

**From:** Paul Dulberg Paul\_Dulberg@comcast.net  
**Subject:** Draft A6  
**Date:** January 7, 2024 at 4:36 PM  
**To:** Alphonse Talarico contact@lawofficeofalphonsetalarico.com, Tom Kost tkost999@gmail.com  
**Bcc:** Paul Dulberg Paul\_Dulberg@comcast.net

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Mr Talarico,

The attached PDF is the current working copy.

Please do not try to use the .indd file attached, it is for Tom.

Tom, you have the master.

Draft A6 of  
Petitio...urt.pdf  
[266 KB](#)

Draft A6 of  
Petitio...rt.indd  
[1.8 MB](#)



**PREAMBLE:**

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

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

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

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

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

**The history of this matter is as follows:**

22nd Judicial Circuit Court History:

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

- a.** Extension of time to file
- b.** Amend docking statement to include related cases
- c.** 22nd Judicial circuit clerk amended record to include missing documents
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- a.** Newly discovered Meyer recusal issues with defendant Popovich
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**7 key points relied upon in asking the Supreme Court to review the judgment of the Appellate Court:**

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

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

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

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

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

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**a.** On December 3, 2023 Dulberg filed a Motion for Ruling on 2023-11-21 Motion to Reconsider - (We needed an answer to know what we could include in our brief before filing it) ([exhibit linked](#))

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### PRAYER FOR LEAVE TO APPEAL

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

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

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<sup>1</sup> The record on appeal contains 2 common law volums cited as “C\_\_.” and one volume of transcripts cited as “\_\_ROP.\_\_.” Citations to this Petition’s appendix are cited as “A\_\_.”

**JUDGEMENT BELOW**

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

**POINTS RELIED UPON IN SEEKING REVIEW**

**COMPELLING REASONS FOR GRANTING REVIEW**

**DATES RELEVANT TO THE TIMELINESS OF THIS PETITION**

**STATEMENT OF THE POINTS RELIED UPON FOR REVERSAL**

**JURISDICTION**

**STATEMENT REGARDING JUDGMENT AND REHEARING**

Starts here

**STATEMENT OF FACTS**

Starts here

## ARGUMENT

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

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

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

### SECTION 16. ADMINISTRATION

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

(Source: Illinois Constitution.)

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

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

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

**APPENDIX**

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

**CONCLUSION**

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

Dated: January 8, 2024

Respectfully submitted by:

/s/ Paul R. Dulberg  
*Plaintiff-Petitioner*

/s/ Alphonse A Talarico  
*Attorney for Plaintiff-Petitioner*

Alphonse A. Talarico (ARDC # 6184530)  
The Law Office of ALPHONSE A. TALARICO  
707 Skokie Boulevard #600,  
Northbrook, Illinois 60062, United States  
(312) 808-1410  
contact@lawofficeofalphonsetalarico.com

### CERTIFICATE OF COMPLIANCE

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

/s/ Alphonse A. Talarico

### CERTIFICATE OF SERVICE

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

Via Email and approved efilng system

*GEORGE K. FLYNN (ARDC # 6239349)*

*MICHELLE M. BLUM (ARDC # Not Available)*

*KARBAL COHEN ECONOMOU SILK DUNNE, LLC*

*200 S. Wacker Drive, Suite 2550*

*Chicago, IL 60606*

*Tel: (312) 431-3700*

*Fax: (312) 431-3670*

*gflynn@karballaw.com*

*mblum@karballaw.com*

*Counsel for Defendant-Appellees*

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

/s/ Alphonse A. Talarico

No.

---

**In the Supreme Court of Illinois**

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**PAUL R. DULBERG,**

Plaintiff-Petitioner,

v.

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

Defendants-Appellees

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

---

**PAUL R. DULBERG’S  
PETIOTION FOR LEAVE TO APPEAL**

Alphonse A. Talarico (ARDC # 6184530)  
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*Counsel for Plaintiff-Petitioner*

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Fax: (312) 431-3670  
gflynn@karballaw.com  
mblum@karballaw.com  
*Counsel for Defendants-Appellees*

Dated: January 04, 2024

**Oral Argument Requested**

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**JUDGEMENT BELOW**

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

**POINTS RELIED UPON IN SEEKING REVIEW**

**COMPELLING REASONS FOR GRANTING REVIEW**

**DATES RELEVANT TO THE TIMELINESS OF THIS PETITION**

**STATEMENT OF THE POINTS RELIED UPON FOR REVERSAL**

**JURISDICTION**

**STATEMENT REGARDING JUDGMENT AND REHEARING**

Starts here

**STATEMENT OF FACTS**

Starts here

## ARGUMENT

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

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

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

### SECTION 16. ADMINISTRATION

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

(Source: Illinois Constitution.)

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

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

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

**APPENDIX**

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

**CONCLUSION**

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

Dated: January 8, 2024

Respectfully submitted by:

/s/ Paul R. Dulberg  
*Plaintiff-Petitioner*

/s/ Alphonse A Talarico  
*Attorney for Plaintiff-Petitioner*

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### CERTIFICATE OF COMPLIANCE

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

/s/ Alphonse A. Talarico

### CERTIFICATE OF SERVICE

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

Via Email and approved efilng system

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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

/s/ Alphonse A. Talarico