

PAUL DULBERG, et al. v. KELLY N. BAUDIN,
et al.

July 23, 2024



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1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF COOK)
3

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - LAW DIVISION

6 PAUL DULBERG and THE PAUL)
7 DULBERG REVOCABLE TRUST,)

8 Plaintiffs,)

9) No. 2022 L 010905

10 vs.)

11)
12 KELLY N. BAUDIN a/k/a BAUDIN &)
13 BAUDIN, et al.,)

14 Defendants.)
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REPORT OF PROCEEDINGS via Zoom
videoconference of the above-entitled cause before the
Honorable Anthony Swanagan, Judge of said court on
July 16, 2024, at the hour of 11:15 a.m.

2	<p>1 APPEARANCES:</p> <p>2 MR. PAUL DULBERG</p> <p>3 BY: MR. PAUL DULBERG</p> <p>4 4606 Hayden Court</p> <p>5 McHenry, Illinois 60051</p> <p>6 847.497.4250</p> <p>7 Paul_dulberg@comcast.net</p> <p>8</p> <p>9 appeared as Pro Se Plaintiff;</p> <p>10</p> <p>11 CHAPMAN SPINGOLA LLP</p> <p>12 BY: MR. ROBERT A. CHAPMAN</p> <p>13 190 South LaSalle Street, Suite 3850</p> <p>14 Chicago, Illinois 60603</p> <p>15 312.630.9202</p> <p>16 Rchapman@chapmanspingola.com</p> <p>17</p> <p>18 appeared on behalf of ADR Systems;</p> <p>19</p> <p>20 MR. THOMAS KOST</p> <p>21 BY: MR. THOMAS W. KOST</p> <p>22 423 Dempster Street</p> <p>23 Mt. Prospect, Illinois 60056</p> <p>24 847.439.2198</p> <p>tkost999@gmail.com</p> <p>trustee of the Paul Dulberg Revocable Trust;</p> <p>KONICEK & DILLON, P.C.</p> <p>BY: MR. THOMAS J. LONG</p> <p>21 West State Street</p> <p>Geneva, Illinois 60134</p> <p>630.262.9655</p> <p>tlong@konicekdillonlaw.com</p> <p>appeared on behalf of Alphonse Talarico;</p>	4
3	<p>1 APPEARANCES CONTINUED:</p> <p>2</p> <p>3 TRIBLER ORPETT & MEYER P.C.</p> <p>4 BY: MR. JEREMY N. BOEDER</p> <p>5 225 West Washington Street, Suite 2550</p> <p>6 Chicago, Illinois 60606</p> <p>7 312.201.6400</p> <p>8 jnboeder@tribler.com</p> <p>9</p> <p>10 appeared on behalf of W. Randal Baudin,</p> <p>11 Kelly Baudin and the Baudin Law Group.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 Reported by: Hailey M. Schoot, CSR, RPR</p>	5
2	<p>1 THE COURT: Good morning. Today is July 16th,</p> <p>2 this is Calendar U and it's 11:15.</p> <p>3 The one case I have on my calendar at</p> <p>4 11:15 is Case Number 22 L 010905, Dulberg and the</p> <p>5 Dulberg Trust versus multiple defendants, but I</p> <p>6 believe we are here today for a motion by one of</p> <p>7 the defendants, ADR Systems against the plaintiffs</p> <p>8 and the plaintiff's attorney.</p> <p>9 And I see we have two court reporters</p> <p>10 here, so I always like to make sure court reporters</p> <p>11 can hear me, No. 1, even though I'm not the</p> <p>12 important person talking and, if you can, then I'll</p> <p>13 ask everybody else here to introduce themselves for</p> <p>14 the sake of the transcript.</p> <p>15 MR. CHAPMAN: Good morning, Your Honor.</p> <p>16 THE COURT: Who wants to jump in?</p> <p>17 MR. CHAPMAN: I'll start. Thank you, Your</p> <p>18 Honor.</p> <p>19 Good morning. Robert Chapman on</p> <p>20 behalf of the petitioner, ADR Systems.</p> <p>21 THE COURT: Mm-hmm.</p> <p>22 MR. LONG: Good morning, Your Honor. Thomas</p> <p>23 Long on behalf of respondent, Alphonse Talarico.</p> <p>24 THE COURT: Good morning.</p>	4
3	<p>1 MR. BOEDER: Good morning, Your Honor. Jeremy</p> <p>2 Boeder -- excuse me -- on behalf of defendants W.</p> <p>3 Randal Baudin, Kelly Baudin and the Baudin Law</p> <p>4 Group.</p> <p>5 THE COURT: Good morning.</p> <p>6 MR. DULBERG: Paul Dulberg.</p> <p>7 THE COURT: Good morning.</p> <p>8 And, let's see -- okay. Let me start</p> <p>9 by saying that, Mr. Dulberg, I see that you filed a</p> <p>10 motion yesterday that asks for various things, and</p> <p>11 I don't know if the other parties have seen it, but</p> <p>12 it's a relatively lengthy motion and it's not</p> <p>13 noticed for a hearing and so I'm going to discuss a</p> <p>14 couple of things about it and then anybody who</p> <p>15 wants to have a response right now, you can, but I</p> <p>16 think the important thing is this hearing has been</p> <p>17 pending for a while and so I'm not going to</p> <p>18 continue the hearing today.</p> <p>19 I think -- I don't remember why, it</p> <p>20 is probably our fault, but I don't remember why we</p> <p>21 continued it so far from its originally scheduled</p> <p>22 date, but, as far as I'm concerned, that</p> <p>23 continuance time was time for everybody to have</p> <p>24 their say on the docket, and so while I will</p>	5

6	<p>1 consider what's there, what's in the motion, I'm 2 not going to stop proceedings today, I'm not going 3 to stop argument today, as I believe the motion 4 requests.</p> <p>5 And, another thing I'm not going to 6 do, because I don't think I have the authority to 7 do it, I don't think I get to make the court 8 reporters who are assigned to our other courtrooms 9 by higher authorities than me, I don't think I have 10 the authority to make them come here. So there are 11 two private court reporters here. This is an 12 argument, so I don't know that this is evidence. I 13 don't really see the prejudice in -- even though, 14 clearly, the litigants want to have an accurate 15 transcript, which is why we have court reporters 16 here, I don't necessarily see the prejudice in you, 17 Mr. Dulberg, not having your own court reporter 18 provided for free, and so I don't think that's a 19 reason for not going forward.</p> <p>20 Even if I could make one of our 21 assigned court reporters come here, and I just -- I 22 have to admit, I don't know whether I can or can't, 23 but I presume that if I haven't been told that I do 24 have jurisdiction over folks like that, that I</p>	8	<p>1 no place here.</p> <p>2 THE COURT: Mm-hmm. Fair enough. Anyone 3 else?</p> <p>4 MR. CHAPMAN: Your Honor, I think your 5 comments from ADR's perspective were -- you know, 6 we're in concurrence with your comments.</p> <p>7 THE COURT: Okay. Then if there is nothing 8 else, I'll tell you what then, Mr. Chapman, you're 9 the movant, and so you'll get to go first and last, 10 and Mr. Long and Mr. Dulberg, I'll let you respond 11 after his opening and before his closing. Okay? 12 Okay.</p> <p>13 MR. CHAPMAN: Thanks, Your Honor.</p> <p>14 THE COURT: The virtual floor is yours, 15 Mr. Chapman. You can --</p> <p>16 MR. CHAPMAN: Thank you very much.</p> <p>17 THE COURT: -- go whenever you're ready.</p> <p>18 MR. CHAPMAN: Thank you, Your Honor.</p> <p>19 I am going to just ask the Court -- 20 and I'll skip over it if you are familiar with who 21 ADR Systems or what ADR Systems is. If you are 22 familiar --</p> <p>23 THE COURT: I am.</p> <p>24 MR. CHAPMAN: Okay. So, Your Honor, in my</p>
7	<p>1 don't, so I'm not going to go farther down that 2 road.</p> <p>3 The other things you raised, 4 Mr. Dulberg, as I said, this is -- this hearing has 5 been postponed for I think time enough for 6 everybody to have their say, and I think it is 7 mostly about actions, Mr. Dulberg, that you should 8 have some awareness of already.</p> <p>9 So you have made a request for 10 discovery, you have asked that Mr. Talarico be 11 ordered to give records to you, and I'll consider 12 that, but I don't think me considering those 13 requests are reasons for me to not let the parties 14 who have had their say supplement their written say 15 with an argument today.</p> <p>16 So that's my general reaction on the 17 motion filed yesterday, but if anybody else has 18 something they want to say in response to that, I 19 am all eyes and ears.</p> <p>20 MR. LONG: Judge, the only thing I would add 21 is I'm troubled by the intent to inject any ARDC 22 proceedings or statements that were contained in 23 ARDC complaints into this proceeding. As Your 24 Honor knows, they're all confidential. They have</p>	9	<p>1 view, as I said at the beginning of our petition, 2 Mr. Long and I have both been at this a while and 3 as have you, and, you know, when I have won or lost 4 on motions to dismiss -- let's just focus of what I 5 have won. I'm always hesitant and have -- you 6 know, for many years, I don't file motions for 7 sanctions as, you know, A., because I won the 8 motion to dismiss, therefore I should file a motion 9 for sanctions. I'm about to celebrate my 38th 10 anniversary at this and I have done it less than 11 probably -- definitely less than five times in my 12 career, so I think it's important for the Court to 13 be aware that, you know, it's -- we take it 14 seriously. We don't do it just as a knee jerk 15 response to what happened here.</p> <p>16 I -- I think if you -- and I'm 17 assuming you have had a chance to read our brief, 18 but the fundamental problem with the case that was 19 brought on Mr. Talarico -- on Mr. Dulberg and his 20 Trust's behalf was that it was -- it literally made 21 no sense. And not only does it make no sense, but 22 it's done in a vexatious manner in which 23 Mr. Dulberg had filed a bankruptcy, his personal 24 injury claim belonged to the trustee, the trustee</p>

10	<p>1 retained counsel to pursue the claim, the trustee 2 sought the bankruptcy court's approval to engage in 3 a binding mediation before ADR pursuant to a 4 50,000, 300,000 high-low agreement, which was the 5 limits of the applicable policy. A signed 6 agreement was presented to ADR Systems by 7 Mr. Dulberg and his counsel. Mr. Dulberg admits 8 that he was present and at ADR's facilities for the 9 mediation, the mediation occurred before Judge 10 Etchingham retired and Judge Etchingham found in 11 favor of Mr. Dulberg, he awarded him \$561,000 not 12 as per practice, Judge Etchingham was not made 13 aware of the high-low agreement. The award was 14 issued and then pursuant to the parties' agreement, 15 the -- Allstate paid the money on the high-low, the 16 300,000, the money was deposited into the 17 bankruptcy court and Mr. Dulberg took \$117,000 of 18 the proceeds after his creditors were paid without 19 objection and silence and we were done when we -- 20 ADR were done when we issued our award. That was 21 it for us and then six years later we get this 22 bizarre incomprehensible complaint that 23 Mr. Talarico filed on behalf of Mr. Dulberg and his 24 trust against ADR System and a host of other</p>	12	<p>1 when -- after we then have to file a reply and then 2 we have to appear before Judge Otto for oral 3 argument, he, you know, threw it out -- you know, I 4 don't want to characterize it, he heard argument 5 and he threw it out, but, over my concern, he -- 6 objection, he agreed to let Mr. Talarico file an 7 amended complaint and Mr. Talarico then, again, 8 remained silent for months as the other parties, 9 Mr. Boeder's client -- Jeremy's client and other 10 clients went through their motions for summary 11 judgment over a course of many months, we were then 12 to the sidelines, those were all resolved and I 13 came back and said, hey, you know, what about this 14 amended -- is he going to amend or not. He didn't 15 show up at the hearing to amend, and Judge Otto 16 granted my request to dismiss the complaint with 17 prejudice, within 30 days we filed the motion -- 18 petition. 19 Now -- and I probably covered most of 20 what I would say in my description of what took 21 place, but this is a situation of their own making. 22 There never was, never could be a valid claim 23 against ADR Systems in this case, and the Court is 24 well aware of the standard under Rule 137, it's an</p>
11	<p>1 defendants, law firms, trustee, et cetera, and I -- 2 to kind of cut it off, so to speak, I at least took 3 the time -- you know, Illinois is different than 4 federal court, Your Honor, in that there's not a 5 safe harbor rule like there is under Rule 11 of the 6 Federal Rules of Civil Procedure, but as -- I think 7 it's a smart courtesy and I don't -- again, I do it 8 rarely with opposing counsel. I'm plaintiff 9 enough, I don't like to get the letters, but I took 10 the time to write to Mr. Talarico and say, look, 11 your claim violates Rule 137 as a matter of fact 12 and as a matter of law, and the response to that 13 was silence and forging ahead, which was the theme 14 of this whole litigation, which, in some ways, 15 continues today, a forging ahead by Mr. Dulberg, 16 his Trust, and Mr. Talarico. 17 And so we went to the -- we prepared 18 a motion to dismiss, pointed out the fundamental 19 flaw that Mr. Talarico had admitted in his 20 complaint that the only binding and enforceable 21 agreement was the one between ADR, Allstate and 22 the -- and Mr. Dulberg, that was the enforceable 23 agreement. So when the motion -- the response to 24 the motion that was filed made no sense, and then</p>	13	<p>1 objective standard. We're not claiming it was -- 2 we're certainly claiming it was vexatious. We're 3 not saying he did it to harass us. I have been in 4 other cases where litigation is used for an 5 improper purpose, but here it was clearly done in a 6 vexatious way, in a way that wasted both ADR's 7 resources and the Court's time. And the point I 8 think that we raised in our reply was a couple of 9 points. 10 One is, maybe Mr. Talarico didn't get 11 it, but when I gave him the letter explaining it to 12 him, then to, you know, just run -- you know, run 13 roughshod over that and to continue and just to 14 continually hear from the judge that this is not 15 working and to keep going forward, this is a 16 situation of their own making that we're here 17 today. 18 And the point that I tried to raise 19 in the reply, which is just for your consideration, 20 why am I here, why am I the guy here, right? We 21 got four or five other parties covered by 22 insurance -- my client is not -- that are not here, 23 why, because it's -- you know, ADR takes very 24 seriously the idea that it performs a valuable</p>

14	<p>1 service. I'm not going to say it's not done -- you</p> <p>2 know, it's for a profit, I don't want to overshoot</p> <p>3 it, but it performs a -- I'm sure you have had</p> <p>4 cases in front of you over the years where parties</p> <p>5 lighten your case load and many other judges for</p> <p>6 many years now and it performs that important</p> <p>7 function for our system to take these cases out,</p> <p>8 and I can tell you, if a mediator or one of the</p> <p>9 retired judges is asked to testify or do anything</p> <p>10 to get brought into court, we take it very -- "we,"</p> <p>11 ADR, I have been working with them for almost</p> <p>12 24 years now, that, you know, we take it very</p> <p>13 seriously because it undermines that purpose that</p> <p>14 when that role that we play, if people can simply</p> <p>15 bring our mediators into court, sue us for no</p> <p>16 reason and increase the cost to ADR, increase the</p> <p>17 cost to the clients who participate and the members</p> <p>18 of the public who participate there.</p> <p>19 So it's not -- our petition is not</p> <p>20 done willy-nilly, it's done -- we take it very,</p> <p>21 very seriously, and that's why I tried to get</p> <p>22 Mr. Talarico to stop.</p> <p>23 And that we would ask, Your Honor,</p> <p>24 that you enter an award of sanctions -- I'll just</p>	16	<p>1 on Mr. Dulberg's representations to Mr. Talarico,</p> <p>2 weren't fulfilled when the mediation went forward.</p> <p>3 Again, there's context. Mr. Dulberg</p> <p>4 insists he wasn't there, his signature was forged,</p> <p>5 all this information is being brought to</p> <p>6 Mr. Talarico, so he has to take a hard look at what</p> <p>7 happened. He takes his client's word and</p> <p>8 investigates. His investigation revealed the basis</p> <p>9 for a breach of contract claim. Specifically when</p> <p>10 you kind of cut through some of Mr. Talarico's</p> <p>11 verbiage -- you know, I hate to say that about my</p> <p>12 own client, but verbiage in here -- there was a</p> <p>13 contract that is affined to what the bankruptcy</p> <p>14 court could approve, but what was actually</p> <p>15 implemented was a situation which he put in some</p> <p>16 breaches of that contract by ADR, one of which,</p> <p>17 from my perspective, is significant in that the</p> <p>18 allocation of costs changed from the time the</p> <p>19 bankruptcy court approved the agreement to the time</p> <p>20 that mediation went forward. I think it's in</p> <p>21 Section III -- Roman Numeral III(b) of both</p> <p>22 agreements. It went from being the -- all of</p> <p>23 Mr. Gagnon, Allstate's responsibility to being</p> <p>24 split equally.</p>
15	<p>1 underscore this point -- jointly and separately</p> <p>2 against Mr. Talarico, Mr. Dulberg, and</p> <p>3 Mr. Dulberg's Trust, and that if, to the extent the</p> <p>4 Court does agree with us and grants that motion, I</p> <p>5 would then submit an appropriate fee petition to</p> <p>6 you.</p> <p>7 THE COURT: Okay. Thank you very much.</p> <p>8 Between Mr. Dulberg and Mr. Long, who</p> <p>9 wants to go next?</p> <p>10 Mr. Long?</p> <p>11 MR. LONG: Yes, Judge.</p> <p>12 THE COURT: First hand up so, Mr. Long, go</p> <p>13 ahead.</p> <p>14 MR. LONG: Judge, I respect Mr. Chapman, I</p> <p>15 have known him for years, but I disagree that this</p> <p>16 is vexatious litigation. It may be an inartfully</p> <p>17 pled claim against ADR, it has to be looked at in</p> <p>18 the context of what had happened.</p> <p>19 There was a bankruptcy and a</p> <p>20 bankruptcy trustee was involved as was counsel</p> <p>21 hired by the trustee to represent Mr. Dulberg</p> <p>22 involved in the setting up of the ADR proceeding.</p> <p>23 And, during the bankruptcy, there was the Court's</p> <p>24 approval of terms for the mediation, which, based</p>	17	<p>1 So that's that kernel of change that</p> <p>2 puts an attorney, such as Mr. Talarico, on alert to</p> <p>3 look and see what happened here, and he's being</p> <p>4 provided information by his client, who is clearly</p> <p>5 not happy. I'm sure you'll hear from Mr. Dulberg</p> <p>6 soon.</p> <p>7 So Mr. Talarico files a complaint for</p> <p>8 breach of contract saying ADR, who was a party, in</p> <p>9 the sense of they're agreeing to charge and accept</p> <p>10 fees, so they're a party, breached that by changing</p> <p>11 the terms of the agreement or being part of the</p> <p>12 change in the sense of the fees. And I think the</p> <p>13 contract also provides that -- or the agreement, I</p> <p>14 should say, mediation agreement, provides that no</p> <p>15 changes are to be made without agreement of the</p> <p>16 parties, and, from Mr. Talarico's perspective,</p> <p>17 based on what Mr. Dulberg said, he never agreed to</p> <p>18 a change in cost or anything else.</p> <p>19 So, in simple terms, we have a</p> <p>20 contract, we have a breach, i.e. the change in</p> <p>21 terms and damages, Mr. Dulberg being responsible</p> <p>22 for some of the costs. We have that. That's a</p> <p>23 seminal breach of contract claim. Where it goes,</p> <p>24 who knows. We have all been in cases over our</p>

18	<p>1 years here, a lot of experience on the screen,</p> <p>2 where he files a complaint with a legal basis and</p> <p>3 Mr. Chapman, being the good attorney that he is,</p> <p>4 files a motion to dismiss. Okay. We have all been</p> <p>5 there. And I think it's important to know what</p> <p>6 happens next.</p> <p>7 Well, let me step back. Mr. Chapman</p> <p>8 seems to place emphasis on Mr. Talarico filing the</p> <p>9 action after he sends the letter. Well, I think --</p> <p>10 I know I have sent countless letters like that over</p> <p>11 my career, and I can count on one hand how many</p> <p>12 times the plaintiff said, oh, you're right, Tom,</p> <p>13 I'm not filing suit. You go ahead, it gets filed,</p> <p>14 you do the motion and everybody goes about their</p> <p>15 business, if it's granted. So then we move on to</p> <p>16 the motion part.</p> <p>17 Mr. Chapman files a motion, Judge</p> <p>18 Otto grants it. Okay. It's without prejudice.</p> <p>19 This is not a claim that is so patently ridiculous</p> <p>20 that Judge Otto -- I wasn't there, so I'm just kind</p> <p>21 of reading into it, Mr. Chapman, correct? Whoever</p> <p>22 was there can correct me if I'm wrong, but --</p> <p>23 MR. CHAPMAN: You're wrong.</p> <p>24 MR. LONG: I figured as much.</p>	20
19	<p>1 But he dismisses it without</p> <p>2 prejudice, meaning, to me, there is a grain of</p> <p>3 something there, and Mr. Talarico and Mr. Dulberg</p> <p>4 are given the opportunity to elaborate, reconfigure</p> <p>5 it to move forward.</p> <p>6 Mr. Talarico decides okay, I'll turn</p> <p>7 my focus on to the other defendants, Mr. Boeder's</p> <p>8 defendants and leave ADR alone. That is not</p> <p>9 vexatious. That is someone asserting a claim and</p> <p>10 leaving that claim behind when a judge says it's</p> <p>11 dismissed, and that's where it went. He didn't try</p> <p>12 to file it again. He didn't drag ADR in on three</p> <p>13 amended complaints. And, again, we have all seen</p> <p>14 that. That's not this.</p> <p>15 So when you look at it in the context</p> <p>16 of what happened and what was pled and how</p> <p>17 Mr. Talarico responded when Judge Otto said it's</p> <p>18 dismissed, but maybe you can file something, chose</p> <p>19 not to. If he had gone ahead, that's vexatious.</p> <p>20 That's sanctionable. Here, it's not. It's a</p> <p>21 complaint that was dismissed and that should be the</p> <p>22 end of it.</p> <p>23 And, for those reasons, Judge, I</p> <p>24 would respectfully request you deny the motion for</p>	21

1 sanctions.

2 THE COURT: Okay. Thank you.

3 Mr. Dulberg.

4 MR. DULBERG: Hi, Your Honor. I'm not sure --

5 I have never done this. Forgive me if I'm a little

6 nervous, but in that motion that I filed yesterday

7 there were exhibits at the bottom that are

8 applicable, and one of them is video 27, and it is

9 a response.

10 I can't articulate this. Can I -- is

11 it possible for me to have my guardian and trustee

12 speak for me?

13 THE COURT: Pardon me?

14 MR. DULBERG: Is it allowed for me to have my

15 guardian and trustee speak for me on these matters

16 or...

17 THE COURT: Mr. Kost, you mean?

18 MR. DULBERG: Yes.

19 THE COURT: Mr. Kost, is that -- is that

20 something you would like to take on?

21 MR. DULBERG: Absolutely. Absolutely.

22 THE COURT: Wait. Who just said "absolutely?"

23 MR. DULBERG: Yes. He is here with me because

24 we --

1 THE COURT: Oh, he's with you. Okay. I'm

2 looking at his Zoom screen and I'm seeing that

3 it's --

4 MR. KOST: No, I couldn't get in. Couldn't --

5 could you see me? Can you see me?

6 THE COURT: No, I couldn't see you. I can see

7 your name, though, I see "Thomas Kost," but I never

8 heard you speak up, so...

9 MR. KOST: Things appear to be frozen.

10 MR. LONG: And, Judge, if I may, I don't want

11 to make this more complicated, but I'm not quite

12 sure Mr. Kost's status. Is he a trustee of the

13 Trust or is he a guardian? I heard guardian.

14 MR. DULBERG: He is a --

15 MR. LONG: Just so the record is clear as to

16 who he is and what authority he has to speak for

17 Mr. Dulberg.

18 THE COURT: Yeah. Mr. Kost, go ahead, tell us

19 your status as far as --

20 MR. KOST: I'm the full trustee of the Paul

21 Dulberg Revocable Trust, but I have also been

22 helping Paul Dulberg for approximately 13 years on

23 these cases.

24 Paul Dulberg has been attacked

22	<p>1 brutally and I created a series of -- eight series</p> <p>2 of videos, over 70 videos, which are available to</p> <p>3 the public, sent to the ARDC, all recorded,</p> <p>4 approximately 14 ARDC complaints all --</p> <p>5 MR. LONG: Judge, ARDC is not relevant here.</p> <p>6 THE COURT: Well --</p> <p>7 MR. KOST: But I sent this yesterday --</p> <p>8 THE COURT: Both of you stop for the moment.</p> <p>9 Okay? One at a time. Court reporters can only</p> <p>10 record one speaker at a time.</p> <p>11 Judges make rulings on the</p> <p>12 admissibility and relevance of evidence and</p> <p>13 argument all the time. It doesn't mean I can't</p> <p>14 hear it, so I am presumed to disregard what is</p> <p>15 inappropriate, and I understand that's my task. So</p> <p>16 I'm not going to stop Mr. Kost from talking. To</p> <p>17 the extent that I conclude that I don't need to</p> <p>18 consider anything he is saying, I won't consider</p> <p>19 it. So, go ahead, Mr. Kost.</p> <p>20 MR. KOST: Okay. Over a period of time I have</p> <p>21 produced a series -- eight series of videos, over</p> <p>22 70 videos all available online to the public and</p> <p>23 they have all been sent to the ARDC in various ARDC</p> <p>24 complaints and they are highly relevant in this</p>	24	<p>1 response filed by Mr. Talarico was submitted to the</p> <p>2 Court on February 8th. Mr. Talarico was not</p> <p>3 granted leave to withdraw until February 29th,</p> <p>4 there's an order. So I wanted that cleared up</p> <p>5 before creating a record for this.</p> <p>6 Sorry, Bob.</p> <p>7 THE COURT: Okay. All right. Mr. Chapman,</p> <p>8 last words go to you.</p> <p>9 MR. CHAPMAN: Thank you, Your Honor.</p> <p>10 Just a couple of points that I'll</p> <p>11 raise, which is, Mr. Talarico -- in the complaint</p> <p>12 itself, Mr. Talarico alleged that Mr. Dulberg was</p> <p>13 present at ADR's facilities on the day of the</p> <p>14 mediation. Forget that. You know, that's just a</p> <p>15 point of correction, but then the point was -- that</p> <p>16 Judge Otto highlighted was the statement in</p> <p>17 paragraph 94 of the complaint, which was there was</p> <p>18 a valid and enforceable contract between plaintiff</p> <p>19 Paul Dulberg and defendant ADR Systems and Allstate</p> <p>20 Property and Casualty Company dated</p> <p>21 December 8th, 2016, "please see Exhibit 11</p> <p>22 attached."</p> <p>23 That's the signed document that ADR</p> <p>24 performed the mediation pursuant to. We were not a</p>
23	<p>1 case because, in this particular case, in the case</p> <p>2 22 L 010905, Paul Dulberg was completely set up</p> <p>3 from the beginning and the evidence -- direct</p> <p>4 evidence, clear and convincing evidence is</p> <p>5 contained in the videos that I have provided to the</p> <p>6 ARDC and that I attempted -- we attempted to</p> <p>7 provide to the Court yesterday.</p> <p>8 And, furthermore, Talarico didn't</p> <p>9 even represent us when he filed his response in</p> <p>10 this motion. He resigned on the 14th of January, I</p> <p>11 provided evidence to the Court yesterday -- or</p> <p>12 attempted to -- so he never represented us when he</p> <p>13 filed his answer. He's hostile. He's extremely</p> <p>14 hostile to our cause and I have documented it,</p> <p>15 again, in eight series of videos, and so I stand by</p> <p>16 the statements in the videos. That's my best</p> <p>17 answer to this.</p> <p>18 THE COURT: Okay. I appreciate that. Thank</p> <p>19 you.</p> <p>20 MR. LONG: Judge, may I say something?</p> <p>21 THE COURT: You may.</p> <p>22 MR. LONG: I just want to clarify one thing</p> <p>23 before Bob goes back.</p> <p>24 Just so the record is clear, the</p>	25	<p>1 party to the bankruptcy, we were not a witness, we</p> <p>2 were not asked to sign anything or appear before</p> <p>3 the bankruptcy court, whatever draft of something</p> <p>4 that was presented to the bankruptcy court, we,</p> <p>5 ADR, weren't a party to. And, as Mr. Talarico</p> <p>6 alleged, and as Judge Otto noted, the only valid</p> <p>7 agreement was the one that was signed and then</p> <p>8 pursuant to which the mediation occurred.</p> <p>9 The -- I'll give Mr. Long credit for</p> <p>10 coming up with something here, which is, well, the</p> <p>11 costs. Well, you know, Judge, we have paid --</p> <p>12 Mr. Dulberg received \$300,000, his trust -- the</p> <p>13 bankruptcy trustee on his behalf received 300,000.</p> <p>14 What would the cost be of a binding mediation? A</p> <p>15 couple thousand dollars? Was there ever a protest</p> <p>16 to ADR Systems these costs should not have been</p> <p>17 allocated to me? Was there a protest in the</p> <p>18 bankruptcy court? Judge, I can't take the 117,000</p> <p>19 because I'm really entitled to 120,000 because</p> <p>20 costs were allocated improperly? Of course not.</p> <p>21 Mr. Dulberg took the money.</p> <p>22 And so I appreciate that Mr. Dulberg</p> <p>23 or Mr. Kost might feel there was something done</p> <p>24 improper, I don't know what the evidence is to</p>

26	<p>1 support it, but if they feel like it, it wasn't ADR</p> <p>2 Systems who did anything improper and I don't -- I</p> <p>3 don't represent the attorneys involved, I don't</p> <p>4 represent the trustee involved, and, you know,</p> <p>5 whether Judge -- you know, as someone who was there</p> <p>6 at the time, Judge Otto allowed Mr. -- made it</p> <p>7 without prejudice so that the other motions could</p> <p>8 be heard, some were on summary judgment, and that</p> <p>9 then Mr. Talarico could decide what to do. That</p> <p>10 was the reason why he did it. If you read the</p> <p>11 transcript of that hearing, I did not get any sense</p> <p>12 that Judge Otto perceived a kernel of truth or a</p> <p>13 kernel of something to which could be added on to,</p> <p>14 and it doesn't matter anyway, it's an objective</p> <p>15 standard for you to apply, Your Honor, in this</p> <p>16 situation, which is, was the complaint, as a matter</p> <p>17 of fact, did it have a reasonable basis in fact and</p> <p>18 law to be filed? The answer is unequivocally it</p> <p>19 did not. Based on that answer, you should grant</p> <p>20 our request for an award of sanctions.</p> <p>21 THE COURT: Okay. Did I leave anybody out?</p> <p>22 All right. What I'm going to do is</p> <p>23 I'll take the motion and the briefs under</p> <p>24 advisement. I'm going to continue the case to</p>	28	<p>1 us know and we'll obtain it.</p> <p>2 MR. DULBERG: I would like one.</p> <p>3 THE COURT: Okay. Thank you for that.</p> <p>4 MR. CHAPMAN: And I'll send the court reporter</p> <p>5 information to Mr. Dulberg if he would like to</p> <p>6 order a transcript from the court reporter, but</p> <p>7 with the knowledge that he would have to pay for</p> <p>8 it.</p> <p>9 THE COURT: Fair enough.</p> <p>10 MR. CHAPMAN: Okay. Thank you very much, Your</p> <p>11 Honor. I'll get that taken care of.</p> <p>12 THE COURT: Okay. Thanks, everybody.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
27	<p>1 August 28th at 9:00 for a ruling. It may be that</p> <p>2 I'll issue a written ruling before then and strike</p> <p>3 the date, but, you know, that's lay plans, but,</p> <p>4 anyway, if somebody can just send us an order to</p> <p>5 that affect. Yeah, Mr. --</p> <p>6 MR. CHAPMAN: Your Honor, on the order what --</p> <p>7 should the order reference the motion that was</p> <p>8 filed today?</p> <p>9 THE COURT: Today's order doesn't have to say</p> <p>10 that. My order will address it to the extent I</p> <p>11 need -- I think it needs addressing.</p> <p>12 MR. CHAPMAN: Understood.</p> <p>13 THE COURT: Okay. Okay.</p> <p>14 MR. CHAPMAN: Okay. I will prepare the order</p> <p>15 and I will circulate it.</p> <p>16 THE COURT: Okay. All right. Thank you, all.</p> <p>17 Thank you to both court reporters,</p> <p>18 Mr. Dulberg, everyone.</p> <p>19 Everybody have a good day. Okay.</p> <p>20 MR. LONG: Thanks, Judge, you, too.</p> <p>21 MR. BOEDER: Thank you, Your Honor.</p> <p>22 THE COURT: All right. Thanks a lot.</p> <p>23 MR. CHAPMAN: Your Honor, if for some reason</p> <p>24 you need a copy of today's transcript, please let</p>	29	<p>1 STATE OF ILLINOIS)</p> <p>2) Ss:</p> <p>3 COUNTY OF C O O K)</p> <p>4 I, Hailey M. Schoot, CSR, RPR, a</p> <p>5 Certified Shorthand Reporter of said state, do hereby</p> <p>6 certify that I reported in shorthand the proceedings</p> <p>7 had at the taking of said hearing and that the</p> <p>8 foregoing transcript is a true record of my shorthand</p> <p>9 notes so taken as aforesaid, and contains all the</p> <p>10 requested proceedings at said hearing.</p> <p>11 In witness whereof, I have hereunto set</p> <p>12 my hand this 23 day of July, 2024.</p> <p>13</p> <p>14 (Electronically Signed)</p> <p>15 _____</p> <p>16 Hailey M. Schoot, CSR, RPR</p> <p>17 C.S.R. License No. 084-004897</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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