

No. 1-23-1142 CONSOLIDATED WITH No. 1-23-2221

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IN THE APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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**PAUL R. DULBERG and THE PAUL R.  
DULBERG REVOCABLE TRUST**

Plaintiffs-Appellants

**JOSEPH DAVID OLSEN,  
CRAIG A. WILLETTE,  
RALPH E. YALDEN II,**

**YALDEN, OLSEN & WILLETTE LAW  
OFFICES et alia**

Defendants-Appellees

) Appeal from the Circuit Court of the  
) 1st Judicial Circuit, Cook County, Illinois  
)  
) **Relief Sought: Withdraw of attorney's appearance  
for all Plaintiffs-Appellants pursuant to Ill. S. Ct. R.  
13(c)(2), Ill. R. of Professional Conduct 1.16(a)(1),  
(b)(2), (b)(5), (b)(6), (b)(7) also allow 21 days after  
granting of the attorney's Motion to withdraw for  
Plaintiffs-Appellants to retain other counsel or file  
within same their appearances stating an address  
where service of notices or other papers may be had  
upon them.**  
)  
)  
)  
) Honorable Michael F. Otto, Judge Presiding  
) Date of Notice of Appeal June 26, 2023  
) Date of Rule 304(a) Judgment May 25, 2023  
) Date of Post Judgment Motion Order: None  
)  
) Date of Notice of Appeal November 27, 2023  
) Date of Rule 301 Judgement October 31, 2023  
) Date of Post Judgment Motion Order: None  
)  
) Date of most recent Ill. S. Ct. Rule 137 Petition  
) trial court Motion Order: January 11, 2024

**MOTION TO WITHDRAW AS COUNSEL**

(Civil)

NOW COMES: Alphonse A. Talarico, attorney at law, licensed to practice before this court, to file his motion to withdraw as attorney for the Plaintiffs PAUL R. DULBERG, INDIVIDUALLY AND THE PAUL R. DULBERG REVOCABLE TRUST in this cause and as reasons for the motion state as follows:

- 1) Irreconcilable differences regarding the preparation of this matter for hearings have arisen between this attorney and his clients herein;
- 2) There exists and has existed for some time a lack of communication and meaningful communication between this attorney and his clients herein;
- 3) The clients have not afforded this attorney herein adequate cooperation necessary to properly prepare the cause of the clients and a difference of opinion appears to exist between clients and attorney as to the conduct of this matter;
- 4) That the clients were given notice of this Motion electronically at three email addresses that have been used by the clients for over two years and in accordance with Illinois Supreme Court Rule 13(c)(2);
- 5) The clients have objected to the withdrawal of Alphonse A. Talarico;
- 6) All other parties have been given notice of this motion electronically through their attorneys;
- 7) The Attorney for Defendant-Appellee Alternative Dispute Resolution objects to the withdrawal of Alphonse A. Talarico but only as it affects the ongoing Motion for Ill.S.Ct.R. 137 sanctions in the trial court and not in this consolidated Appeal;
- 8) All other parties through their attorneys have responded by return email and there are no other objections except , as state, by Plaintiffs-Appellants and Defendant-Appellee Alternative Dispute Resolution and that objection is limited to the trial court ongoing matter;
- 9) Pursuant to the Rules of Professional Conduct 1.16(a)(1) the clients have insisted upon a course of unprofessional conduct that the attorney cannot comply with;
- 10) Pursuant to the Rules of Professional Conduct 1.16(b)(2) the clients have persisted in a course of action involving the lawyer's services that the lawyer reasonably believes is fraudulent;
- 11) Pursuant to the Rules of Professional Conduct 1.16 (b)(5) the client failed substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has

been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

12) Pursuant to the Rules of Professional Conduct 1.16 (b)(6) the representation will result in an unreasonable financial burden on the lawyer;

13) Pursuant to the Rules of Professional Conduct 1.16 (b)(7) other good cause for the withdrawal exists;

14) The last known address of Plaintiff Paul R. Dulberg is 4606 Hayden Ct. , McHenry, Illinois 60051;

15) The last known address of Plaintiff the Paul R. Dulberg Revocable Trust is Thomas W. Kost Trustee 423 Dempster St. Mt. Prospect, Ill. 60056

To insure notice of any action in this case Paul R. Dulberg and the Paul R. Dulberg Revocable Trust should retain other counsel herein or file with the clerk of the court, within 21 days after the entry of the order of withdrawal, their supplementary appearances stating an address at which service of notices or other papers may be had upon them.

Notice of Withdrawal has been served on all parties of record and on Paul R. Dulberg and the Paul R. Dulberg Revocable Trust electronically pursuant to Supreme Court Rule 13(c)(2) with reasonable notice of the Appellate Court method of the presentation of this motion for leave to withdraw.

Wherefore, Alphonse A. Talarico prays that his motion to withdraw be granted and that Paul R. Dulberg and the Paul R. Dulberg Revocable Trust be granted enough time, not less than 21 days, to retain other counsel or file with the Clerk of the Appellate Court their appearances stating an address at which service of notices or other documents may be had upon him.

Respectfully Submitted

/s/Alphonse A Talarico

Alphonse A. Talarico #6184530  
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**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/ Alphonse A. Talarico

**PROOF OF DELIVERY**

I am sending this **Motion to Withdraw**, proposed Order and Notice of Filing to: see Service list as follows by an approved electronic filing service provider (EFSP) on January 28, 2024 at

4:45p.m.

I certify that everything in the *Proof of Delivery* is true and correct. I understand that a false statement herein is perjury and has penalties provided by law under 735 ILCS 5/1-109.

Dated: January 28, 2024

/s/ Alphonse A. Talarico

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APPEAL TO THE APPELLATE COURT OF ILLINOIS FOR THE FIRST JUDICIAL DISTRICT

FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT, LAW DIVISION

PAUL R. DULBERG, INDIVIDUALLY )  
AND THE PAUL R. DULBERG )  
REVOCABLE TRUST )

CASE NO. 2022L010905

Plaintiffs-Appellants )

vs. )

KELLY N. BAUDIN *A/KIA* BAUDIN & )  
BAUDIN, BAUDIN & BAUDIN AN )  
ASSOCIATION OF ATTORNEYS, LAW )  
OFFICES OF BAUDIN & BAUDIN, )  
BAUDIN & BAUDIN LAW OFFICES, )  
WILLIAM RANDAL BAUDIN *II/AIKI* A )  
BAUDIN & BAUDIN, BAUDIN & BAUDIN )  
AN ASSOCIATION OF ATTORNEYS, LAW )  
OFFICES OF BAUDIN & BAUDIN, BAUDIN )  
& BAUDIN LAW OFFICES, KELRAN, INC )  
*AIKIA* THE BAUDIN LAW GROUP, Ltd., )  
JOSEPH DAVID OLSEN, *AIKJA* YALDEN, )  
OLSEN & WILLETTE LAW OFFICES, )  
CRAIG A WILLETTE, *A/KIA* YALDEN, )  
OLSEN & WILLETTE LAW OFFICES, )  
RAPHAEL E YALDEN II, *AIKIA* YALDEN, )  
OLSEN & WILLETTE LAW OFFICES, ADR )  
SYSTEMS OF AMERICA, LLC., ASSUMED )  
NAME ADR COMMERCIAL SERVICES, )  
ALLSTATE PROPERTY AND CASUALTY )  
INSURANCE COMPANY )

Defendants-Appellees

NOTICE OF FILING MOTION TO WITHDRAW

**TO: All PLAINTIFFS-APPELLANTS and ATTORNEYS OF RECORD (Please see the attached Service List)**

**PLEASE TAKE NOTICE THAT PLAINTIFFS-APPELLANTS PAUL R. DULBERG AND THE PAUL R. DULBERG REVOCABLE TRUST'S**

**ATTORNEY ALPHONSE A. TALARICO** in the above-consolidated cases, has filed with the First District Appellate Clerk on January 28, 2024 his Motion to Withdraw from said consolidated cases. A copy of said Motion to withdraw is herewith served upon you.

January 28, 2024

By: /s/ Alphonse A. Talarico  
ALPHONSE A. TALARICO

Attorney for Plaintiffs-Appellants  
Law Office of Alphonse A. Talarico  
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CC 53293  
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Attorney for Plaintiffs  
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## **PROOF OF SERVICE**

I, the undersigned attorney, certify that this Notice was served to all Plaintiffs-Appellants and Parties' Attorneys listed on the attached **Service List** by an approved electronic filing service provider (EFSP) on January 28, 2024 at 4:30 p.m. Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that everything set forth in this Proof of Service is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

/s/ Alphonse A. Talarico

Alphonse A. Talarico



**APPEAL TO THE APPELLATE COURT OF ILLINOIS,  
FIRST DISTRICT**

**1-23-1142 CONSOLIDATED WITH 1-23-2221**

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