBERG was advised to seek an independent opinion from an attorney handling Legal Malpractice matters, and received that opinion on or about December 16, 2016."

FIRST AMENDED COMPLAINT (**Exhibit 117**, paragraphs 28, 29, 30)

> "28. **Following the execution of the mediation agreement and the final mediation award, DULBERG realized for the first time in December of 2016** that the information MAST and POPOVICH had given DULBERG was false and misleading, and that in fact, the dismissal of the McGuires was a serious and substantial mistake.
>
> 29. **It was not until the mediation in December 2016, based on the expert's opinions that DULBERG retained for the mediation, that DULBERG became reasonably aware** that MAST and POPOVICH did not properly represent him by pressuring and coercing him to accept a settlement for $5,000.00 on an "all or nothing" basis.
>
> 30. DULBERG was advised to seek an independent opinion from a legal malpractice attorney and received that opinion on or about December 16, 2016."

SECOND AMENDED COMPLAINT (**Exhibit 132**, paragraphs 55, 56, 57)

> "55. **Only after Dulberg obtained an award against Gagnon did he discover** that his claims against the McGuires were viable and valuable.
>
> 56. **Following the execution of the mediation agreement and the final mediation award, Dulberg realized for the first time in December of 2016** that the information Mast and Popovich had given Dulberg was false and misleading, and that in fact, the dismissal of the McGuires was a serious and substantial mistake.
>
> 57. **It was not until the mediation in December 2016, based on the expert's opinions that Dulberg retained for the mediation, that Dulberg became reasonably aware** that Mast and Popovich did not properly represent him by pressuring and coercing him to accept a settlement for $5,000.00 on an "all or nothing" basis."

The fraud is to misrepresent the word "injury" in the discovery rule in the way the word is commonly used and as it appears in a standard dictionary, as a "hurt" or "damage" and the act of hurting or damaging so as to define "injury" as "attorney's negligent act" or "wrong action by attorney". In COMPLAINT AT LAW Gooch claims that Dulberg received the independent 'expert' opinion of Gooch on December 16, 2016 so the Statute of Limitations is presented as starting from the day Dulberg first met with Gooch. In AMENDED COMPLAINT AT LAW Gooch claims that Dulberg read the 'expert' opinion of Dr Lanford in December, 2016 so the Statute of Limitations is presented as starting from the day Dulberg read Landford's opinion. In SECOND AMENDED COMPLAINT Clinton and Williams claim that Dulberg read the 'expert' opinion of Dr Lanford so the Statute of Limitations is presented as starting from the day Dulberg

read Landford's opinion. None of these events (meeting Gooch, reading Landford's opinion) caused any pecuniary injury on the days the events happened. All statements quoted above are unmistakably at variance with the explanation of how to calculate the Statute of Limitations for legal malpractice in Illinois given in "Trial Handbook for Illinois Lawyers" Chapter 22 Section 29 in the statements underlined in blue in **Exhibit 253**.

119. Gooch, Sershon, Clinton and Williams placed at least 6 statements in the 17LA377 court records concerning how an "upper cap"' was placed on the value of case 12LA178 and who placed it. They are:

> 1) "Unfortunately, a "high-low agreement" had been executed by DULBERG, reducing the maximum amount he could recover to $300.000.00 based upon the insurance policy available." in COMPLAINT AT LAW (**Exhibit 111** paragraph 16)
>
> 2) "DULBERG's gross award of $660,000 was cut to only $300,000 due to a high-low agreement that was executed as part of the McGuire settlement." in "PLAINTIFF'S RESPONSE TO DEFENDANTS' COMBINED MOTION TO DISMISS" (**Exhibit 115** paragraph 4)
>
> 3) "I believe [the high-low agreement] was signed by Mr. Dulberg. I haven't seen it." stated Sershon (**Exhibit 116** page 6)
>
> 4) "DULBERG was only able to collect $300,000.00 based upon the insurance policy available." in FIRST AMENDED COMPLAINT (**Exhibit 117** paragraph 24)
>
> 5) "Dulberg was only able to recovery approximately $300,000 of the award from Gagnon's insurance and was unable to collect from Gagnon personally." in SECOND AMENDED COMPLAINT (**Exhibit 132** paragraph 54)
>
> 6) "And the trustee did resolve -- there was an arbitration based on the trustee's recommendation in the bankruptcy for the individual" stated Williams **(Exhibit DK)**

Statements (1) and (3) above claim Dulberg caused the "upper cap". Statement (2) claims the "upper cap" was executed as part of the McGuire settlement. Statements (4) and (5) claim an insurance payout limit had been reached at $300,000, nothing more, with no relation to any existing "upper cap". Statements (1), (2), (3), (4), and (5) do not associate the "upper cap" to bankruptcy in any way. Gooch, Sershon, Clinton and Williams placed these statements about the cause of an "upper cap" on the value of personal injury case 12LA178 in the legal malpractice case 17LA377 court record on Dulberg's behalf even though underlying personal injury case

12LA178 records demonstrate that the Baudins and Allstate alone proposed and agreed to an "upper cap" on the value of 12LA178 on or before August 10, 2016 in the 22nd Judicial Circuit Court with Judge Meyer presiding and approving. There is no evidence that bankruptcy trustee Megan Heeg or the bankruptcy court was ever notified or consulted. The agreement was reached and approved even though defendant Gagnon admitted negligence for Dulberg's chainsaw accident over 41 months earlier.

120. On or just prior to November 27, 2018 Williams and Clinton received a thumb drive from Thomas Gooch **(Exhibit EA-1, Exhibit EA-2)** that contains 6 main folders:

Gooch Thumbdrive/Dulberg DISCOVERY
Gooch Thumbdrive/Dulberg ORDERS
Gooch Thumbdrive/Dulberg Paul Dulberg Files From Client
Gooch Thumbdrive/Dulberg PLEADINGS
Gooch Thumbdrive/Dulberg SUMMONS
Gooch Thumbdrive/Dulberg UNDERLYING CASE DOCS

Four of the main folders contain public documents from 17LA377 (Dulberg's legal malpractice case against Mast and Popovich). Only the 2 folders called "Dulberg UNDERLYING CASE DOCS" and "Dulberg Paul Dulberg Files From Client" contain documents that needed to be disclosed to opposing counsel to comply with opposing counsel's document production requests.

121. When preparing documents to turn over to opposing counsel on May 30, 2019 Williams included only the contents of one of the folders called:

Gooch Thumbdrive/Dulberg UNDERLYING CASE DOCS

Williams did not include any of the contents of the other main Gooch thumb drive folder:

Gooch Thumbdrive/Dulberg Paul Dulberg Files From Client

122. 'Dulberg Master File' **(Exhibit EB-1, Exhibit EB-2)** is the electronic case file that Clinton and Williams gave to Dulberg after they resigned as counsel. The contents of 'Dulberg Master File' reveal how Clinton and Williams assembled the May 30, 2019 document disclosure pdf file. Williams combined the contents of the folder 'Dulberg UNDERLYING CASE DOCS' in 'Dulberg Master File' with 18 pdf files she received directly from Dulberg (as email attachments) and placed them in a folder called:

Dulberg Master File/Dulberg Production JCW Working Folder/Dulberg JCW DRAFT To Be Produced

123. Williams inexplicably included 15 public documents related to 17LA377 in the same folder. The names of each of the 17LA377 public documents were changed before being included among the bates-numbered documents. The 17LA377 public documents were then intentionally placed in the folder 'Dulberg JCW DRAFT To Be Produced' to be bates-stamped. It is not possible that the renaming and movement of so many 17LA377 public documents and the insertion of them among bates numbered documents was accidental.

124. Williams merged the contents of the folder 'Dulberg JCW DRAFT To Be Produced' in alphabetical order into a single pdf called:

1 Dulberg Documents to BE Produced NON TAX Complete JCW 2019 May 28.pdf **(Exhibit 150)**

and placed this pdf in the same folder.

125. Williams inexplicably removed an additional 121 pages from this pdf and duplicated one page to make another pdf in the same folder called:

1 Dulberg Documents to BE Produced NON TAX redacted Complete JCW 2019 May 28 copy.pdf **(Exhibit 151)**

The pdf is 2460 pages. The pages in this last pdf became the first 2460 bates-stamped document pages in the pdf that Williams gave to opposing counsel on May 30, 2019 called: "Dulberg Document Disclosure FINAL 2019 May 29.pdf" **(Exhibit 152)**

126. Williams did not inform Dulberg that "Dulberg Document Disclosure FINAL 2019 May 29.pdf" **(Exhibit 152)** did not contain any of the files from the main Gooch thumb drive folder: "Gooch Thumbdrive/Dulberg Paul Dulberg Files From Client"

127. On April 18, 2019 at 10:38 AM, Dulberg sent 3 emails in series with attachments to Williams, subject: "318 Cases from December meeting 1 of 3" **(Exhibit C6)** , "318 Cases from December meeting 2 of 3" **(Exhibit C7)** and "318 Cases from December meeting 3 of 3" (**Exhibit C8)**. The first email attachment was named "IndependantContractor-CaseLaw1_Mast.pdf" **(Exhibit C9)** and contained the certified slip opinion of the case Tilschner v Spangler. The second attachment was named "IndependantContractor-CaseLaw2_Mast.pdf" **(Exhibit**

C10) and contained the case "Choi v Commonwealth Edison". The third attachment was named "IndependantContractor-CaseLaw3_Mast.pdf" **(Exhibit C11)** and contained the case "Lajato v AT & T, Inc".

128. Williams received the 3 emails, downloaded the attachments, duplicated the third attachment of case "Lajato v AT & T, Inc" and renamed them. Williams stored the first attachment (with the key evidence of the certified slip opinion of Tilschner v Spangler) in a folder called "Dulberg Research" which was not produced to opposing counsel on May 30, 2019 (or at any later time). Williams stored the second attachment, the third attachment and a renamed duplicate of the third attachment in a folder which was produced to opposing counsel on May 30, 2019. Williams later used the second attachment, the third attachment and the renamed duplicate of the third attachment to create "exhibit 12" of the deposition of Hans Mast, so "exhibit 12" contained one copy of the case "Choi v Commonwealth Edison" and 2 identical copies of the case "Lajato v AT & T, Inc". The certified slip opinion of Tilschner v Spangler was never turned over to opposing counsel, was never given a bates stamp and was not included in "exhibit 12" of the deposition of Mast. Williams never informed Dulberg of this.

129. Williams had 3 different but identical sets of Dulberg's emails before May 30, 2019 from these 3 sources:

1) Gooch Thumbdrive/Dulberg UNDERLYING CASE DOCS/Paul Dulberg's Emails **(Exhibit EC-1)**

2) 'Paul Dulberg's Emails' sent to Williams as email attachments **(Exhibit EC-2)**

3) Gooch Thumbdrive/Dulberg Paul Dulberg Files From Client/Emails **(Exhibit EC-3)**

The first 2 sets have 422 unique email pages and the third set has 844 pages because it consists of 2 identical sets of emails which are 422 pages each.

130. On May 30, 2019 Williams handed over only the contents of "Gooch Thumbdrive/Dulberg UNDERLYING CASE DOCS/Paul Dulberg's Emails" to opposing counsel but with many email documents removed intentionally. The names of the email documents Williams

intentionally removed from the contents of 'Dulberg Document Disclosure FINAL 2019 May 29.pdf' **(Exhibit 152)** that are included in 'Gooch Thumbdrive/Dulberg UNDERLYING CASE DOCS/Paul Dulberg's Emails' (**Exhibit EC-1**) and the subject each document covers are as follows:

Hans Mast2-14	with Balke on picking up electronic file and paper file
Hans Mast2-15	with Balke on picking up electronic file and paper file
Hans Mast2-16	with Balke on picking up electronic file and paper file
Hans Mast2-17	with Balke on picking up electronic file and paper file
Hans Mast2-18	with Balke on picking up electronic file and paper file
Hans Mast2-19	with Balke on picking up electronic file and paper file
Hans Mast2-21	with Balke on lean buyout and picking up case file
Hans Mast2-24	with Balke on lean buyout
Hans Mast2-29	with Balke on lean buyout
Hans Mast2-32	with Balke about Balke and Mast leans buyout in exchange for case file
Hans Mast2-33	with Balke about Balke and Mast leans buyout in exchange for case file
Hans Mast2-34	with Balke about Balke and Mast leans buyout in exchange for case file
Hans Mast2-35	with Balke about Balke and Mast leans buyout in exchange for case file
Hans Mast2-36	with Balke about Balke and Mast leans buyout in exchange for case file
Hans Mast2-37	with Balke about anticipated Randall Baudin phone call
Hans Mast2-38	with Balke about anticipated Randall Baudin phone call
Hans Mast2-39	with Balke about case being not winnable and signing release for $50,000
Hans Mast2-40	with Balke about case being not winnable and signing release for $50,000
Hans Mast2-41	with Balke about case being not winnable and signing release for $50,000
Hans Mast2-42	email empty of content message
Hans Mast2-43	with Balke long message about why Dulberg rejects Balke's advice
Hans Mast2-44	with Balke, Balke is trying to get him to sign a release for $50,000
Hans Mast2-45	with Balke, Balke is trying to get him to sign a release for $50,000
Hans Mast2-46	with Balke, Balke is trying to get him to sign a release for $50,000
Hans Mast2-47	with Balke, Balke is trying to get him to sign a release for $50,000
Hans Mast2-48	with Balke long message about why Dulberg rejects Balke's advice
Hans Mast2-49	with Balke long message about why Dulberg rejects Balke's advice
Hans Mast2-50	with Balke on bankruptcy questions
Hans Mast2-51	with Balke on bankruptcy questions
Hans Mast2-52	with Balke on bankruptcy and Gagnon's insurance

Hans Mast2-53 email from Dulberg to Dulberg with message for Balke on bankruptcy
Hans Mast2-54 with Balke on bankruptcy and pre-trial conference
Hans Mast2-55 with Balke on missing pre-trial settlement memo and Saul Ferris with a box of Dulberg's documents
Hans Mast2-56 with Balke on missing pre-trial settlement memo and Saul Ferris with a box of Dulberg's documents
Hans Mast2-57 with Balke on missing pre-trial settlement memo and Saul Ferris with a box of Dulberg's documents
Hans Mast2-58 with Balke on signing settlement check and deposit
Hans Mast2-59 with Balke on settlement conference canceled
Hans Mast2-60 with Balke about April 9 pre-trial conference
Hans Mast2-61 with Balke about April 9 pre-trial conference
Hans Mast2-62 with Balke about April 9 pre-trial conference
Hans Mast2-63 all communication with Balke on lean buyout and picking up the case file
Hans Mast2-65 with Balke on missing pre-trial settlement memo and a box from Ferris
Hans Mast2-69 with Stretch on bankruptcy
Hans Mast2-73 with Ferris on declining case
Hans Mast2-78 with Ferris on declining case
Hans Mast2-149 with Stretch on medical lean expiring
Hans Mast2-152 with Stretch on bankruptcy
Hans Mast2-153 with Mast, angry
Hans Mast2-169 SSDI and rosencrance
Hans Mast2-170 SSDI and rosencrance
Hans Mast2-252 SSDI
Hans Mast2-254 SSDI
Hans Mast2-255 SSDI
Hans Mast2-257 SSDI
Hans Mast2-259 SSDI
Hans Mast2-260 SSDI
Hans Mast2-262 SSDI
Hans Mast2-282 Missing emails
Missing Emails.pdf Missing emails
Baudin
Baudin1
Baudin2
Baudin3
Baudin4
Baudin5
Baudin6
Baudin7
SSDI
SSDI1

SSDI2
SSDI3
SSDI4

131. The subject matters of other documents that Williams suppressed on May 30, 2019 include: Bankruptcy, SSDI, mental health evaluations and scheduling, Balke business cards, fax and check, letter and reply from Walgreens custodian of records, Dulberg's notes on needing timestamp from Walgreens custodian, Centegra medical records custodian about security cameras, Saul Ferris and other letters of declination (3 documents suppressed from 2 sources) hand written notes on underlying case, depositions of underlying case with handwritten notes, Baudin fee agreement, criminal complaint against Gagnon and McGuires, court reporter Deb Fischer's bill to Popovich, Deb Fischer letter, certified slip opinion of Tilschner v Spangler sent as email attachment to Williams on April 18, 2019,

132. On November 4, 2019 Williams informed the Judge and opposing counsel that Williams produced "pretty much everything" in her possession (**Exhibit 164**, page 3) in the following exchange:

> "MR. FLYNN: So I think they are amending the discovery answers and possibly producing more documents. I'm not sure.
> THE COURT: Is that correct, counsel, not putting you on the spot, but is that an accurate representation?
> MS. WILLIAMS: Right. **So I think we have produced pretty much everything we have, but I can talk to counsel about the documents.**" [emphasis added]

And on November 26, 2019 Williams sent an email to opposing counsel Flynn **(Exhibit 165)** stating:

> "... Attached is the supplement interrogatory disclosure. **As for documents, we have produced everything in our possession.** ..." [emphasis added]

133. Williams repeatedly and deliberately misled Dulberg and the court into believing that all relevant documents that she received from both the Gooch thumb drive and from Dulberg were contained in the file "Dulberg Document Disclosure FINAL 2019 May 29.pdf" **(Exhibit 152)** and were given to opposing counsel on May 30, 2019 with the only exception being documents protected by attorney-client privilege.

134. On Jul 8, 2019 at 11:06 AM Dulberg sent an email (which contained a different forwarded email) to Williams stating **(Exhibit 153)**:

> "... You Have my permission to talk with Tom Kost (My Brother) about this. ..."
>
> Begin forwarded message: From: T Kost, Subject: Forward to Julia, Date: July 7, 2019 at 7:48:33 PM CDT To: Paul_Dulberg@comcast.net
>
> "Paul, please forward this email to Julia.
>
> Julia, please look at the information in the attached folder.
>
> After examining all the documents in the Dulberg disclosure file and the Popovich disclosure file very carefully, Paul and I have discovered a number of things that are very useful for us to know.
>
> Please read the "READ_ME" file in the folder first. That will guide you through the rest of the information.
> After you feel that you are familiar with the contents of the folder, I think that you and I should talk about it by phone.
> You can contact Paul through email to set up a time for a phone conversation between us when you are ready.
>
> Thanks, Tom Kost (Paul's brother)"

The attached zipped folder is called 'To_Julia.zip" **(Exhibit ED-1)**

135. Kost found a smoking gun document Dulberg had not seen before in the May 30, 2019 Popovich document disclosure: An October 22, 2016 offer to settle with McGuires for $7,500 on behalf of Dulberg **(Exhibit 65).** The contradiction between the October 22, 2016 offer to settle with McGuires in Dulberg's name **(Exhibit 65)** and the November 20, 2013 legal opinion based on Tilschner v Spangler that Mast gave to Dulberg for why the McGuires were not responsible for Dulberg's chainsaw injury **(Exhibit 107)** proves that Mast and Popovich committed fraud against Dulberg when settling the McGuire claim. Mast and Popovich committed willful and wanton prima facie professional misconduct when Mast gave Dulberg the legal opinion that Tilschner v Spangler contained the legal reason why Dulberg has no case against the McGuires about 1 month after Popovich and Mast offered McGuire's attorney Barch to settle Dulberg's claim against the McGuires on behalf of Dulberg for $7,500). This was explained to Clinton

and Williams in detail. Dulberg and Kost referred to it as a "smoking gun". From the text file '_READ_ME.txt' in the folder 'To_Julia.zip:

> "The opposing counsel has released one "smoking gun" document that we've never seen before. It is (pop 192). Paul never gave Mast authorization to make this offer. We have ample evidence that Paul never authorized the offer made in (pop 192) and he knew nothing about it until seeing it last week. Note that it is not in the box of files we gave to you. It is not in the box of files that Mast gave to Paul when Mast withdrew from counsel. Also, the Baudin law firm and the Gooch law firm never saw this document."

Also from the text file '_READ_ME.txt':

> "timeline_of_mcguire_settlement.txt
>
> This gives you a rough timeline of events leading to Paul accepting a $5,000 settlement from the McGuires. Since we were never able to see (pop 192) until now, we never understood the details of how Mast tricked Paul into such a small settlement. The fact that Mast initiated the settlement process through (pop 192) without Paul's knowledge or permission is proof that this case is about more than Mast's negligence. It is about willful intent or malicious intent to deceive his client.
>
> Of course you will need convincing proof that (pop 192) was initiated without Paul's knowledge. We have that proof. As I fill in the timeline more and more, the evidence will be stronger and stronger."

Also from the text file '_READ_ME.txt':

> "questions_for_mast.txt
>
> Here I put together a series of questions that are crafted to pin Mast down in such a way that he must explain what he did. He should be compelled to explain why he did what he did."

136. On July 22, 2019, since Williams never responded to the July 8, 2019 email, Dulberg sent another email **(Exhibit 154)** to Williams stating:

> "... I'm sending this email to confirm that you received the email below I sent on July 8th. ..."

Williams never responded to the request to meet or discuss these issues by phone.

137. From July 8, 2019 until Mast's deposition on June 25, 2020 Dulberg sent Williams the documents timeline and updated versions of 'questions_for_mast.txt' many times in preparation for the Mast deposition. Table 10 below shows how many times Gooch, Clinton and Williams were informed verbally and in writing of the importance of key evidence Tilschner v Spangler.

Williams will later claim she has no memory of any of the verbal and written notifications listed in Table 10 below and in this complaint.

TABLE 10: THE NUMBER OF TIMES DULBERG INFORMED GOOCH, CLINTON AND WILLIAMS ABOUT THE IMPORTANCE OF KEY EVIDENCE TILSCHNER V SPANGLER

When Informed		How Informed
2016-12-16	first meeting with Gooch	document handed Gooch **(Exhibit 107)**
2018-10-01	letter to Gooch (that led to Gooch firing)	email **(Exhibit DF-1** on page 30) attached document: second_amended_complaint_comments.txt **(Exhibit 123)**
2018-10-10	preparing for first meeting with Clinton-Williams	email **(Exhibit DF-2)** attached folder: Duberg Complaint document: second_amended_complaint_comments.txt **(Exhibit 123)**
2018-10-12	first meeting with Clinton-Williams	Text document and problems with Gooch were explained at meeting[1]
2018-12-04	preparing Second Amended Complaint	email **(Exhibit DF-3)** attached documents: Working.pdf **(Exhibit C4)** comment on complaint.txt **(Exhibit DF-4)**
2018-12-05	preparing Second Amended Complaint	email **(Exhibit DF-5)** attached document: comments on Dulberg Second Amended Complaint RED-LINED 2018 Dec .txt **(Exhibit DF-6)**
2019-03-18	preparing discovery documents	email **(Exhibit DF-7)** document: IndependantContractor-CaseLaw1_Mast.pdf **(Exhibit 107)**
2019-07-08	inspecting defendants documents	email **(Exhibit DF-8)** attached folder: To Julia **(Exhibit ED-1)** documents: questions_for_mast.txt **(Exhibit C15)** timeline_of_mcguire_settlement.txt **(Exhibit C13)**
2019-07-22	inspecting defendants documents	email **(Exhibit DF-9)** attached folder: To Julia **(Exhibit ED-1)** documents: questions_for_mast.txt **(Exhibit C15)** timeline_of_mcguire_settlement.txt **(Exhibit C13)**
2019-11-19	updating information	email **(Exhibit DF-10)** attached document: 2109-11-19_updated_timeline_of_mcguire_settlement.txt **(Exhibit DF-10** pages 9 to 16)
2020-02-06	preparing for Mast deposition	email **(Exhibit DF-11)** attached documents: questions_for_mast.txt **(Exhibit DF-11** pages 5 to 10) timeline_of_mcguire_settlement.txt **(Exhibit DF-11** pages 11 to 19)
2020-02-08	preparing for Mast deposition	email **(Exhibit DF-12)** attached documents: 2109-11-19_updated_timeline_of_mcguire_settlement.txt **(Exhibit DF-12** pages 2 to 9) questions_for_mast.txt **(Exhibit DF-12** pages 10 to 15)

1 On October 19, 2018 PDF files were created by Clinton or Williams in "Dulberg Master File" concerning the Tilschner case in the folder "Dulberg Matter Ed Clinton" **(Exhibit C3, Exhibit EB-2)**

When Informed		How Informed
2020-06-18	preparing for Mast deposition	email **(Exhibit DF-13)** attached document: evidence_list.txt **(Exhibit DF-13** page 2) questions_for_mast.txt **(Exhibit DF-13** pages 3 to 15)
2020-06-24	preparing for Mast deposition	email sent at 1:56AM **(Exhibit DF-14)** attached documents: 2020-06-23_updated_timeline_of_mcguire_settlement.txt **(Exhibit C17)** email sent at 10:05AM **(Exhibit DF-15)** attached documents: 2020-06-23_updated_timeline_of_mcguire_settlement.txt **(Exhibit C17)**
2020-06-24	meeting before Mast deposition	Clinton and Williams were told by Thomas Kost of the importance of Tilschner v Spangler in proving 'intentional tort' and 'fraud' during the meeting

138. On June 25, 2020 (the day after the last entry in Table 10) Mast was deposed. The document Tilschner v Spangler in Mast deposition "exhibit 12" inexplicably went missing during the deposition of Hans Mast. Williams forgot all about the case Tilschner v Spangler when asking Mast what was discussed with Dulberg at the November 20, 2013 meeting. Apparently there were technical difficulties during the deposition and Williams could not show "exhibit 12" **(Exhibit K18)** to Mast. The court reporter also couldn't see the version of "exhibit 12" uploaded by Williams. Dulberg later learned that "exhibit 12" contained 2 copies of the case 'Lajato v AT & T, Inc' and the case 'Choi v Commonwealth Edison' and that the certified slip opinion of Tilschner v Spangler was missing from "exhibit 12" **(Exhibit K18)**.

139. The only explanation Clinton and Williams gave for their actions described in this complaint and in the ARDC Complaint we filed against them **(Exhibit DV-1)** is in Clinton's and Williams' ARDC Response to the ARDC Complaint we filed against them **(Exhibit DV-2).**

140. A detailed step-by-step explanation of how Williams used contrived technical difficulties to avoid asking Mast anything related to the key evidence Tilschner v Spangler and the "smoking gun" evidence of intentional tort and fraud explained to Clinton and Williams repeatedly in Table 10 is described in detail in Section 2K of 'ARDC Complaint Against Edward X. Clinton and Julia C. Williams' (No. 23 IN 2517, No. 23 IN 2518) which is included in this complaint as **Exhibit DV-1**. A detailed step-by-step explanation of how Clinton and Williams suppressed Dulberg's key evidence Tilschner v Spangler is included in Section 2C of **Exhibit DV-1**.

141. On May 12, 2022 court reporter Barbara Smith's was subpoenaed by Talarico for her

work product related to the Mast deposition and "exhibit 12" **(Exhibit DG).** On July 17, 2022 Clinton and Williams were also subpoenaed by Talarico **(Exhibit K21, Exhibit K22)** concerning the missing key evidence Tilschner v Spangler and the contents of "exhibit 12" **(Exhibit DH).**

142. On November 04, 2022, after Williams responded to 2 different subpoenas **(Exhibit K23, Exhibit K24, Exhibit K25)** concerning "exhibit 12" **(Exhibit K18)** over the previous 2 months and after all the time Williams was informed of the importance of key evidence Tilschner v Spangler shown in Table 10, Williams appeared in court and was asked about "exhibit 12" of the Mast deposition and about the case Tilschner v Spangler. Williams claimed to not remember the case Tilschner v Spangler or the contents of "exhibit 12" of the Mast deposition in the following exchange (**Exhibit C20**, page 17 line 4 through page 20 line 1):

> "MS. WILLIAMS: ... So sometime after the deposition, we -- we did provide the exhibit that was utilized in the deposition to the court reporter, and at that time they marked it and sent it back to everyone.
>
> THE COURT: Okay. What was Exhibit 12 again?
>
> MS. WILLIAMS: It was a series of cases. I don't know that -- I just can't recall what all was asked about it, but I know there were -- it was -- it was --
>
> THE COURT: All right. These would have --
>
> MS. WILLIAMS: -- copies of case law.
>
> THE COURT: All right.
>
> MR. FLYNN: They were photocopies of the old books, Judge, cases that were contained in Mast's file.
>
> THE COURT: Okay.
>
> MR. FLYNN: And he was -- you know, they have -- they're, obviously, not complete because they -- placed on a printer, appeared like we used to do in the old days.
>
> MR. TALARICO: Yes. Was the Tilsner case included in -- in the blank Exhibit 12
>
> you sent to U.S. Legal, Barbara Schmidt? And was -- when you discussed with Mr. Flynn the failure of his -- or Mr. Mast's internet, didn't he say, I can't see these, I can only see their first one (indiscernible), which was the Lagano (phonetic) case? And wasn't there continued discussion by Mr. Flynn that he didn't -- he didn't produce all of the documents you sent on -- in hardcopy because he wanted to save paper?
>
> MS. WILLIAMS: So that's -- I guess that's a lot of questions. So what --

MR. TALARICO: It is.

MS. WILLIAMS: What -- what -- I cannot recall what cases were included and weren't included at this point. There -- there was an e-mail to Mr. Flynn with the exhibit that is attached that I believe was produced in the subpoena. So whatever that exhibit was is -- is what I would have used. So I know there was, like, a Laravo case or -- I remember the first case was like Laravo or Lavajo, L-A-V-A-J-O, or something like that. But right now, off the top of my head, I don't remember what other cases were included.

MR. TALARICO: I'm talking about -- Judge, if I might, please? Excuse me. I'm sorry, Ms. Williams. There was -- what the reporter had was blank. What Mr. Flynn's client said was, I see the Lagano (phonetic) one. So the Exhibit 12 that was sent, like, a week or two after the deposition had Lagano, Troy, and the same exact Lagano case, and it did not have the Tilsner case involved, and the Tilsner case was very important. So it was an exact duplication of one case and a second case. But this is -- Judge, it's not just the Exhibit 12. The entire deposition --

THE COURT: Well, are you asking a question about Exhibit 12? Because if we're done asking questions, I'm gonna let her go.

MR. TALARICO: Okay. Yep. I'm done."

143. On November 23, 2022, less than 3 weeks after Dulberg witnessed Williams claims she had no memory of the case Tilschner v Spangler or the contents of "exhibit 12" of the Mast deposition, Dulberg raised the case Tilschner v Spangler in a 17LA377 court document **(Exhibit DJ)** as follows:

C) The case of Tilschner v. Spangler No.2-10-0111, 949 N.E.2d 688, 350 Ill.Dec.896, 409 Ill.App.3d 98 (2011) which Plaintiff Paul Dulberg specifically instructed his former attorney Julia C. Williams to include as an exhibit to be the basis of questions to the deponent Defendant Hans Mast because: Mast had personally given a copy of the certified opinion to Dulberg on November 20, 2013; had personally appeared and argued the case along with Thomas J. Popovich, and Mark J. Vogg of Defendant the Law Offices of Thomas J. Popovich, P.C.; and had insisted that the decision in the case was the reason Plaintiff Paul Dulberg would not prevail in the underlying case against the Defendants Carolyn and William (Bill) McGuire. (This is based upon information and belief pending this Honorable Court's ruling upon Plaintiff's previously filed Motion To Compel concerning his former attorney Julia C. Williams' claims of Attorney-Client Privilege and Work Product.) (Please see Plaintiff's Exhibit 14 Tilschner v. Spangler No.2-10-0111 attached)

C1) Tilschner v. Spangler No.2-10-0111 was not included in exhibit 12 as constituted, when sent 19 days after the deposition had concluded, in response to the inquires of Noelle Kappes Scheduling and Client Solutions Manager| U.S. Legal Support

> (Please see Defendants' The Law Offices Of Thomas J. Popovich, P.C. And Hans Mast's Motion/Memorandum In Support Of Their Motion For Summary Judgment Exhibit G found on pages 264 - 290 of 464 previously filed.) C2) Tilschner v. Spangler No.2-10-0111 was inexplicitly replaced with an exact duplicate of the Lejato v. AT&T, INC., No. 1-95-0447 669 N.E.2d 645 283 Ill. App. 3d 126 (1996) (Please see Defendants' The Law Offices Of Thomas J. Popovich, P.C. And Hans Mast's Motion/ Memorandum In Support Of Their Motion For Summary Judgment Exhibit G Pages 264- 285 of 464 previously filed.)

Note that the quotes above are exactly what Dulberg and Kost had been informing Gooch, Sershon, Clinton and Williams repeatedly since the first meeting with them as shown in Table 10 and elsewhere in this complaint.

144. On November 30, 2022 Flynn filed DEFENDANTS THE LAW OFFICES OF THOMAS J. POPOVICH, P.C. AND HANS MAST'S RESPONSE TO PLAINTIFF'S 2nd AMENDED MOTION TO EXCLUDE THE DEPOSITION OF HANS MAST **(Exhibit C21,** page 4**)** which contains the following point ¶12:

> "12) Of concern is a statement on page 19 of Dulberg's motion in which he argues that Mast had insisted that the decision in the Tilschner v. Spangler case was the reason Dulberg would not prevail in the underlying case against the McGuire's. The statement is inexplicably made "on information and belief." This is unacceptable. Dulberg has made no such disclosure in fact discovery (now closed) about this very specific discussion between Mast and himself regarding the Tilschner case. If Dulberg believes he has disclosed it, he should be required to identify where in his answers and amended answers to discovery or his deposition he has identified such discussion with this amount of specificity. Defendants submit that no such disclosure exists."

Opposing counsel Flynn and Popovich knew Tilschner v Spangler were never mentioned in the record because they collaborated with Dulberg's legal malpractice attorneys Gooch, Sershon, Clinton and Williams to successfully keep the certified slip opinion of Tilschner v Spangler or any mention of Tilschner v Spangler out of the Mast deposition and all 17LA377 court records for around 6 years.

145. On July 2, 2020. around 3 weeks before Clinton and Williams resigned as Dulberg's counsel, opposing counsel Flynn filed "DEFENDANTS, THE LAW OFFICES OF THOMAS J. POPOVICH, P.C.'S SUPPLEMENTAL REQUESTS FOR PRODUCTION TO PLAINTIFF"

(Exhibit E1) to further enquire when Dulberg first knew or should have known of an "injury" caused by Popovich and Mast. Communication with or about attorneys Balke, the Baudins and Saul Ferris were intentionally removed from the May 30, 2019 document disclosure by Clinton and Williams. Opposing counsel Flynn claimed that Dulberg knew or should have known about any "injury" Mast or Popovich may have caused Dulberg during communication with attorneys Balke and/or during communications with attorneys Randy and Kelly Baudin and/or with attorney Saul Ferris and/or with Gooch. Flynn claimed Dulberg must produce confidential attorney-client communication with Gooch so the court could learn if Dulberg knew or should have known of an "injury" caused by Popovich and Mast when communicating with Gooch. Flynn claimed that communication records with these attorneys would determine when Dulberg first knew or should have known of an "injury" caused by Popovich and Mast and these communications should be used to calculate the Statute of Limitations. Flynn deposed attorney Saul Ferris to determine if Dulberg knew or should have known of an 'injury" caused by Mast or Popovich through Dulberg's communication with Saul Ferris. The supplemental document request of July 2, 2020 was concerning Dulberg's interactions with Balke, the Baudins and Saul Ferris (interactions recorded in the same emails that Clinton and Williams intentionally removed from the May 30, 2019 document production and are listed in paragraph 131) and Gooch. Clinton and Williams did not produce the suppressed emails involving these 4 attorneys to opposing counsel Flynn until July 9, 2020 (7 days after Flynn filed the supplemental production request).

146. On July 9, 2020 at 11:42 AM, around 2 weeks before Clinton and Williams resigned as Dulbergs counsel, Williams sent an email **(Exhibit 174)** to Flynn stating:

> "... Attached are more documents. As I stated on the phone, many are duplicative of
>
> what has already been produced but some are not. Because they came from a difference source, I could not determine what had been produced previously and what had not, thus, to be safe, I am producing everything. The documents should be searchable." The documents are in four files as follows:
>
> 1. 2646-2649
> 2. 2650-7892

3. 7893-8551
4. 8552-8708

I may need to send them in separate emails due to the size. ...”

Attached Files:

‘Dulberg Stamped 2646-2649.pdf’ **(Exhibit 180)**
‘Dulberg 7893-8551.pdf’ **(Exhibit 181)**
‘Dulberg 8552-8708.pdf’ **(Exhibit 182)**

147. On July 9, 2020 at 11:43 AM Williams sent an email **(Exhibit 178)** to Flynn stating:

“Here is the final file.”

Attached file: ‘Dulberg 2650-7892.pdf’ **(Exhibit 179)**

148. The document disclosure on July 9, 2020 contained more than 6000 pages of documents which is more than double the amount of all document pages Williams disclosed to the opposing counsel before that date. The only reasons Williams gave to opposing counsel or to Dulberg for the more than 6000 page document production is that “many are duplicative of what has already been produced but some are not.” “Because they came from a difference source” “I could not determine what had been produced previously and what had not, thus, to be safe, I am producing everything.”. Williams was in possession of all of these documents before May 30, 2019 when she produced “Dulberg Document Disclosure FINAL 2019 May 29.pdf” **(Exhibit 152)** to opposing counsel.

149. It is not plausible that Williams did not know DUL 002943 to DUL 004852 did not contain the same files as DUL 000001 to DUL 002460 because she could easily compare the 2 folders in her workspace “Dulberg Master File” **(Exhibit EB-1, Exhibit EB-2)** which are:

Dulberg Master File/Dulberg Production JCW Working Folder/Dulberg JCW DRAFT To Be Produced

Dulberg Master File/Dulberg Documents to Be Produced 2020 June 25/Gooch Files to Be Produced in Legal Mal 2020 June/Dulberg UNDERLYING CASE DOCS (done)

With the exception of the public documents from case 17LA377 that were intentionally renamed and added to the May 30, 2019 document disclosure (as described in paragraph 124) and the email block from bates numbered document DUL 001288 to DUL 001617, the contents of the

two folders can be seen to be basically identical. Williams claimed, "I could not determine what had been produced previously and what had not, thus, to be safe, I am producing everything." but Clinton and Williams were in possession of a complete list in alphabetical order of exactly what was produced on May, 30, 2019 and a complete list in alphabetical order of exactly what was produced on July 9, 2020. Williams claimed that "they came from a difference source" but the complete attorney-client communications records between Clinton, Williams and Dulberg **(Exhibit EB-1, Exhibit EB-2)** show Williams never received documents "from a different source" from Dulberg from May 30, 2019 to July 9, 2020.

150. On July 9, 2020 at 11:44 AM Williams sent an email **(Exhibit 175)** to Dulberg stating:

> "... More documents were sent to George Flynn today to ensure that Gooch's entire file on the underlying case was sent as well as communications from your subsequent counsel in the underlying case.
>
> There are two emails. This is the first with three files attached. ..."

Attached files:

'Dulberg Stamped 2646-2649.pdf' **(Exhibit 180)**

'Dulberg 7893-8551.pdf' **(Exhibit 181)**

'Dulberg 8552-8708.pdf' **(Exhibit 182)**

151. On July 9, 2020 at 11:47 AM Williams sent an email **(Exhibit 176)** to Dulberg stating:

> "... This is the second email I sent to George with the fourth and final file. ..."

Attached files:

'Dulberg 2650-7892.pdf' **(Exhibit 179)**

The pdf files that Williams sent to Dulberg were not searchable

152. In the region from DUL 005246 to DUL 008708 (consisting of more than 3,400 pages) Clinton and Williams produced documents on July 9, 2020 for the first time from the folder: "Gooch Thumbdrive/Dulberg Paul Dulberg Files From Client" **(Exhibit EA-1, Exhibit EA-2)**.

They appear as follows:

- DUL 008552 to DUL 008708 **(Exhibit 183)** are the contents of the folder

  'Gooch Thumbdrive/Dulberg Paul Dulberg Files From Client/Client Handwritten Misc.

Notes' in alphabetical order.

- DUL 007853 to DUL 008551 **(Exhibit 184)** are the contents of the folder 'Dulberg Paul Dulberg Files From Client/Depositions' in alphabetical order.
- DUL 007561 to DUL 007852 **(Exhibit 185)** are the contents of the folder 'Dulberg Paul Dulberg Files From Client/Client's Brown Jacket File' in alphabetical order.
- DUL 007532 to DUL 007560 **(Exhibit 186)** are the contents of the folder 'Dulberg Paul Dulberg Files From Client/Documents Still In Envelopes' in alphabetical order.
- DUL 006688 to DUL 007531 **(Exhibit 187)** are the contents of the folder 'Dulberg Paul Dulberg Files From Client/Emails' in alphabetical order.
- DUL 006354 to DUL 006687 **(Exhibit 188)** are the contents of the folder 'Dulberg Paul Dulberg Files From Client/Misc' in alphabetical order.
- DUL 005246 to DUL 006354 **(Exhibit 189)** are the contents of the folder 'Dulberg Paul Dulberg Files From Client/TJP & Attorney Documents' in alphabetical order.

It is not credible that Clinton and Williams did not know that these more than 3,400 pages of documents were being produced to opposing counsel for the first time on July 9, 2020 since Clinton and Williams had alphabetical lists of all documents produced on May 30, 2019 and on July 9, 2020 in the work product of their case file Dulberg Master File **(Exhibit EB-1, Exhibit EB-2)** and they were the only ones in possession of the complete lists of produced documents.

153. Williams was given 3 duplicate sources of Dulberg's emails concerning underlying cases 12LA178 and BK 14-83578 that Williams received from Dulberg and from the Gooch thumb drive were very organized as:

Paul Dulberg Emails, 422 pages total **(Exhibit EC-1)**

folders of emails sent to Williams as email attachments, 422 pages total **(Exhibit EC-2)**

Emails, 844 pages total **(Exhibit EC-3)**

154. Williams first received the folder 'Lawyer Emails by date' on July 8, 2019 from Dulberg **(Exhibit 153)** in the folder "To_Julia.zip" **(Exhibit ED-1)** as an email attachment. The text file

named "_READ_ME.txt" **(Exhibit 192)** has a section called "REFERENCE INFORMATION" in which Williams was informed:

> "... Folder: Lawyers Emails by date
>
> The emails in (pop) and (ddd) can be a real headache to look through. This folder helps Paul and me see the streams of email exchanges as they happen month by month. We find it useful. It is yours if you want it. If not, please ignore.
>
> Within these files I reference emails by using this folder and using the form (email: folder_name, file_name).
>
> For example, the reference (email: 2013 10, Mast2-219) should be easy to find in folder 2013 10. This folder contains emails from October, 2013 and each email stream is given a separate name. ..."

155. On February 20, 2020, one day after Dulberg's deposition, Williams and Clinton ignored the '_READ_ME.txt' **(Exhibit 192)** file and treated the contents of 'Lawyer Email by date' (**Exhibit ED-1**) as if they were new email files that Dulberg was producing for the first time and that Clinton and Williams needed to produce to opposing counsel. 161 pages of the emails were removed intentionally. The truncated 261 page version of the contents of 'Lawyer Emails by date' was merged with 32 pages of documents to make a pdf of 297 pages which can be found in Williams' work product in the file: 'Dulberg Master File/Dulberg Documents to Be Produced 2020 June 25/Dulberg Files to be produced legal mal 2020 june misc. (done)/Dulberg 1 Gooch Retainer Contract.pdf' **(Exhibit 193)**.

156. There are 3 large blocks of email documents in 'Dulberg 2650-7892.pdf'' **(Exhibit 179)**. They are:

- DUL 002682 to DUL 002942 **(Exhibit 190)** which is 261 pages of the contents of the folder 'Lawyer Emails by date' (**Exhibit ED-1**)

  in alphabetical order. The folder contains 422 unique email pages so 161 pages were removed intentionally [1] .
- DUL 004853 to DUL 005245 **(Exhibit 194)** which is 393 pages of the folder: "Paul Dulberg Emails" (**Exhibit EC-2**)

1 Complete lists of files missing from each email block are given in **Exhibit DB**

in alphabetical order. The folder contains 422 unique email pages so 29 pages were removed intentionally.

- DUL 006688 to DUL 007531 **(Exhibit 187)** which is 844 pages of the contents of the folder: "Gooch Thumbdrive/Dulberg Paul Dulberg Files From Client/Emails" (**Exhibit EC-1**). This is the only bates numbered group of emails in which no emails were removed intentionally.

157. Of the 4 large blocks of email documents Williams turned over to opposing counsel in total, only one block had no documents removed intentionally. The pattern of missing email documents creates a type of hidden obstacle course for anyone who has to locate bates-stamped email documents. It could take a person hours or days just to locate a specific bates-stamped email document (if it is there at all). It is impossible to know which email pages are missing from each email block section without carefully analyzing each document individually.

158. DUL 002943 to DUL 004852 **(Exhibit 195)** is an exact duplicate of the first 2460 pages of the May 30, 2019 Dulberg document disclosure 'Dulberg Document Disclosure FINAL 2019 May 29.pdf' **(Exhibit 196)** (containing bates numbered documents DUl 000001 to DUL 002460) with some files removed so it contains no new documents that were not already produced on May 30, 2019.

159. DUL 002650 to DUL 002681 **(Exhibit 197)** are the same 4 files totaling 7 pages from "Dulberg Bates 2639 to 2645 2020 Jan 31.pdf" **(Exhibit 170)** (already turned over to opposing counsel on January 31, 2020) repeated 3 times consecutively followed by a 10 page bankruptcy document of a person named 'Patricia Gallagher' (who Dulberg has never heard of and that has nothing to do with Dulberg's cases) and another bankruptcy document.

160. In the massive file 'Dulberg 2650-7892.pdf' **(Exhibit 179)** (which is over 5200 pages) the first 2596 pages do not contain a single relevant document that had not already been produced long before July 9, 2020. The last 2646 pages (beginning with bates numbered document DUL 005246) had information being produced for the first time from the folder 'Gooch Thumbdrive\ Dulberg Paul Dulberg Files From Client' (**Exhibit EC-3**). The documents being produced

for the first time were hidden behind 2596 pages that did not contain a single document that was not already produced. The final bates numbered documents were then given to their fully disabled client Dulberg after Dulberg and Mast were already deposed, just before Clinton and Williams resigned as counsel, and 1 week after opposing counsel filed a supplemental document production request **(Exhibit E1)** for some of these documents being bates stamped and produced by Williams for the first time (including the emails that were intentionally removed from the May 30. 2019 document production listed in paragraph 131).

161. Williams continued to permanently suppress a few documents including the Appellate Court slip opinion of the ruling Tilschner v Spangler **(Exhibit 107)** and Rosecrance Treatment Plan **(Exhibit 103)**. The key evidence of the certified slip opinion of the Appellate Court ruling Tilschner v Spangler is not included among bates-stamped documents and was never turned over to opposing counsel by Clinton and Williams.

162. On July 27, 2020 at 2:24 PM Ed Clinton sent an email to Dulberg stating: "... Please see the attached letter. Best Regards ..." **(Exhibit 198).** In the attached letter **(Exhibit 199)** Clinton and Williams resigned as Dulberg's attorneys.

163. Gooch and Clinton and Williams (and later Talarico) completely ignored BK 14-83578 as an underlying case. Dulberg informed Williams to include information about Dulberg's November 24, 2014 bankruptcy in the SECOND AMENDED COMPLAINT. Dulberg informed Williams that the bankruptcy trustee forced him into a binding mediation agreement against his will. Clinton and Williams removed all information on bankruptcy before submitting the SECOND AMENDED COMPLAINT.

164. None of the attorneys informed Dulberg that the bankruptcy estate administered by a trustee is the effective plaintiff in underlying case 12LA178 as of the moment Dulberg declared bankruptcy on November 24, 2014.

165. On September 5, 2019 Williams mentioned bankruptcy on the 17LA377 court record **(Exhibit DK)** for the first and last time in the following exchange:

MR. FLYNN: The only other issue that was raised -- I just reviewed the written

> discovery yesterday and you had (indiscernible) 201(k) that there was a bankruptcy that was mentioned kind of vaguely in one of the answers. It sounds or appears that either the bankruptcy judge or the trustee had enforced or required a mediation and a high-low agreement. To the extent that those documents are responsive to any of the requests -- and I'll have to go through them to see if they are. Otherwise I'll just issue a supplemental, but I think the bankruptcy file and communications with the trustee are probably responsive to our discovery, so I would just request that those be included in our --
>
> MS. WILLIAMS: I think we produced a number of the bankruptcy issues, but we can talk about it today and definitely try to work out -- there's definitely -- there was a bankruptcy. We're not trying to hide that bankruptcy, so. And the trustee did resolve -- there was an arbitration based on the trustee's recommendation in the bankruptcy for the individual."

At no other place in the 17LA377 record is the issue of bankruptcy raised by anyone even though BK 14-83578 was an underlying case in legal malpractice case 17LA377. A detailed step-by-step explanation of how Williams hid BK 14-83578 from the 17LA377 court records (even though BK 14-83578 is an underlying case in legal malpractice case 17LA377) is described in detail in Section 2A of 'ARDC Complaint Against Edward X. Clinton and Julia C. Williams' (No. 23 IN 2517, No. 23 IN 2518) which is included in this complaint as **Exhibit DV-1**.

166. Williams stated "We're not trying to hide that bankruptcy" while deliberately removing all references to the underlying bankruptcy case 14-83578 from 17LA377 court records. When Dulberg attempted to place the bankruptcy case 14-8357 into the 17LA377 court record, Williams informed Dulberg the statements on bankruptcy case 14-83578 were not "accepted" (by Clinton and Williams), stating: "Overall, many were accepted. There were some, particularly the language about the bankruptcy, that I thought were unnecessary and would simply muddy the waters for the judge". Once Gagnon admitted negligence as of March, 2013, why Dulberg declared bankruptcy cannot be explained (so Clinton and Williams avoided anything to do with Dulberg's bankruptcy). The binding mediation process cannot be explained. An 'upper cap' cannot be explained. A binding mediation settlement cannot be explained. Dulberg was basically tortured into bankruptcy as **Exhibit DA** (an email written by Dulberg over 18 months after Gagnon admitted negligence for Dulberg's injury) demonstrates. Defendant Gagnon already

admitted negligence for Dulberg's injury over 41 months before Dulberg was forced into binding mediation. Dulberg was forced into a "high-low" agreement against a defendant that already admitted negligence over 41 months earlier. Dulberg later found that Dulberg's signature was affixed to the binding mediation agreement even though Dulberg refused to sign the agreement. (Exhibit AB)

167. After the July 8, 2019 discovery of a "smoking gun" Dulberg sought to verify the authenticity of the October 22, 2013 offer. Dulberg asked Clinton and Williams to subpoena the bankruptcy trustee Megan Heeg, and opposing counsels for Allstate Perry Accardo and for the McGuires' attorney Ron Barch to verify whether Barch actually received the October 22, 2013 offer **(Exhibit 65)** to settle the case against the McGuires for $7,500. Clinton and Williams informed Dulberg that Dulberg cannot issue a subpoena to bankruptcy trustee Megan Heeg because she already retired so subpoenaed documents from Heeg are unavailable to Dulberg. Clinton and Williams never moved to enforce the subpoena to attorney Accardo of Allstate. Dulberg asked Clinton and Williams to subpoena McGuire attorney Ron Barch's records since July, 2019 so Dulberg could see the documents before the Dulberg and Mast depositions were taken. Clinton and Williams received documents from the Barch subpoena and shared documents with opposing counsel Flynn in December, 2019 but did not provide the documents to Dulberg even though Dulberg had asked for them repeatedly. Clinton and Williams provided Dulberg with the documents on February 20, 2020, just hours after the Dulberg deposition was taken. A detailed step-by-step explanation of how Clinton and Williams kept documents subpoenaed from Barch away from Dulberg until after Dulberg's deposition is described in detail in Section 2H of 'ARDC Complaint Against Edward X. Clinton and Julia C. Williams' (No. 23 IN 2517, No. 23 IN 2518) which is included in this complaint as **Exhibit DV-1**.

168. On October 5, 2020 Popovich and Mast filed DEFENDANTS THE LAW OFFICES OF THOMAS J. POPOVICH, P.C. AND HANS MAST'S MOTION TO COMPEL PLAINTIFF TO ANSWER WRITTEN DISCOVERY (**Exhibit EG-1** from page 372 to 480)

169. On October 20, 2020 Dulberg retained Talarico to pursue case 17LA377 (**Exhibit EI,**

Exhibit EG-1 page 483). Dulberg told Talarico he wanted to raise the issue of "overwhelming evidence" of intentional tort first discovered and given to Clinton and Williams around July 8, 2019 in a 3rd amended complaint. Talarico never filed any 3rd amended complaint in 17LA377 and abruptly resigned as Dulberg's counsel on January 14, 2024.

170. The first year of Talarico's representation was spent being compelled by Popovich and Mast to produce:

1) Supplemental production responses (from the July 9, 2020 flood of over 6000 documents)

2) Dulberg's privileged attorney-client communications with Gooch

3) A Request to Admit receiving in the mail a partially forged declination letter from attorney Saul Ferris. (The letter was actually addressed to Flynn's own client Popovich).

Demand (1) and demand (2) and demand (3) listed above are all based on the novel theory presented by Gooch and Sershon and by Clinton and Williams and promoted by opposing counsel Flynn of how to calculate the Statute of Limitations in a legal malpractice case in Illinois which is contrary to the statements underlined in blue in "Trial Handbook for Illinois Lawyers" Chapter 22 Section 29 and included as **Exhibit 253**. Opposing counsel's Supplemental Document Request and Motion to Compel was to find whether Dulberg knew or should have known about an "injury" caused to Dulberg by Popovich and Mast when communicating with attorney Balke or the with Baudin attorneys. The demand for detailed supplemental discovery answers lasted until July 19, 2021, about 12 months. Dulberg was compelled to produce confidential attorney-client communication between Dulberg and Gooch to check whether Dulberg knew or should have known about an "injury" caused to Dulberg by Popovich and Mast when communicating with Gooch. The demand for access to Dulberg's attorney-client privileged communication lasted until July, 2021, about 12 months. The deposition of Saul Ferris **(Exhibit B23)** was taken to check whether Dulberg knew or should have known about an "injury" caused to Dulberg by Popovich and Mast when Dulberg communicated with Saul Ferris. From July, 2021 pressure was applied for Dulberg to admit untrue statements in a Request for Admission **(Exhibit EG-1** page 582) about a letter from Saul Ferris (which was actually addressed and mailed to Popovich)

and the pressure lasted for 4 more months up to the deposition of Saul Ferris on October 14, 2021 **(Exhibit B23)**. Actions (1) and actions (2) and actions (3) lasted for about 16 months and were done to discover when Dulberg first knew or should have known of an "injury" that Mast or Popovich caused Dulberg based on a novel legal theory that defines the word "injury" in the discovery rule in the way the word is commonly used and as it appears in a standard dictionary, as a "hurt" or "damage" and the act of hurting or damaging so as to define "injury" as "attorney's negligent act" or "wrong action by attorney" (which is at variance with Illinois Law according to the statements underlined in blue in **Exhibit 253).**

171. On February 17, 2022 Talarico informed Dulberg that Talarico discovered that presiding Judge Meyer has a conflict of interest with Popovich and that Judge Meyer self-recused in at least one previous case based on being friends with Popovich, yet Talarico never raised the issue in court during 17LA377. **(Exhibit CL)**

172. The May 30, 2019 Popovich document disclosure **(Exhibit 152)** has a number of issues that are marked up in **Exhibit EE-1, Exhibit EE-2, Exhibit EE-3, Exhibit EE-4, Exhibit EE-5, Exhibit EE-6**. Among the issues are: (1) Most depositions that do exist are dated 2019 and (2) There are no Doctor's depositions or any exhibit from any Doctor's deposition among Popovich bates numbered documents.

173. Dulberg showed the depositions purportedly created by VAHL REPORTING SERVICE, LTD. to his attorney Alphonse Talarico and was told by Talarico that the depositions are not usable in court because they are not signed. Dulberg tried several times over a 4 week period to contact the court reporting agency VAHL REPORTING SERVICE, LTD. to obtain the 5 signed, certified doctors depositions with the exhibits but nobody called back.

174. On March 25 and 26, 2022 Talarico sent subpoenas for signatures to court reporters Margaret Orton and Paula Erickson, whose signatures appeared on 5 of the 10 depositions taken in underlying case 12LA178. **(Exhibit DM)**

175. Around March 26, 2022 Dulberg talked with Michael Urbanski of Urbanski Reporting. Urbanski told Dulberg that he would contact Vahl Reporting. On March 26, 2022 Michael

Urbanski emailed **(Exhibit DN-1)** Dulberg with the subject: "Vahl Reporting" stating:

> "Mr. Dulberg:
> I did forward all the information to Carrie Vahl. She now has your email address and I would hope would respond to your requests.
> Sincerely,
> Michael Urbanski"

176. On March 28, 2022 at 7:44 AM a person going by the name of Carrie Vahl emailed **(Exhibit DN-2)** Dulberg with the subject "Transcripts" stating:

> "Hi,
> I spoke with Michael Urbanaki, and he gave me your email.
> Michael gave me a list of transcripts that you need certifications for. Can you give me a call on my cell today or tomorrow, (847) 727-5828. Most of today I'll be in a hearing but I'll call you back.
> Thanks,
> Carrie
> Carrie Vahl
> Vahl Reporting Service, LLC
> (847) 727-5828

177. On March 28, 2022 at 10:01 AM Dulberg replied **(Exhibit DN-3)** stating:

> "Dear Carrie Vahl,
> Thank you for reaching out to me.
> I am not sure what is on the list Mr. Urbanski sent to you so below is a list of Dr's depositions I purchased around 9/15//2015 from Vahl Reporting.
> I paid $723.50 for the depositions with Check #2486 from Account #2600005536.
> The issue I have with the depositions I received back in 2015 is that none of them were certified or signed by the CSR and they do not have the exhibits attached which means after all this time they are unusable in court.
> I would really appreciate a PDF of the signed, certified depositions with the exhibits listed below:
>
> 22nd Judicial Circuit, McHenry County case number 12LA178
> Dr. KAREN LEVIN, 10/1/2013, ANGELA M. INGHA, CSR , Certificate No. 084-002984
> DR. SCOTT SAGERMAN, 10/15/2013, JILL S TIFFANY, CSR, Certificate No. 084-002807
> Dr. MARCUS G. TALERICO, 10/28/2013, TERRI A. CLARK, CSR, Certificate No. 084-001957
> Dr. APIWAT FORD, 11/20/2013, MARGRET MAGGIE ORTON, CSR, Certificate No. 84-004046
> Dr. KATHY KUJAWA, 7/23/2014, JILL S TIFFANY, CSR, Certificate No. 084-002807

Please advise the best way I may obtain the certified, signed Dr's depositions listed above with the exhibit attached.
Thank you in advance for your help with this matter,
Paul"

178. On March 28, 2022 at 11:29 AM a person going by the name of Carrie Vahl responded **(Exhibit DN-4)** stating:

"Hi Paul,
Thanks for the list and the info. I never bothered to look up under your name. I was just searching for Popovich's people.
Tomorrow I can scan and email the signature pages to you for each transcript. I'm just out of the office today.
Regarding the exhibits, the defense counsel we were hired by those days never give us the exhibits. So that I can't help you with.
They might be in the original trial file with the clerk's office.
I have one more question. Maggie Orton received a records subpoena. She took a screenshot and it's attached. We don't know what you are looking for with the Twenty signatures. Is it just the cert page signature and then she's in compliance?
Let me know.
Thanks,
Carrie"

There was no attachment to the email and Dulberg did not respond.

179. On March 28, 2022 at 13:39 PM a person going by the name of Carrie Vahl sent Dulberg another email **(Exhibit DN-5)** stating:

"Hi Paul,
Please find attached the 5 certificate pages with the reporters' signatures.
Does this satisfy what you need from Maggie Orton? All she has, like the rest of us, is the transcript that you already have.
Thanks,
Carrie"

This email implied the individual signed certification pages from 5 different depositions all grouped into one document on their own and detached from the rest of the depositions they purportedly belong with were legally sufficient. Dulberg did not respond.

180. On March 31, 2022 at 9:20 AM a person going by the name of Carrie Vahl sent Dulberg a final email **(Exhibit DN-6)** stating:

"Hi Paul,
Did you received this email with the cert pages?

> Can you please let me know about the subpoena for Maggie Orton? Does her cert page satisfy what you need?
> We want to be in compliance with a subpoena.
> I did leave a voicemail for your attorney also but have not heard back. I don't have his email. Could you send that to me, please?
> Thanks,
> Carrie"

Dulberg did not respond. Dulberg felt these could be forgeries or something else could be wrong. Dulberg forwarded the attached documents to Talarico.

181. On May 24, 2022 document examination agency Omni completed their report on the 2 court reporter signatures which were subpoenaed (Paula Erickson and Margaret Orton) and found on 5 depositions in underlying case 12LA178. Omni found the signatures do not match known samples. From this time forward Talarico was in possession of evidence that at least 9 out of 10 depositions in underlying case 12LA178 had no valid certification page and at least 5 of the depositions had forgeries of court reporters signatures on the certification pages certified by Omni. Allstate attorneys and McGuire attorney Ron Barch were opposing counsels and participants in all 10 depositions. Allstate must have known about the certification pages. McGuire's (and Auto-Owners Insurance) attorney Ron Barch must have known about the certification pages. Talarico must have known about the certification pages from May 24, 2022 onward. They must have known about the forgeries. (**Exhibit AJ1) (Exhibit AJ2) (Exhibit AJ3) (Exhibit AJ4) (Exhibit AJ5) (Exhibit AJ6) (Exhibit AJ7) (Exhibit AJ8) (Exhibit AJ9) (Exhibit AJ10) (Exhibit AJ11) (Exhibit AJ12) (Exhibit AJ13) (Exhibit AJ15) (Exhibit AJ16)**

182. On June 6, 2022 Talarico attempted to get Dulberg to file a 3rd Amended Complaint **(Exhibit DT)** which Talarico had already written and which does not mention forged court reporter signatures on the original 12LA178 depositions or the "smoking gun" evidence that Dulberg and Kost first raised with Clinton and Williams on July 8, 2019 (see paragraph 135 and 136) or the previous self-recusal of Judge Meyer based on his conflict of interest with Popovich or the depositions taken in 2013 and 2014 but dated 2019 which Popovich and Mast turned over to Clinton, Williams and Dulberg on May 30, 2019 during discovery production of documents. Dulberg refused to sign the 3rd Amended Complaint Talarico prepared because it did not raise

any of these key issues. This is the only time Talarico attempted to file a 3rd Amended Complaint in case 17LA377. From June, 2022 through August, 2022 Talarico requested Dulberg's help by phone (for a few hours daily) in order to write a 3rd Amended Complaint together with Dulberg but Talarico never filed a 3rd Amended Complaint in 17LA377.

183. On July 11, 2022 Judge Meyer closed F1 discovery in 17LA377 "on the Court's motion" **(Exhibit DO)**. Talarico did not raise the issue of the forged court reporter signatures or ask Judge Meyer to be allowed to subpoena any more court reporter signatures during the hearing or at any other time during 17LA377 proceedings. Talarico never raised the issue of Judge Meyer's friendship with defendant Popovich during the hearing or at any other time during 17LA377 proceedings. Talarico raised no objection or concern that neither plaintiff nor oppos9ng counsel filed any Motion to close F-1 discovery and F-1 discovery was closed "on the Court's motion".

184. On September 16, 2022 opposing counsel Flynn filed Motion for Summary Judgment **(Exhibit DP)** based on Flynn's novel interpretation of how to calculate Statute of Limitations in a legal malpractice case in Illinois contrary to the statements underlined in blue in "Trial Handbook for Illinois Lawyers" Chapter 22 Section 29 and included as **Exhibit 253**.

185. Around November 15, 2022 Dulberg purchased the BK 14-83578 case file **(Exhibit EF)** from the bankruptcy court clerk.

186. On October 28, 2022 Dulberg first received a copy of the fraudulent ADR agreement from Chapman (**Exhibit AB).** This fraudulent Binding Mediation Agreement has Dulberg's signature fraudulently placed on it. (**Exhibit BD)**

187. The Bankruptcy Court did not approve entry into this fraudulent Binding Mediation Agreement (**Exhibit BF)** and did not approve Dulberg to personally enter into any agreement whatsoever (**Exhibit BG).** The Bankruptcy Court only approved Trustee Olsen to enter into a very different Binding Mediation Agreement (**Exhibit BH)** after bankruptcy trustee Joseph Olsen told bankruptcy Judge Thomas M. Lynch that Dulberg "wanted it that way", and Dulberg "seems very enthusiastic about it" because "There may be some issues about the [Dulberg] being a good witness or not" and that Dulberg "didn't seem to want to go through a jury process" and

Dulberg "liked this process" of binding mediation with an "upper cap" placed on the value of any recovery.

188. On November 11, 2022, about one week after Clinton and Williams claimed in court that they couldn't remember the case Tilschner v Spangler or the contents of "exhibit 12" of Mast's deposition, Talarico was provided with evidence of a sophisticated system of document and information suppression used by Clinton-Williams against Dulberg and collaboration with opposing counsel Flynn in 17LA377 **(Exhibit DW, Exhibit ED-2, Exhibit ED-3)** and described in this current complaint, but Talarico never raised the issue with the presiding Judge.

189. On February 1, 2023 case 17LA377 was summarily dismissed by presiding Judge Joel Berg **(Exhibit DQ-1, Exhibit DQ-2)** based on the novel theory of how to calculate the Statute of Limitations first established by Gooch and Clinton and Williams and supported by opposing counsel Flynn. The case 17LA377 was dismissed using the same novel legal theory at variance with ***Suburban Real Estate Services, Inc. v. Carlson, 2022 IL 126935, 456 Ill. Dec. 779, 193 N.E.3d 1187 (Ill. 2022)*** and at variance with the key secondary source "Trial Handbook for Illinois Lawyers", Section 22:29. The key secondary source has been available since 1964, is in its 8th edition, and is only 3 pages long.

190. On February 10, 2021 Judge Meyer was informed **(Exhibit 142)** that the pecuniary injury Dulberg suffered was first realized on December 12, 2016 when the binding mediation arbiter issued a monetary award. Judge Meyer disagreed and stated how to calculate the Statute of Limitations in legal malpractice case 17LA377 as follows (emphasis added):

> I'm not buying that. The arbitrator's award gave you insight as to the value. Where you lose me is -- Well, let me rephrase that. It gave you their insight as to what they perceived the value of the case to be. It did not tell you whether or not you **could have known that there was a viable cause of action** against another defendant
>
> I fail to understand how an arbitrator's award would explain that because I can't imagine -- I certainly don't -- I'm not an arbitrator, I don't know what they put in their decisions, but I would be surprised if they spend a lot of time telling you about people you could have sued but for malpractice, so the issue for me is knew or should have known, and I am going to direct production of those documents.

Concerning ***Suburban Real Estate Services, Inc. v. Carlson*** Judge Meyer responded:

> But that's a different argument. That's a rule -- that's an argument related to the applicability of -- or, in my analysis, of how the rule applies to the circumstances that we have. It doesn't address the issue of **whether you should have known of the existence of the cause of action**, and the information I have is that **you did not and could not have known about the cause of action until the disclosure from the expert or from Mr. Gooch**, and if we're going to explore that issue, you've got to produce that. You've put those items into evidence or at issue, so defense has a right to see them.

Judge Meyer ignored the Illinois Supreme Court ruling ***Suburban Real Estate Services, Inc. v. Carlson, 2022 IL 126935, 456 Ill. Dec. 779, 193 N.E.3d 1187 (Ill. 2022)*** and misinterpreted the word 'injury" in the discovery rule as a "cause of action". Judge Meyer calculated the Statute of Limitations as beginning when a plaintiff knew or reasonably should have known about a "cause of action" while ignoring that a cause of action cannot be commenced until pecuniary damages are realized. Judge Meyer is using a novel legal theory that defines the word "injury" in the discovery rule in the way the word is commonly used and as it appears in a standard dictionary, as a "hurt" or "damage" and the act of hurting or damaging so as to define "injury" as "attorney's negligent act" or "wrong action by attorney". This misinterpretation of the word 'injury" is unmistakably at variance with the explanation of how to calculate the Statute of Limitations for legal malpractice in Illinois given in "Trial Handbook for Illinois Lawyers" Chapter 22, Section 29 in the statements underlined in blue in **Exhibit 253**.

191. On February 1, 2023 Judge Berg also ignored the Illinois Supreme Court ruling ***Suburban Real Estate Services, Inc. v. Carlson, 2022 IL 126935, 456 Ill. Dec. 779, 193 N.E.3d 1187 (Ill. 2022)*** and claimed "We don't know who that somebody was" who placed an "upper cap" on the value of 12LA178. There is no reference or acknowledgement that bankruptcy case 14-83578 ever took place or played any role in legal malpractice case 17LA377 or is connected to the $300,000 "upper cap' placed on the value of case 12LA178 in any way. Judge Berg explained [Emphasis added]:

> "When did the pecuniary loss occur? Here is the amazing part, and this is what -- where the disconnect comes on this case and it's why I'm having so much trouble with it, I'm being urged that the pecuniary loss occurred when the decision was given on the binding mediation. But the reason I believe that's a disconnect is because -- for two reasons. The loss that occurred on the binding mediation that is being urged

> upon the Court is a loss of what appears to be $360,000. The difference between the $660,000 that the mediator indicated the -- were the appropriate measure of damages against Mr. Gagnon and the $300,000 insurance policy limit, that $360,000 difference and the amount that was awarded and the amount that the mediator claimed should have been awarded **is based on an agreement that somebody entered into. We don't know who that somebody was, but we know for a fact that that somebody was not Hans Mast or the Law Offices of Tom Popovich because the agreement occurred well after they were out of Dodge**"
>
> "He was **clearly alerted**. Let's cut to the chase. **He was hesitant -- he was hesitant** to ever even sign the settlement agreement to the point where it took him over two months to do it. **He clearly had his doubts**. **He clearly had his lack of faith**. He signed the settlement agreement anyway. A year later, the attorneys withdrew. He went to another attorney, still raised the issue. Went to another attorney, still raised the issue"
>
> "Met with hundreds of attorneys. **He was clearly alerted**."

Judge Berg is ignoring the Illinois Supreme Court decision in ***Suburban Real Estate Services, Inc. v. Carlson*** and misinterpreting the word 'injury" in the discovery rule as an "attorney's negligent act" or a "wrong action by attorney" (but a cause of action cannot be commenced until pecuniary damages are realized). Judge Berg found that Dulberg was "clearly alerted" on or before January, 2014 even though Dulberg did not receive a realized pecuniary injury until December, 12, 2016 (more than 34 months later). Judge Berg ruled that the Statute of Limitations should be calculated from more than 34 months before Dulberg could file a lawsuit that was not premature. This is what results from misinterpreting the word "injury" in the discovery rule as an "attorney's negligent act" or a "wrong action by attorney": A judge could rule the plaintiff's knowledge of an "attorney's negligent act" happened years before the plaintiff realized pecuniary injury and could file a lawsuit that is not premature.

192. Associate Judge Thomas A. Meyer and Associate Judge Joel D. Berg both have judicial conflicts of interest with Thomas J. Popovich and the Law Offices of Thomas J. Popovich P.C.. In fact, the whole of the Judiciary in the Twenty Second Judicial Circuit has had judicial conflicts of interest with Thomas J. Popovich and the Law Offices of Thomas J. Popovich P.C. and have willingly self recused before, during and after case 12LA178 and case 17LA377. The then Chief Judge of the Twenty Second Judicial Circuit had filed M.R. 898's sending other cases involving

Thomas J. Popovich out of the circuit (while at the same time Dulberg's cases 12LA178 and 17LA377 involving Thomas J. Popovich were ignored and heard by Judges with clear judicial conflicts of interest in the Twenty Second Judicial Circuit). Judge Meyer stated he was friends with Popovich in 2012 and recused himself from case 12LA326, Judge Meyer later presided over 16CV265 with Popovich as a defendant (found not guilty)**(Exhibit DE)** and Judge Meyer presided over both 12LA178 and the resulting legal malpractice case 17LA377 with the Popovich law firm as defendant (found not guilty). (**Exhibit BI-1)** (**Exhibit BI-2)** (**Exhibit BI-3)** (**Exhibit BI-4)** (**Exhibit BI-5)** (**Exhibit BI-6)** (**Exhibit BI-7)**

193. In 2018 Judge Meyer also presided over legal malpractice case 18LA370 Interrante v Popovich with Thomas Gooch representing plaintiff Endurrante and George Flynn representing defendant Popovich, so legal malpractice case 18LA370 had the same presiding Judge (Judge Meyer), plaintiff's attorney (Gooch) and defense counsel (Flynn) as legal malpractice case 17LA377 and Popovich was once again found not guilty.

194. Thomas Meyer is now employed by ADR Systems of America **(Exhibit 260)**, the company used to execute the binding mediation process forced on Dulberg even though defendant Gagnon already admitted negligence for causing Dulberg's chainsaw injury over 41 months earlier.

HOW TALARICO INTENTIONALLY DESTROYED DULBERG'S ATTEMPT TO APPEAL THE FINAL DECISION IN 17LA377 WHICH IS UNMISTAKABLY AT VARIANCE WITH ILLINOIS LAW

195. On March 3, 2023 Talarico listed Dulberg as a Self Represented Litigant in the 17LA377 Notice of Appeal without Dulberg knowing it **(Exhibit CN).** Talarico represented himself to Dulberg as if Talarico was Dulberg's acting attorney during the 17LA377 appeal process **(Exhibit CO)(Exhibit CP)** and Talarico continued to charge and collect Dulberg's fees the entire time **(Exhibit BN-7)**. All fees were paid monthly.

196. On May 22, 2023 Dulberg provided Talarico evidence that file "CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf" (**Exhibit EG-1)** in the Appellate Court Package prepared by the 22nd Judicial Circuit Court clerk have hyperlinks that do not work and the file "ROP_Vol_1_

of_1_230421_1628_8FF9DDF1.pdf" (**Exhibit EG-3)** is missing 2 Reports of Proceedings and has a metadata creation date which is inconsistent with the other pdf files in the Appellate Court Package. **(Exhibit DR-1)**

197. On May 30, 2023 Talarico filed a motion for extension of time without mentioning the technical problems with the CLR and ROP **(Exhibit DR-2)**. On July 24, 2023 Talarico filed a motion for a second extension of time without mentioning the technical problems with the CLR and ROP **(Exhibit DR-3)**. On October 3, 2023 Talarico filed a motion for a third extension of time without mentioning the technical problems with the CLR and ROP **(Exhibit DR-4)** which was denied by the Appellate Court. On November 3, 2023 Talarico filed an Emergency Motion for a third extension of time in which Talarico notified the Appellate Court for the first time of the information that Dulberg gave to Talarico on May 22, 2023 **(Exhibit DR-5)**. On December 4, 2023 the appeal was dismissed for "failure to file a brief" **(Exhibit DR-6).**

198. On January 6, 2024 Talarico sent us an email which informed us to place a "preamble" (contrary to Illinois law) in the Supreme Court Petition related to case 17LA377 (which was due by January 8, 2024). The email **(Exhibit BJ)** is reproduced below:

> Date : 1/6/2024 11:52:32 AM
> From : "Alphonse Talarico"
> To : "Paul Dulberg" , "Paul Dulberg" , "T Kost"
> Subject : Preamble
>
> Gentlemen,
>
> Please use the word "Preamble".
> PREAMBLE: Much of the matter that follows can be characterized as fraud by officers of the court. Currently there are nine (9) related ARDC investigations pending (#2023INO2517, #2023INO2518, #2023INO3135, #2023INO3136, #2023INO3894-R, #2023INO, 2023INO3898-R, #2023INO3897-R, 2023INO3895-R, #2023 INO3896-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 quote above is Talarico instructing us, in his own words, how to begin the Supreme Court Petition (by using a 'preamble") and what the first paragraph in the "preamble" should be.

199. On January 8, 2024. the day the Supreme Court Petition was due, Talarico told Dulberg

the Supreme Court clerk told him by phone that hyperlinks are allowed in the Supreme Court Petition. Talarico also told Dulberg that Talarico does not know how to format an appendix for Supreme Court Petition because Talarico has never done one before.

200. On the evening of January 8, 2024 Dulberg sent Talarico the Supreme Court Petition **(Exhibit DL)** to submit to the Supreme Court clerk. The Illinois Supreme Court clerk did not accept the Supreme Court Petition that Talarico submitted because of how it was formatted.

201. By using these methods Talarico caused a final, unappealable decision to be given in 17LA377 in which Dulberg was ruled that he knew or should have known of an "injury" caused by Popovich and Mast more than 34 months before the first day that Dulberg was eligible to file a lawsuit under Illinois law. Using this legal reasoning it was impossible for Dulberg to file an acceptable lawsuit against Popovich and Mast at any time in that Dulberg was ineligible to file before he ever became eligible to file. This is what can happen when the word "injury" in the discovery rule is misinterpreted as a "personal injury" to mean "the attorney's negligent act" rather than as a pecuniary injury as described in the statements underlined in blue in "Trial Handbook for Illinois Attorneys" Chapter 22, Section 29 in **Exhibit 253**

202. On January 14, 2024 Talarico abruptly resigned as Dulberg's counsel. **(Exhibit AY)**

203. On August 19, 2025 Talarico used the same list of cases that Talarico told Dulberg to include in a "preamble" of the Supreme Court Petition of January 8, 2024 as evidence that Dulberg and Kost see "the Law, Lawyers, Judges, Court Personnel through the filter of Persecutory Delusions" to the presiding judge in case 22L010905 in a filed document **(Exhibit DS-6)**. In the document Talarico states the following example of Dulberg and Kost seeing "the Law, Lawyers, Judges, Court Personnel through the filter of Persecutory Delusions":

> "Example2. Every lawyer, judge, court administrator, court employee, reporter etc. is conspiring to harm Dulberg and Kost. The following are ten (10) redacted examples of Complaints that Movants have filed against attorneys:
>
> No. 2023JN02517 (submitted on July 27, 2023)
> No.2023IN02518 (submitted on July 27, 2023)
> No. 2023IN03135 (submitted on September 15, 2023)
> No. 2023IN03136 (submitted on September 15, 2023)
> No. 20231N03894-R (submitted on November 8, 2023)

No. 20231N0389&R (submitted on November 8, 2023)
No. 2023IN03897-R (submitted on November 8, 2023)
No.2023IN03895-R (submitted on November 8, 2023)
No. 2023IN03896-R (submitted on November 8, 2023)
Alphonse A Talarico No.2024 IN 00264 (submitted on March 15, 2024 and concluded on January 14, 2025 please see Exhibit R2 and R3 attached)(Please see Exhibit R4 an email from Dulberg and Kost to the ARDC substantiating the above 10 Complaints filed by the movants herein)"

204. In April, 2024 Dulberg and Kost first became aware of the document "A Guide to Illinois Civil Appellate Procedure" **(Exhibit 254)** in which templates are given for filing appeals and Supreme Court Petitions in Illinois. When reading this document Dulberg and Kost first understood the means by which Talarico intentionally destroyed Dulberg's attempt to appeal the final decision in 17LA377 and how Talarico filed the Notice of Appeal in a way that placed Dulberg as a self-represented litigant (SLR) or Pro-se while Talarico continued to charge and collect fees and fraudulently misrepresent himself to Dulberg as Dulberg's retained attorney during the appeal process.

205. On May 29, 2024, less than 5 months after Talarico wrote the list of ARDC complaints and Judicial complaints as a "preamble" in Dulberg's Supreme Court Petition of January 8, 2024, Talarico presented the same list to the ARDC (and by extension the Illinois Supreme Court) as evidence of Dulberg trying to "bring down the Illinois Judicial system" **(Exhibit BY).** Talarico accused Dulberg 3 times to the Illinois Supreme Court of "avowing" to "bring down the Illinois Justice System" (**Exhibit BY** page 4).

206. Talarico attempted to explain his actions and the choices he made while representing Dulberg in Talarico's ARDC Response **(Exhibit BY)** to the ARDC Complaint we filed against him and in 22L010905 court records. Talarico's ARDC Response was issued in response to an ARDC complaint filed against Talarico on January 5, 2024 **(Exhibit BS)** and January 22, 2024 **(Exhibit BT)** and supplemented and updated on February 1, 2024 **(Exhibit BU)**, on February 13, 2024 **(Exhibit BV)**, on April 10, 2024 **(Exhibit BW)** and on April 18, 2024 **(Exhibit BX)**. Talarico intentionally and systematically lied to the ARDC and the Illinois Supreme Court

throughout Talarico's response to Dulberg's ARDC complaint against him.

207. Dulberg entered five documents into the 22L010905 court record as evidence that Talarico has been intentionally and systematically destroying Dulberg's claims against all defendants in cases 22L010905 and 17LA377. **(Exhibit DS-1, Exhibit DS-2, Exhibit DS-3, Exhibit DS-4, Exhibit DS-5)**

208. Talarico stated to the ARDC (and by extension the Illinois Supreme Court) that Dulberg and Kost insisted on including hyperlinks in the Supreme Court Petition:

> "Additionally, based upon information and belief and the attorney judgmental rule, and necessitated by the clients' demand to file with said Petition hundreds of pages of information they had prepared for their multiple ARDC Requests for Investigation and their self-created web site, it was decided to file the Petition for Leave to Appeal to the Illinois Supreme Court with hyperlinks to their established sites and Complaints.
>
> The Assistant-Clerk of the Illinois Supreme Court, in contact with Mr. Talarico, indicated that the petition with hyperlinks could not be accepted. The Assistant-Clerk of the Illinois Supreme Court, as a courtesy, gave instructions about how to correct and refile the Petition for Leave to Appeal and said instructions were forwarded to the Complaints herein because Mr. Talarico had already indicated that he was withdrawing from all representations of the Claimants.
>
> This matter was ended as to Mr. Talarico when he was informed by the assistant Clerk of the Illinois Supreme Court that he did not have to withdraw his appearance from the Petition for Leave to Appeal because as of on or about January 8, 2024, no Petition had been filed /accepted." (**Exhibit BY** page 6)

Note how Talarico acts (to the Illinois Supreme Court) as if Talarico was competently representing Dulberg during the 17LA377 appeal process without informing the Illinois Supreme Court that Talarico listed Dulberg as Pro se in the Notice of Appeal without Dulberg's knowledge or consent. In the quote above Talarico uses the "attorney judgment rule" to explain his actions during the 17LA377 appellate process without informing the Illinois Supreme Court that Talarico listed Dulberg as Pro se in the Notice of Appeal without Dulberg's knowledge or consent.

209. All communication between Dulberg and Talarico and Kost and Talarico was by email or by telephone, there being no face-to-face communication. So all communication is in email and telephone records. We were amazed to see that Talarico made so many extreme and outrageous statements against Dulberg and Kost that can easily be proven to be untrue when compared to the

complete record of (recorded telephone and email) communication, for example Talarico stated to the ARDC and to the Illinois Supreme Court **(Exhibit BY)** the following:

> "He often remarked to Mr. Talarico while litigating his numerous cases, that he will bring down the entire justice system in Illinois and that he and Mr. Talarico will make much money for the movie rights.", and then Talarico claimed Dulberg "avowed to bring down" the "Illinois Justice system".
>
> "That they wanted Mr. Talarico to be available for consultation 24/7 which they availed themselves of on an almost daily basis;
>
> "That they wanted a morning meeting to discuss status of all matters starting at 8:00 AM daily (including weekends);"
>
> "That Mr. Talarico would ignore ARDC Claimant Mr. Dulberg's "gaslighting" and do what Mr. Kost recommended that he does-he hangs up the phone when Mr. Dulberg gets abusive with him, based on the fact that Mr. Dulberg forgets his medications on occasion."

All Talarico's claims against Dulberg and Kost are apparently of acts done during telephone conversations since there is no evidence of any of these outrageous and extreme claims occurred in the complete attorney-client email record of close to 2600 emails. Over more than 3 years Thomas Kost had about 10 phone calls with Talarico that were longer than 10 minutes and about 20 shorter phone calls. **(Exhibit 256)**. Dulberg and Kost gave up attorney-client privilege between Dulberg and Talarico and Kost and Talarico and released our complete email records online which consist of about 2600 email communications **(Group Exhibit 50)**, none of which contain comments like the ones Talarico has stated. Therefore Talarico is caught lying 'red handed' since communications records can decisively prove if Talarico is intentionally lying when making the quoted claims and other claims.

210. Talarico intentionally misinformed the ARDC of the number of cases for which Talarico was retained by Dulberg. Talarico failed to inform the ARDC and Illinois Supreme Court that Talarico accepted $10,000 to be retained by Dulberg on September 26, 2023 for at least 3 new cases including "Fraud on the court, Civil rights violations, Reopening the bankruptcy, Etc" **(Exhibit AT)**. Talarico later claimed to the ARDC and Illinois Supreme Court (**Exhibit BY** page 12) that the contents of **Exhibit ED-2 and Exhibit ED-3** and the document and information

system of suppression described in this complaint are 'fantasy' 'conspiracy theories' invented by Dulberg and Kost even though Talarico accepted a $10,000 retainer on September 26, 2023 to pursue the same claims and then intentionally lied to the Illinois Supreme Court about doing so.

211. Talarico intentionally misinformed the ARDC and Illinois Supreme Court of Dulberg's disability status. Talarico accused Dulberg of lying about his disability status (May 29, 2024) Talarico stated: "Note: some Judges deny that Dulberg qualifies as a permanently disabled person in their rulings but Mr. Dulberg categorizes himself in all cases" **(Exhibit BY, p4)** but offered no evidence to support the claim. On August 20, 2025 Talarico intentionally lied to the presiding judge in case 22L010905 concerning Dulberg's disability status stating:

> "Examplel. Dulberg is NOT a "Disabled Individual under Federal or Illinois law.
>
> Dulberg's repeated and continual claims of "Disability" are viewed by Respondent not as a lie or a subliminal request for special treatment but as a clear showing of Persecutory Delusion as Dulberg's Disability legal determination, after much litigation and appeal ended on Apri123, 2013. Respondent raises this issue and those that follow to spotlight Dulberg's credibility. (Please see Exhibit R1 which is redacted page 9 of an 814 page report, the full report can be submitted to the Honorable Court in camera if requested to do so."

Talarico intentionally lied to the presiding judge of case 22L010905 by using a document dated May 19, 2014 **(Exhibit DD)** as evidence of the statement above. Talarico knows the decision in the document he presented as evidence was corrected on April 20, 2017 by the same Social Security Administrative Law Judge **(Exhibit CM)**. Talarico offered the sealed medical records **(Exhibit BO)** collected by DDS (Illinois Disability Determination Service) to the presiding judge in case 22L010905 at an August 29, 2023 hearing, so it is not possible that Talarico does not know the decision Talarico used as evidence had been overruled on appeal and that the same Social Security Administrative Law Judge ruled Dulberg to be permanently disabled (since June 28, 2012) on April 20, 2017.

212. Talarico refused to give Dulberg any case files for any of the at least 6 cases for which Talarico was retained even though the attorney-client contract between Talarico and Dulberg **(Exhibit AZ)** stated: "After the matter is closed or the attorney-client relationship is ended by any means you may obtain copies of your file by paying my standard photocopying charge and a

minimum fee to compensate me for staff time to duplicate the file" (**Exhibit AZ** page 4 section 10).

213. Dulberg paid Talarico over $350,000 in retainers and fees. A Table of fees and costs (**Exhibit BN-7**) shows how much money Talarico charged Dulberg month by month while Talarico committed these acts of fraud against Dulberg and fraud on the court. Talarico knew that Talarico left Dulberg in substantial debt to pay Talarico for the services described in this complaint. Talarico knew that Dulberg ran out of funds in December 2021 and that Dulberg paid Talarico from January 2022 to January 2024 by borrowing money every month from Thomas Kost and Richard Kost. Thomas Kost and Richard Kost agreed to lend Dulberg money to pursue case 17LA377 because Talarico was providing evidence to Dulberg and Thomas Kost such as the evidence of forged court reporter signatures on depositions in underlying case 17LA377.

COUNT 1: GOOCH COMMITTED WILLFUL AND WANTON PRIMA FACIE PROFESSIONAL MISCONDUCT, FRAUD AGAINST DULBERG AND FRAUD ON THE COURT TO OBTAIN DISMISSAL OF 17LA377

214. Plaintiff repeats and realleges the allegations contained in paragraphs 15 through 215, inclusive, of this Complaint, as if fully restated herein. Gooch has engaged in the following misconduct:

a) Gooch and Sershon knowingly and intentionally wrote the 17LA377 Complaint and Amended Complaint to fail the minimum standard for legal sufficiency described in the statements underlined in red in **Exhibit 253**.

b) Gooch and Sershon knowingly and intentionally misinformed Dulberg how to calculate the Statute of Limitations by deliberately misrepresenting statements underlined in blue in **Exhibit 253** to Dulberg. Gooch and Sershon claimed the Statute of Limitations is calculated from the day Dulberg "knew or should have known" of an "injury" caused by Mast and/or Popovich.

c) Gooch and Sershon never informed Dulberg that the 12LA178 record contains an admission of negligence by Gagnon for Dulberg's chainsaw injury as early as March, 2013 (more than 11 months before Dulberg settled with defendant McGuires for $5,000, more than 20 months before Dulberg declared bankruptcy, more than 41 months before Dulberg was forced into binding mediation with an 'upper cap' of $300,000 placed on the value of case 12LA178). **(Exhibit 112)**.

d) Gooch and Sershon did not mention anything about Dulberg's bankruptcy in the complaint or in any court record even though BK 14-83578 was the underlying case of

legal malpractice case 17LA377 and the case 12LA178 had become a protected asset of the bankruptcy estate from the time Dulberg declared bankruptcy.

e) Gooch focused only on the settlement with defendants McGuires in underlying personal injury case 12LA178 and ignored everything related to co-defendant Gagnon.

f) Gooch was told at his first meeting with Dulberg that Mast told Dulberg that the McGuires were not liable for Dulberg's chainsaw injury because the case Tilschner v Spangler demonstrates the Restatement of Torts 318 is not applicable in Illinois. Gooch was given a certified slip opinion of the Appellate Court ruling on Tilschner v Spangler, a rare document. Dulberg told Gooch that Mast gave Dulberg the document when Mast told Dulberg that Dulberg has no valid claim against the McGuires. Gooch was informed again of the importance of Tilschner v Spangler as key evidence and as the legal opinion Mast gave to Dulberg as to why Dulberg has no valid claim against the McGuires. In the Gooch case file there is nothing related to the case Tilschner v Spangler and Gooch did not place anything in the 17LA377 report of proceedings or common law record related to Tilschner v Spangler.

g) Gooch and Sershon intentionally placed the factually incorrect statement "the high-low agreement was executed by Dulberg" that Gooch knew to be untrue since Gooch only possessed an unsigned copy of a proposed binding mediation agreement and the report of proceedings and common law record of 12LA178 clearly show that the "upper cap" was placed on the value of 12LA178 by the Baudins and Gagnon's insurer Allstate between June 13, 2016 and August 10, 2016 in the 22nd Judicial Circuit court before Judge Meyer with Dulberg being treated as the plaintiff of standing without bankruptcy trustee Heeg acting as administrator or even knowing the agreement was reached or what the agreement was and without representation of the bankruptcy estate. Dulberg told Gooch that Dulberg refused to enter into binding mediation and refused to sign the proposed agreement

WHEREFORE, Plaintiff PAUL DULBERG prays that this Court enter judgment on Count 1 of the Complaint in his favor and against Defendant THOMAS GOOCH in the amount in excess of fifty thousand dollars, plus interest, award Plaintiff his costs and reasonable attorneys' fees, and grant such other relief as this Court deems just and proper.

COUNT 2: SERSHON COMMITTED WILLFUL AND WANTON PRIMA FACIE PROFESSIONAL MISCONDUCT, FRAUD AGAINST DULBERG AND FRAUD ON THE COURT TO OBTAIN DISMISSAL OF 17LA377

215. Plaintiff repeats and realleges the allegations contained in paragraphs 15 through 215, inclusive, of this Complaint, as if fully restated herein. SERSHON has engaged in the following misconduct:

a) During all actions taken by Sabina Sershon described in this Complaint Sabina Sershon was an employee of THE GOOCH FIRM and/or THE LAW OFFICES OF GAUTHIER and GOOCH

b)...Sabina Sershon worked together with Thomas Gooch and engaged in all actions (a) to (g) listed in paragraph 214.

WHEREFORE, Plaintiff PAUL DULBERG prays that this Court enter judgment on Count 2 of the Complaint in his favor and against Defendant SABINA SERSHON in the amount in excess of fifty thousand dollars plus interest, award Plaintiff his costs and reasonable attorneys' fees, and grant such other relief as this Court deems just and proper.

COUNT 3: CLINTON COMMITTED WILLFUL AND WANTON PRIMA FACIE PROFESSIONAL MISCONDUCT. FRAUD AGAINST DULBERG AND FRAUD ON THE COURT TO OBTAIN DISMISSAL OF 17LA377

216. Plaintiff repeats and realleges the allegations contained in paragraphs 15 through 215, inclusive, of this Complaint, as if fully restated herein. Clinton has engaged in the following misconduct:

a) Clinton and Williams knowingly and intentionally misinformed Dulberg how to calculate the Statute of Limitations by deliberately misrepresenting statements underlined in blue in **Exhibit 253** to Dulberg and to the court. Gooch and Sershon claimed the Statute of Limitations is calculated from the day Dulberg knew or should have known of any "injury" caused by Mast and/or Popovich. The Second Amended Complaint was intentionally crafted by Clinton and Williams with the same misrepresentation of the statements underlined in blue (of how to calculate statute of limitations) that Gooch placed in the original Complaint and the First Amended Complaint.

b) Like Gooch, Clinton and Williams never informed Dulberg that the 12LA178 record contains an admission of negligence by Gagnon for Dulberg's chainsaw injury as early as March, 2013 (more than 20 months before Dulberg declared bankruptcy, more than 41 months before Dulberg was forced into binding mediation with an 'upper cap' of $300,000 placed on the value of the case). **(Exhibit 112)**.

c) Like Gooch, Clinton and Williams did not mention anything about Dulberg's bankruptcy in the complaint or in any court record (Except once, see paragraph 165) even though BK 14-83578 was the underlying case of legal malpractice case 17LA377 and the case 12LA178 had become a protected asset of the bankruptcy estate from the time Dulberg declared bankruptcy.

d) Like Gooch, Clinton and Williams focused only on the settlement with defendants McGuires in underlying personal injury case 12LA178 and ignored everything related

to co-defendant Gagnon

e) Like Gooch, Clinton and Williams intentionally and systematically suppressed key evidence of a certified slip opinion of the Appellate Court ruling Tilschner v Spangler and then acted as if neither Clinton or Williams have any memory of being informed repeatedly by Dulberg and Kost of the key evidence Tilschner v Spangler.

f) Clinton and Williams were first informed of "smoking gun" evidence of Popovich and Mast committing intentional tort (fraud) on July 8, 2019 due to the discovery of Mast and Popovich offering to settle the McGuire claim on behalf of Dulberg with McGuire attorney Barch for $7,500 on October 22, 2013. Since Mast first explained to Dulberg that the McGuires were not responsible for Dulberg's chainsaw injury because the ruling Tilschner v Spangler demonstrates that the Restatement of Torts 318 is not applicable in Illinois on November 20, 2013, the fact that Popovich and Mast already offered to settle the claim with the McGuires about 1 month earlier proves that Popovich and Mast made the October 22, 2013 offer without Dulberg's knowledge or consent. By suppressing the document Tilschner v Spangler from the 17LA377 court record and by not bates-stamping the document and producing the document to opposing counsel and by excluding the document from "exhibit 12" of the Mast deposition, Clinton and Williams knowingly suppressed this "smoking gun" evidence of Popovich and Mast committing fraud against Dulberg.

g) Clinton and Williams used a sophisticated system of document and information suppression including: Suppression of key evidence Tilschner v Spangler, suppressing over 3,400 pages of documents from May 30, 2019 to July 9, 2020 and producing them to opposing counsel after taking 2 depositions and about 3 weeks before Clinton and Williams resigned as counsel, systematically suppressing large sections of emails before producing emails to opposing counsel, and more as described in detail in paragraphs 120 to 167.

h) Since May 30, 2019 Clinton and Williams never informed Dulberg of or addressed issues around missing certification pages on depositions and forged signatures of court reporters on depositions

i) Clinton and Williams informed Dulberg that Dulberg cannot issue a subpoena to bankruptcy trustee Megan Heeg because she already retired so subpoenaed documents are unavailable to Dulberg.

j) Clinton and Williams deliberately waited until hours after Dulberg's deposition in legal malpractice case 17LA377 to provide Dulberg with documents from the subpoena of McGuire's attorney Ron Barch even though Dulberg had been asking for the subpoenaed documents for months and Clinton and Williams provided many of the subpoenaed documents to opposing counsel Flynn months earlier.

k) Clinton and Williams deliberatel placed factually incorrect statements on the record on Dulberg's behalf concerning the origin of source of the $300,000 "upper cap" placed on the value of personal injury case 12LA178.

WHEREFORE, Plaintiff PAUL DULBERG prays that this Court enter judgment on Count 3 of the Complaint in his favor and against Defendant EDWARD X. CLINTON in the amount in excess of fifty thousand dollars, plus interest, award Plaintiff his costs and reasonable attorneys' fees, and grant such other relief as this Court deems just and proper.

COUNT 4: WILLIAMS COMMITTED WILLFUL AND WANTON PRIMA FACIE PROFESSIONAL MISCONDUCT. FRAUD AGAINST DULBERG AND FRAUD ON THE COURT TO OBTAIN DISMISSAL OF 17LA377

217. Plaintiff repeats and realleges the allegations contained in paragraphs 15 through 215, inclusive, of this Complaint, as if fully restated herein. Williams has engaged in the following misconduct:

a) During all actions taken by Julia Williams described in this Complaint Julia Williams was an employee of CLINTON LAW FIRM, LLC..

b) Julia Williams worked together with Edward x. Clinton and engaged in all actions (a) to (k) listed in paragraph 216.

WHEREFORE, Plaintiff PAUL DULBERG prays that this Court enter judgment on Count 4 of the Complaint in his favor and against Defendant JULIA WILLIAMS in the amount in excess of fifty thousand dollars, plus interest, award Plaintiff his costs and reasonable attorneys' fees, and grant such other relief as this Court deems just and proper.

COUNT 5: TALARICO COMMITTED WILLFUL AND WANTON PRIMA FACIE PROFESSIONAL MISCONDUCT, FRAUD AGAINST DULBERG AND FRAUD ON THE COURT TO OBTAIN DISMISSAL OF 17LA377

218. Plaintiff repeats and realleges the allegations contained in paragraphs 15 through 215, inclusive, of this Complaint, as if fully restated herein. Talarico has engaged in the following misconduct:

a) Talarico sent a self-recusal form to Dulberg, then never used the evidence of self-recusal in court in any way, and then over 2 years later Talarico claimed Dulberg sees Meyer "through the filter of Persecutory Delusions" for seeing the Meyer recusal (and others like it) as evidence of a conflict of interest.

b) Talarico issued subpoenas for signatures of court reporters Margaret Olsen and Paula Erickson. Reports by Omni of the court reporters signatures compared with signatures on 5 of the 10 depositions taken in underlying case 12LA178 found the

signatures to be forgeries, but Talarico never raised the issue in case 17LA377. Dulberg then told Talarico Dulberg wants the court reporters signatures on the other 5 depositions to be checked for forgery but Talarico didn't pursue the issue.

c) Talarico tried to get Dulberg to agree to sign a 'Third Amended Complaint' (which Talarico had already completely prepared and ready to be signed by Dulberg) that did not include any information on the newly discovered forged signatures or any information on Judge Meyer's previous self-recusal (based on his friendship with Popovich) or any information about 'smoking gun' relationship between the October 22, 2013 offer to settle with the McGuires on Dulberg's behalf for $7,500 and the explanation Mast gave Dulberg (based on the case Tilschner v Spangler) for why the McGuires were not responsible for Dulberg's chainsaw injury about 1 month later. Dulberg refused to sign the complaint and the complaint was never filed.

d) Talarico first explained to Dulberg in July, 2022 that, because Gagnon never filed an answer to a Cross-Claim for Contributions **(Exhibit 112)** filed against Gagnon on February 1, 2013, Gagnon effectively admitted to the accusations against him in the cross-claim for contributions. This means that Gagnon effectively admitted 100% negligence for injuring Dulberg with a chainsaw as of March, 2013. Thomas Kost included this information in the complaint Thomas Kost wrote but Talarico deleted this information before filing the complaint on December 8, 2022. Talarico has never explained why Talarico never raised this key evidence as an issue in 17LA377.

e) Talarico allowed Judge Meyer to close F1 discovery on July 11, 2022 without Talarico raising the issue of the forged court reporter signatures on at least 5 of the 10 depositions taken in 12LA178 and without requesting to investigate the signatures on the remaining 5 depositions. Talarico never explained why Talarico never raised the issue of Judge Meyer being friends with Popovich by admission and Judge Meyer's prior recusal in case 12LA326 due to his friendship with Popovich.

f) Talarico filed 3 different Notices of Appeal on Dulberg's behalf in a way that lists Dulberg as a Self Representing Litigant (SLR) or Pro se while Talarico acted as Dulberg's attorney for the appeal process and while Talarico charged Dulberg fees for representing Dulberg during the appeal process.

g) Talarico, acting as if he represented Dulberg during the appeal process, filed 3 consecutive Motions for Extention of Time and one Emergency Motion for Extension of Time in Dulberg's name and allowed the appeal to be dismissed for "failure to file a brief", all without informing Dulberg that Dulberg was listed as Pro Se or as a Self Represented Litigant (SLR).

h) Talarico informed Dulberg to begin a Supreme Court Petition with a "preamble" and Talarico told Dulberg that the Supreme Court clerk told Talarico that hyperlinks can appear in the Supreme Court Petition. Talarico never explained why he didn't know about format requirements of a Supreme Court Petition.

i) Talarico was retained by Dulberg on September 26, 2023 for at least 3 new cases for

"Fraud on the court, Civil rights violations, Reopening the bankruptcy, Etc". Talarico lied to the ARDC and Illinois Supreme Court by refusing to admit Talarico accepted $10,000 to be retained by Dulberg for at least 3 new cases while Talarico referred to the same claims for which Talarico was retained as 'fantasy' 'conspiracy theories'.

j) Talarico intentionally misinformed the ARDC and Illinois Supreme Court of Dulberg's disability status, accusing Dulberg of lying about his disability status (described in paragraph 211). **(Exhibit DS-6)**

k) Talarico deliberately and systematically lied to the ARDC (and by extension to the Illinois Supreme Court) by accusing Dulberg 3 times of "avowing" to "bring down the Illinois Justice System".

l) Talarico performed similar acts of sabotage in related case 22L010905. The acts of sabotage and the system used is described in detail in documents filed with the court in 22L010905 **(Exhibit DS-1, Exhibit DS-2, Exhibit DS-3, Exhibit DS-4, Exhibit DS-5)**

WHEREFORE, Plaintiff PAUL DULBERG prays that this Court enter judgment on Count 5 of the Complaint in his favor and against Defendant TALARICO in the amount in excess of fifty thousand dollars plus interest, award Plaintiff his costs and reasonable attorneys' fees, and grant such other relief as this Court deems just and proper.

COUNT 6: CONSPIRACY TO COMMIT FRAUD AGAINST DULBERG AND CONSPIRACY TO COMMIT FRAUD ON THE COURT TO OBTAIN DISMISSAL OF 17LA377 AND CONCEAL FRAUDULENT ACTS THAT OCCURRED IN UNDERLYING CASES 12LA178 AND BK 14-83578 BY ALL NAMED DEFENDANTS

219. "Illinois recognizes civil conspiracy as a distinct cause of action." Dowd & Dowd, Ltd. v. Gleason, 181 Ill. 2d 460, 486 (1998). The elements of a civil conspiracy are: (1) a combination of two or more persons, (2) for the purpose of accomplishing by some concerted action either an unlawful purpose or a lawful purpose by unlawful means, (3) in the furtherance of which one of the conspirators committed an overt tortious or unlawful act. Adcock v. Brakegate, Ltd., 164 Ill. 2d 54, 62-63 (1994).

220. In ***McClure v. Owens Corning Fiberglas Corp. NOS. 4-97-0424, 4-97-0458, 4-97-0459 298 Ill.App.3d 591 (1998)*** the Supreme Court of Illinois adopted a two-step approach in evaluating the sufficiency of evidence for a civil conspiracy claim: (1) Evidence of Parallel Conduct and (2) Additional Evidence of Agreement.

221. All named defendants worked in parallel conduct toward one primary purpose throughout legal malpractice case 17LA377: To deliberately collapse the claims of Dulberg to protect and shield Dulberg's previously retained attorneys in 12LA178 so the defendants and potential defendants faced no liability for their actions in underlying personal injury case 12LA178 and resulting bankruptcy case 14-83578.

222. The difference between civil and criminal conspiracy is in criminal conspiracy, the gravamen of the offense is the agreement itself, whereas in civil conspiracy, the gravamen of the tort is the damage resulting to plaintiff from an overt act done pursuant to a common design; see also Pye v. Estate of Fox, 369 S.C. 555, 567-68, 633 S.E.2d 505, 511 (2006) ("The gravamen of the tort of civil conspiracy is the damage resulting to the plaintiff from an overt act done pursuant to the combination, not the agreement or combination per se."). The "essential consideration" in civil conspiracy "is not whether lawful or unlawful acts or means are employed to further the conspiracy, but whether the primary purpose or object of the combination is to injure the plaintiff." Lee v. Chesterfield General Hosp., Inc., 289 S.C. 6, 13, 344 S.E.2d 379, 383 (Ct. App.1986). Thus, the gist of a conspiracy claim is not the agreement itself, but the tortious acts performed in furtherance of the agreement. (W. Prosser, Torts § 46, at 293 (4th ed. 1971); see Lasher v. Littell (1903), 202 Ill. 551, 67 N.E. 372.) This Court has observed: Conspiracy may be inferred from the very nature of the acts done, the relationship of the parties, the interests of the alleged conspirators, and other circumstances. Island Car Wash, Inc. v. Norris, 292 S.C. 595, 358 S.E.2d 150 (Ct.App.1987). "Civil conspiracy is an act which is by its very nature covert and clandestine and usually not susceptible of proof by direct evidence□" Id. at 601, 358 S.E.2d at 153.

223. Opposing counsel Flynn and Defendants Popovich and Mast also worked for this same common purpose as conspirators. Defense counsel and defendants do not have any right to undermine the judicial machinery or participate in corruption to win their case. Flynn's actions throughout legal malpractice case 17LA377 were much more than zealeous defense of his clients. The defense counsel does not have any right to undermine the adversarial process that makes

court valid. As co-conspirators Flynn, Popovich and Mast are jointly and severally liable for committing fraud against Dulberg and for committing fraud on the court. The function of a conspiracy claim is to extend liability in tort beyond the active wrongdoer to those who have merely planned, assisted or encouraged the wrongdoer's acts. W. Prosser, Torts § 46, at 293 (4th ed. 1971). Further, "once the conspiracy is formed, all of its members are liable for injuries caused by any unlawful acts performed pursuant to and in furtherance of the conspiracy." Adcock, 164 Ill. 2d at 65.

224. This complaint presents evidence to the Court and to the public that Judge Thomas A. Meyer and Judge Joel D. Berg also acted as co-conspirators working toward the same common purpose as the named defendants. In Illinois, there are two recognized exceptions to absolute judicial immunity for a judge facing a civil complaint: 1) Actions not taken in a judge's judicial capacity, and 2) actions taken in the complete absence of all jurisdiction. Judicial immunity is not overcome even by allegations of bad faith or malice. Even acts of fraud, corruption and conspiracy to commit fraud by a judge are not recognized exceptions to absolute judicial immunity (see ***Dennis v. Sparks, 449 U.S. 24 (1980)***, ***Stump v. Sparkman, 435 U.S. 349 (1978)***). Neither Judge Meyer nor Judge Berg may be held personally liable to Dulberg because even acts of fraud, corruption and conspiracy to commit fraud by a judge are not recognized exceptions to absolute judicial immunity. But this does not mean Judge Meyer and/or Judge Berg didn't facilitate, help along or know about the coordinated, planned actions of Gooch, Sershon, Clinton, Williams and Talarico presented in this complaint to commit fraud against Dulberg and fraud on the court. It simply means neither Judge Meyer nor Judge Berg can be held liable for damages even if they did so. According to ***Dennis v. Sparks, 449 U.S. 24 (1980)*** a judge may be found to participate in a civil conspiracy involving corruption even though the judge is eligible for absolute judicial immunity. In ***Dennis v. Sparks*** the judge was not liable for damages due to absolute judicial immunity even though the judge was not protected from a subpoena to be deposed or from a declaratory judgement as a participant in a civil conspiracy to commit fraud.

225. Examples of evidence of coordinated actions among all named defendants (and Judge

Meyer and Judge Berg) toward one common goal or primary purpose are as follows:

1) Coordinated actions in defining the word "injury" in the discovery rule incorrectly throughout 17LA377 are detailed throughout this Complaint. It is not credible to claim that neither Gooch nor Sershon nor opposing counsel Flynn nor Clinton nor Williams nor Judge Meyer nor Judge Berg knew how to calculate the Statute of Limitations in a legal malpractice case in Illinois and that every one of these officers of the court mistakenly used the same novel legal theory of calculating the Statute of Limitations from the time Dulberg knew or should have known of an "injury" caused by Popovich or Mast where 'injury is taken to mean 'personal injury' or negligent act by attorney"..

2) Coordinated actions around suppressing Gagnon admission of negligence for Dulberg's chainsaw injury as of March, 2013 are detailed throughout this Complaint. It is not credible to claim that in legal malpractice case 17LA377 neither Gooch nor opposing counsel Flynn nor Clinton nor Williams nor Judge Meyer nor Judge Berg noticed that in the underlying personal injury case 12LA178 defendant Gagnon admitted negligence for Dulberg's chainsaw injury as early as March, 2013 (Exhibit 112). It is not credible that in personal injury case 12LA178 Judge Meyer was not aware that the remaining defendant Gagnon already admitted negligence for Dulberg's chainsaw injury over 20 months before Dulberg declared bankruptcy, over 41 months before Dulberg was forced into binding mediation and an "upper cap" of $300,000 was placed on the value of 12LA178 in the 22nd Judicial Circuit Court before Judge Meyer.

3) Coordinated actions in avoiding any mention of bankruptcy case 14-83578 during personal injury case in 12LA178 and bankruptcy jurisdictional issues in resulting legal malpractice case 17LA377 are detailed throughout this Complaint.

4) Coordinated actions concealing information from the bankruptcy court are detailed throughout this Complaint. It is not credible to claim that all defendants were not aware or"forgot" that federal bankruptcy case 14-83578 is an underlying case of legal malpractice case 17LA377.

5) Coordinated actions in not informing Dulberg that Dulberg lost standing as plaintiff in personal injury case 12LA178 are detailed throughout this Complaint.

6) Coordinated actions in suppressing key evidence Tilschner v Spangler certified slip opinion are detailed throughout this complaint. It is not credible that neither Gooch or Sershon or Clinton or Williams could remember that Mast told Dulberg the reason why the McGuires were not responsible for Dulberg's chainsaw injury is because the Appellate Court ruling Tilschner v Spangler demonstrates that restatement of torts 318 is not applicable in Illinois.. It is not credible that the very reason Mast cited for why Dulberg had no claim against the McGuires for Dulberg's chainsaw injury keeps disappearing from all filed complaints in 17LA377 and that Williams forgot about the key evidence Tilschner v Spangler after being informed about Tilschner v Spangler in writing repeatedly as documented in Table 10 and throughout this complaint. It is not credible that a unique and rare document like the slip certified opinion of the

Appellate Court ruling Tilschner v Spangler certified on the date the ruling was made was provided to Gooch and Clinton and Williams but Gooch "didn't need it" and Clinton and Williams 'accidentally' misplaced it and never bates-stamped the document or produced the document to opposing counsel. It is not credible that Clinton and Williams were then informed in writing and verbally of the importance of the case Tilschner v Spangler as key evidence, but the document was accidently not placed in "exhibit 12" of the Mast deposition and there were technical malfunctions during the Mast deposition in which "exhibit 12" could not be seen and then Clinton and Williams experienced complete memory loss over the same document that the technical malfunction blocked from the Mast deposition of June 25, 2020.

7) Coordinated actions concerning deliberate misrepresentations of the origins of "upper cap" of $300,000 placed on the value of personal injury case 12LA178 are detailed throughout this complaint. It is not credible that Gooch and Sershon and Clinton and Williams and Talarico and Judge Meyer did not know how an "upper cap" was placed on the value of case 12LA178 because the reports of proceedings are included in the 12LA178 court records **(Exhibit F2, Exhibit 129, Exhibit 130, Exhibit 131)**. It is not credible to claim "We don't know who that somebody was" that executed an "upper cap". Judge Meyer presided over the hearings with the Baudins and Allstate.

8) Coordinated actions concerning depositions in personal injury case 12LA178 are

detailed throughout this Complaint It is not credible that even though the Popovich document production of May 30, 2019 contained no depositions of doctors1 and some depositions that were included were dated 2019 (about 6 years after the depositions were taken), Clinton and Williams never raised any issue with the depositions and that Talarico found at least 5 depositions to have the signatures of court reporters forged on the certification pages but "forgot" to raise the issue in court.

9) It is not credible that Gooch and Sershon simply did not know how to write a complaint that is legally sufficient in Illinois. Gooch has been an attorney in Illinois for more than 37 years. Gooch must have known how to write a legally sufficient complaint.

10) Coordinated actions between Dulberg's counsel and opposing counsel Flynn throughout 17LA377 are detailed throughout this Complaint.

11) Coordinated actions suppressing documents produced to opposing counsel Flynn are detailed throughout this Complaint.

12) Coordinated actions in destroying Dulberg's right to appeal judge's orders are detailed in paragraphs 195 and 202.

13) Coordinated actions in suppressing evidence of judicial conflict of interest are detailed throughout this Complaint. It is not credible that Judge Meyer was not aware

1 5 of the 10 depositions taken in underlying case 12LA178 were of doctors

that Judge Meyer had previously self-recused in 2012 in case 12LA326 stating Judge Meyer was friends with Popovich **(Exhibit BI-2)**. It is not credible that Judge Meyer was not aware Judge Meyer presided over case 16CV265 (after 3 other judges self-recused, including Judge Berg)**(Exhibit BI-3)** with Thomas J. Popovich as defendant in which Judge Meyer found defendant Popovich not guilty in 2017 **(Exhibit DE)**.

14) It is not credible during legal malpractice case 17LA377 that Judge Meyer was not aware that Judge Meyer was the presiding Judge in underlying personal injury case 12LA178. and it is not credible that neither Judge Meyer nor Judge Berg were aware that they both self-recused in cases involving Popovich. **(Exhibit BI-6)**.

226. Additional evidence of direct or implied agreement:

1) Coordinated actions in 22L010905 by Talarico and others as described in 22L010905 court documents Exhibit DS-1, Exhibit DS-2, Exhibit DS-3, Exhibit DS-4 and Exhibit DS-5.

2) Cui bono? Actions systematically benefit other named defendants, patterns of benefit., acts of mutual support,

3) Systematic efforts to conceal torts committed by other attorneys participating in the common purpose,

Plaintiff repeats and realleges the allegations contained in paragraphs 15 through 215, inclusive, of this Complaint, as if fully restated herein. Gooch, Sershon, Clinton, Williams, Talarico, Flynn, Popovich and Mast has engaged in the misconduct listed above. It is much more likely that each of the defendants were deliberately working in a coordinated, systematic way to collapse the claims Dulberg so no defendant faced liability for any actions in either underlying case 12LA178 or underlying case BK 14-83578, and therefore participated in a civil conspiracy with the common purpose of harming Dulberg.

Actions described in this complaint comprise a systematic, deliberate scheme to deny Dulberg the right to due process and are intended to deliberately collapse of the adversarial process that makes court valid. Actions described herein are so systematic and coordinated that it is highly unlikely that techniques have not been practiced before. Gooch, Sershon, Clinton, Williams and Talarico all delibrately worked toward one common aim; to cause pecuniary damage to Dulberg and to destroy all claims Dulberg may have against any actual or potential defendants.

WHEREFORE, Plaintiff PAUL DULBERG prays that this Court enter judgment on Count 6 of the Complaint in his favor and against Defendants GOOCH, SERSHON, CLINTON,

WILLIAMS, TALARICO, FLYNN, POPOVICH, MAST in the amount in excess of fifty thousand dollars plus interest, award Plaintiff his costs and reasonable attorneys' fees, and grant such other relief as this Court deems just and proper.

JURY DEMAND

Plaintiff PAUL DULBERG demands a trial by jury on all issues triable by a jury.

Respectfully submitted, this 4th day of December 2025

By: /s/ Paul R. Dulberg
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Pro se for Plaintiffs: Plaintiffs PAUL R. DULBERG, INDIVIDUALLY AND THE PAUL R. DULBERG REVOCABLE TRUST

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/ Paul R. Dulberg
Paul R. Dulberg