

Date : 7/7/2023 1:14:35 PM
From : "Paul Dulberg"
To : "Law Office Of Alphonse Talarico"
Cc : "Tom Kost"
BCc : "Paul Dulberg"
Subject : Re: 17LA377 Clerks file sent to Appellate Court

Dear Mr Talarico,

Please disregard the earlier email on the issue of gibberish.

After further investigation I realized that you originally sent the reports of proceedings packaged by the clerk for the appellate court as a link for me to download and that all the ROP's were contained in a single volume or PDF.

I was the one who broke apart each volume into individual ROP's and put the date at the front of each of the file names so I could do a side by side comparison and check off each date to determine if all the ROP's were accounted for (of which some ROP's were actually missing).

It was a program on my machine named "preview" that I used to extract pages and break apart the volume into separate parts/ROP's and that program "preview" caused the searchable text to become gibberish.

I apologize, I did not know that issue had occurred till I tried to use those extracted pages to copy and paste quotes from.

Paul

> On Jul 7, 2023, at 10:31 AM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

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> Dear Mr Talarico,

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> I found yet another issue with the Reports of Proceedings (ROP) turned over by the 22nd Judicial Circuit Clerk to the Appellate court.

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> I have attached both the Circuits Clerks copy of the ROP and the original ROP I received directly from the court reporter.

> The Circuit Clerks copy is searchable but not for anything actually in the ROP, The original ROP I received directly from the court reporter is searchable.

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> Here is an example of just 1 page (page 11) of the Clerks copy and what the body of that page shows in the searchable text:

> 7(2857 R KDYH OHDYH WR GHSRVH 0U)HUULV ,P RW VUH R HHG 0U
'OEHUJ V GHSRVLWLR ,P ZLOOL J WR OLVWH EHFD VH R U GHSRVLWLR RI
0U 'OEHUJ ZR OG PHUHO UHV OW L KLP UHSHDWL J

> 05)/11 5DLVL J WKH VDPH GH LDO VR

> 7(2857 , PHD KH V R WKH UHFRUG GH LHG D UHFROOHFWLR 6R , GR W
WKL N R HHG WKH GHSRVLWLR WR JHW KLP WR VD WKDW L WKH WUD VFULSW
EHFD VH R YH JR LW L WKH UHT HVW WR DGPLW G , OO KROG KLP WR WKDW
 OHVV WKHUH V VRPHWKL J HOVH R WKL N R HHG IURP WKH GHSRVLWLR

> 05)/11 1R -GJH , DV R VDLG , WKL N KH V JRL J WR PDNH WKH VDPH
GH LDOV D G L P RSL LR SOD WKH VDPH JDPHV KH V EHH SOD L J 6R , OO
WDNH 0U)HUULV V GHSRVLWLR , OO VHHN ,P UHT HVWL J IHV D G FRVWV L
FR HFWLR ZLWK WKH GHSRVLWLR EHFD VH LW VKR OG W EH HFHVVDU

> 7(2857 :HOO , WKL N D G OHVV WKHUH V D GLIHUH W LVV H ZLWK
UHVSHFW WR WKH FRVW DVVRFLDWHG ZLWK WKDW GHSRVLWLR , WKL N WKDW V D

LVV H WKDW , ZR OG KDYH WR DGGUHVV DIWHU WULDO EHF V H P UHIHUH FH WR
 F LV ZKH R KDYH WR H SH G PR H WR SURYH S D IDFW WKDW WKH
GH WKH R DUH H WLWOHG WR WKRVH IHHV E W VR , FR OG W

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> Here is an example of just 1 page (page 11) of the original I received directly from the Court Reporter and what the body of that page shows in the searchable text:

> THE COURT: You have leave to depose Mr. Ferris. I'm not sure you need Mr. Dulberg's deposition -- I'm willing to listen -- because your deposition of Mr. Dulberg would merely result in him repeating --

> MR. FLYNN: Raising the same denial, so --

> THE COURT: I mean, he's on the record denied any recollection. So I don't think you need the deposition to get him to say that in the transcript because you've got it in the request to admit. And I'll hold him to that unless there's something else you think you need from the deposition.

> MR. FLYNN: No, Judge. I -- as you said, I think he's going to make the same denials and in my opinion play the same games he's been playing. So I'll take Mr. Ferris's deposition. I'll seek -- I'm requesting fees and costs in connection with the deposition because it shouldn't be necessary.

> THE COURT: Well, I think -- and unless there's a different issue with respect to the cost associated with that deposition, I think that's an issue that I would have to address after trial because my reference to 219(c) is when you have to expend money to prove-up a fact that they deny, then you are entitled to those fees, but -- so I couldn't

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> Since I received the ROP directly from the Court Reporter first and later the Clerks copy of the ROP gets stamped, it is highly suggestive that someone altered the copy of the Clerk stamped ROP making any copy and paste or search function absolutely useless.

> Essentially someone turned a usable ROP into nothing more than a picture of the ROP that no Justice sitting in the appellate court can use for anything without the undo burden of having to manually read the whole ROP every time the need to find anything specific.

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> Bottom line is someone did something that replaced the usable text within the ROP to gibberish and I cannot believe this gibberish is what the 2nd district appellate court prefers.

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> Something needs to be done about this.

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> Do I need to personally go to the circuit clerk and the court reporters with the issues directly?

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> Paul

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> <2021-09-07_R 197-R 210_ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf><ER 9-7-21 Dulberg 17 LA 377.pdf>