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12/12/2024 12:32 PM
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CIRCUIT CLERK
COOK COUNTY, IL
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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – LAW DIVISION**

PAUL R. DULBERG, individually, and THE PAUL)
R. DULBERG REVOCABLE TRUST,)
)
Plaintiffs,)
)
vs.)
)
KELLY N. BAUDIN, et al.)
)
Defendants.)

Case No. 2022 L 010905
Calendar R

DEFENDANTS, JOSEPH DAVID OLSEN, CRAIG A. WILLETTE, AND RAPHAEL E. YALDEN II'S, MOTION FOR DISMISSAL FROM THE CASE

NOW COME the Defendants, JOSEPH DAVID OLSEN, CRAIG A. WILLETTE, and RAPHAEL E. YALDEN II (collectively the “Olsen Defendants”) by and through their attorneys, LEWIS BRISBOIS BISGAARD & SMITH, LLP, and for their Motion for Dismissal from the Case, state as follows:

1. On May 25, 2023, this Court granted the Olsen Defendants’ Motion to Dismiss Count III of Plaintiffs’ Complaint, with prejudice. Order of May 25, 2023, attached hereto as Exhibit A.
2. On June 26, 2023, Plaintiffs filed a Notice of Appeal seeking reversal of the May 25, 2023 order. Notice of Appeal, attached hereto as Exhibit B.
3. While that appeal was pending, the Olsen Defendants continued appearing as a party to this case.
4. On June 27, 2024, the Appellate Court, First District, on its own motion, dismissed Plaintiffs’ appeal for want of prosecution. Order of June 27, 2023, attached hereto as Exhibit C.
5. The Mandate of the Appellate Court was issued on June 27, 2024, and filed with the Court on August 7, 2024. Mandate of the Appellate Court attached hereto as Exhibit D.

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WHEREFORE, Defendants, JOSEPH DAVID OLSEN, CRAIG A. WILLETTE, and RAPHAEL E. YALDEN II, respectfully request that this Honorable Court enter an Order providing for the following relief:

- A. Dismissing each of them from this matter, *with prejudice*; and,
- B. For such other and further relief this Honorable Court deems equitable and just.

Respectfully submitted,

**DEFENDANTS, JOSEPH DAVID
OLSEN, CRAIG A. WILLETTE, and
RAPHAEL E. YALDEN II**

By: /s/George J. Manos
One of Their Attorneys

George J. Manos
Jason W. Jochum
LEWIS BRISBOIS BISGAARD & SMITH, LLP
550 W. Adams Street, Suite 300
Chicago, Illinois 60661
(312) 345-1718
Firm No. 41737
George.Manos@lewisbrisbois.com
Jason.Jochum@lewisbrisbois.com

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

PAUL DULBERG and THE PAUL DULBERG)
REVOCABLE TRUST,)

Plaintiffs,)

v.)

Case No. 2022 L 010905

KELLY N. BAUDIN a/k/a Baudin & Baudin,)
Baudin & Baudin, an Association of Attorneys,)
Law Offices of Baudin & Baudin, Baudin &)
Baudin Law Offices, et al.)

Defendants.)

ORDER

This matter coming before the Court for hearing on Defendants, Joseph David Olsen, Craig A. Willette, and Raphael E. Yalden II's Combined Motion to Dismiss Count III of Plaintiffs' Complaint at Law, Plaintiffs present through counsel, Alphonse Talarico, and personally present, Defendants present through counsel, Jason W. Jochum, the Court having heard argument on the Defendants' Combined Motion to Dismiss Count III and reviewed the briefs and submissions by the parties, the Court being duly advised in the premises,

IT IS HEREBY ORDERED:

1. For the reasons stated on the record, Defendants, Joseph David Olsen, Craig A. Willette, and Raphael E. Yalden II's Combined Motion to Dismiss Count III of Plaintiffs' Complaint at Law is granted, with prejudice. There being no further allegations against these Defendants, they are dismissed from this matter, with prejudice.
2. Further, the Court finds that, pursuant to Ill. Sup. Ct. R. 304(a), there is no just cause or reason for delay of enforcement of this order, and it is final and appealable.

Dated: May 25, 2023

Entered: _____

Hon. Michael F. Otto

Order Prepared By:

Jason W. Jochum

LEWIS BRISBOIS BISGAARD & SMITH, LLP

550 W. Adams Street, Suite 300

Chicago, Illinois 60661

(312) 345-1718

Jason.Jochum@lewisbrisbois.com

Firm I.D. No. 41737

Judge Michael F. Otto

MAY 25 2023

Circuit Court – 2065

FILED DATE TIME 2022/06/26 2:23 PM 2022L010905

FILED
6/26/2023 2:23 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L010905
Calendar, U
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<p>Instructions ▼</p> <p>Check the box to the right if your case involves parental responsibility or parenting time (custody/visitation rights) or relocation of a child</p>	<input type="checkbox"/> THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).
<p>Just below "Appeal to the Appellate Court of Illinois," enter the number of the appellate district that will hear the appeal and the county of the trial court.</p>	<p>APPEAL TO THE APPELLATE COURT OF ILLINOIS</p> <p>FIRST _____ District</p> <p>from the Circuit Court of _____ County</p> <p>Cook _____ County</p>
<p>If the case name in the trial court began with "In re" (for example, "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties in the trial court, and check the correct boxes to show which party is filing the appeal ("appellant") and which party is responding to the appeal ("appellee").</p> <p>To the far right, enter the trial court case number, the trial judge's name, and the Supreme Court Rule that allows the appellate court to hear the appeal.</p>	<p>In re _____</p> <p><u>Paul R. Dulberg and The Paul R. Dulberg Revocable Trust</u></p> <p>_____</p> <p>Plaintiffs/Petitioners (<i>First, middle, last names</i>)</p> <p><input checked="" type="checkbox"/> Appellants <input type="checkbox"/> Appellees</p> <p>v.</p> <p><u>Kelly N. Baudin a/k/a Baudin & Baudin, Baudin & Baudin an Association of Attorneys, Law Offices of Baudin & Baudin, Baudin & Baudin Law Offices, et al.</u></p> <p>_____</p> <p>Defendants/Respondents (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> Appellants <input checked="" type="checkbox"/> Appellees</p> <div style="float: right; width: 200px;"> <p>Trial Court Case No.: <u>2022 L 010905</u></p> <p>Honorable <u>Michael F. Otto</u> Judge, Presiding</p> <p>Supreme Court Rule: 304(a)</p> </div>

NOTICE OF APPEAL (CIVIL)

In 1, check the type of appeal.

For more information on choosing a type of appeal, see *How to File a Notice of Appeal*.

- 1. Type of Appeal:**
- Appeal
 - Interlocutory Appeal
 - Joining Prior Appeal
 - Separate Appeal
 - Cross Appeal

In 2, list the name of each person filing the appeal and check the proper box for each person.

- 2. Name of Each Person Appealing:**
- Name: Paul R. Dulberg
- | | | |
|---|---|-------------|
| <i>First</i> | <i>Middle</i> | <i>Last</i> |
| <input checked="" type="checkbox"/> Plaintiff-Appellant | <input type="checkbox"/> Petitioner-Appellant | |
| OR | | |
| <input type="checkbox"/> Defendant-Appellant | <input type="checkbox"/> Respondent-Appellant | |

Exhibit B

FILED DATE TIME 2/28/2023 2:28 PM 2022L010905

Name: Paul R. Dulberg
Paul R Dulberg Revocable Trust
First Middle Last
 Plaintiff-Appellant Petitioner-Appellant
OR
 Defendant-Appellant Respondent-Appellant

In 3, identify every order or judgment you want to appeal by listing the date the trial court entered it.

3. List the date of every order or judgment you want to appeal:

5/25/2023
Date

Date

Date

In 4, state what you want the appellate court to do. You may check as many boxes as apply.

4. State your relief:

- reverse the trial court's judgment (change the judgment in favor of the other party into a judgment in your favor) and send the case back to the trial court for any hearings that are still required;
- vacate the trial court's judgment (erase the judgment in favor of the other party) and send the case back to the trial court for a new hearing and a new judgment;
- change the trial court's judgment to say: That Olsen Defendants' 735 ILCS 5/2-619.1 motion is denied in its entirety; that Fraud is alleged, the Statute of Limitations begins with the Discovery Rule on October 28, 2022; That Dulberg is and at all times relevant under a legal Disability; that the Trustee Joseph D. Olsen's actions abandoned the personal injury case to the Debtor-Plaintiff Paul R. Dulberg;
- order the trial court to: Find that the Olsen Defendants aided and abetted the fraudulent misrepresentation of the Baudin Defendants; that the violations of the bankruptcy stay void all acts and trial court activity from the date Plaintiff filed Chapter 7 Bankruptcy onward.
- other: review the Barton Doctrine's application to this case in light of its stated purpose, inconsistent application within the various Federal Districts and how it applies to allegations of fraud; What proof/level of disability beyond SSA determinations of permanently and fully disabled is required to be under a legal disability and grant any other relief that the court finds appropriate.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name. Fill in your address, telephone number, and email address, if you have one.

/s/ Paul R. Dulberg 4606 Hayden Ct.
Your Signature Street Address

Paul R. Dulberg McHenry, IL. 60051
Your Name City, State, ZIP

Paul_Dulberg@comcast.net 847-497-4250
Email Telephone Attorney # (if any)

Additional Appellant Signature

/s/ Thomas W. Kost 423 Dempster St.
Signature Street Address

Thomas W. Kost Mt. Prospect, IL. 60056
Name City, State, ZIP

tkost999@gmail.com (847) 439-2198
Email Telephone Attorney # (if any)

All appellants must sign this form. Have each additional appellant sign the form here and enter their complete name, address, telephone number, and email address, if they have one.

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

PROOF OF SERVICE (You must serve the other party and complete this section)

In 1a, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In 1b, check the box to show how you sent the document, and fill in any other information required on the blank lines.

In 1b, check the box to show how you are sending the document
CAUTION: If you and the person you are sending the document to have an email address, you must use one of the first two options. Otherwise, you may use one of the other options.

In c, fill in the date and time that you sent the document.

In 2, if you sent the document to more than 1 party or lawyer, fill in a, b, and c. Otherwise leave 2 blank.

1. I sent this document:

- a. To:
Name: Jeremy N. Boeder
First Middle Last
Address: 225 W. Washington St. 2550 Chgo. Ill. 60606
Street, Apt # City State ZIP
Email address: jnboeder@tribler.com
- b. By:
 An approved electronic filing service provider (EFSP)
 Email (not through an EFSP)
Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.
 Personal hand delivery to:
 The party
 The party's family member who is 13 or older, at the party's residence
 The party's lawyer
 The party's lawyer's office
 Mail or third-party carrier
- c. On: June 26, 2023
Date
At: 4:00 a.m. p.m.
Time

2. I sent this document:

- a. To:
Name: Jason W. Jochum
First Middle Last
Address: 550 W. Adams St. 300 Chgo. Ill. 60661
Street, Apt # City State ZIP
Email address: Jason.Jochum@lewisbrisbois.com
- b. By:
 An approved electronic filing service provider (EFSP)
 Email (not through an EFSP)
Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.
 Personal hand delivery to:
 The party
 The party's family member who is 13 or older, at the party's residence
 The party's lawyer
 The party's lawyer's office
 Mail or third-party carrier
- c. On: June 26, 2023
Date
At: 4:00 a.m. p.m.
Time

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In 3, if you sent the document to more than 1 party or lawyer, fill in a, b, and c. Otherwise leave 2 blank.

3 I sent this document:

a. To: **George J. Manos**
Name: George J. Manos
First Middle Last
Address: **550 W. Adams St. 300 Chgo. Ill. 60661**
Street, Apt # City State ZIP
Email address: **George.Manos@lewisbrisbois.com**

- b. By:
- An approved electronic filing service provider (EFSP)
 - Email (not through an EFSP)
Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.
 - Personal hand delivery to:
 - The party
 - The party's family member who is 13 or older, at the party's residence
 - The party's lawyer
 - The party's lawyer's office
 - Mail or third-party carrier

c. On: **June 26, 2023**
Date
At: **4:00** a.m. p.m.
Time

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name.

I certify that everything in the 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
Your Signature

Alphonse A. Talarico
Print Your Name

6184530
Attorney # (if any)

FILED IN ADJUTANT FILE 26/28/2023 2:23 PM 2022L010905

ADDITIONAL PROOF OF SERVICE

In 1a, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

1. I sent this document:

a. To:

Name: ROBERT A. CHAPMAN
First Middle Last

Address: 190 S. LA SALLE ST. #3850 CHGO. ILL. 60603
Street, Apt # City State ZIP

Email address: RCHAPMAN@CHAPMANSPINGOLA.COM

In 1b, check the box to show how you are sending the document. **CAUTION:** If you and the person you are sending the document to have an email address, you must use one of the first two options. Otherwise, you may use one of the other options.

b. By:

- An approved electronic filing service provider (EFSP)
- Email (not through an EFSP)
Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.
- Personal hand delivery to:
 - The party
 - The party's family member who is 13 or older, at the party's residence
 - The party's lawyer
 - The party's lawyer's office
- Mail or third-party carrier

c. On: JUNE 26, 2023
Date

At: 4:00 a.m. p.m.
Time

In c, fill in the date and time that you sent the document.

FILED DATE TIME 2023/06/26 02:32:33 PM 2022L010905

ADDITIONAL PROOF OF SERVICE

In 1a, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document

1. I sent this document:

a. To: Name: CHRISTINE V. ANTO
First Middle Last

Address: 150 N. MICHIGAN AVE #3300 CHGO. ILL. 60601
Street, Apt # City State ZIP

Email address: CANTO@AMUNDSENDAVISLAW.COM

In 1b, check the box to show how you are sending the document.
CAUTION: If you and the person you are sending the document to have an email address, you must use one of the first two options. Otherwise, you may use one of the other options.

- b. By:
- An approved electronic filing service provider (EFSP)
 - Email (not through an EFSP)
- Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.*
- Personal hand delivery to:
 - The party
 - The party's family member who is 13 or older, at the party's residence
 - The party's lawyer
 - The party's lawyer's office
 - Mail or third-party carrier

In c, fill in the date and time that you sent the document.

c. On: June 26, 2023
Date

At: 4:00 a.m. p.m.
Time

A

FILED DATE TIME 2022/06/23 2:33 PM 2022L010905

1-23-1142

IN THE APPELLATE COURT, STATE OF ILLINOIS
FIRST DISTRICT

PAUL R. DULBERG, and THE PAUL R.)	
DULBERG REVOCABLE TRUST,)	
Plaintiffs-Appellants,)	
v.)	Trial Court No.: 22L10905
KELLY N. BAUDIN a/k/a BAUDIN &)	
BAUDIN, AN ASSOCIATION OF)	
ATTORNEYS, LAW OFFICES OF)	
BAUDIN & BAUDIN, BAUDIN &)	
BAUDIN LAW OFFICES, et al.,)	
Defendants-Appellees.)	
)	
)	

ORDER

This cause having come before the Court on the Court's own motion, the Court finding that the appellant has failed to file a brief within the time prescribed by Supreme Court Rule 343(a);

IT IS HEREBY ORDERED that this case is DISMISSED FOR WANT OF PROSECUTION.

Appellant is admonished that any motion to reconsider this order must be filed in this court, with proper notice to all parties, within 21 days of the date of this order or this court will no longer have jurisdiction to vacate this order.

Enter:

ORDER ENTERED

JUN 27 2024

APPELLATE COURT FIRST DISTRICT

/s/ Raymond W. Mitchell

Justice

/s/ Mary L. Mikva

Justice

/s/ Freddrenna M. Lyle

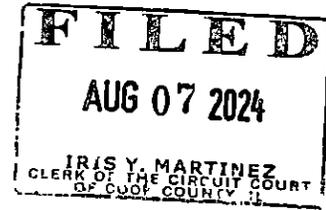
Justice

Exhibit C

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CLERK'S OFFICE
 APPELLATE COURT FIRST DISTRICT
 STATE OF ILLINOIS
 160 NORTH LA SALLE STREET, RM S1400
 CHICAGO, ILLINOIS 60601



STATE OF ILLINOIS, FIRST DISTRICT APPELLATE COURT MANDATE

Panel: Honorable Freddrenna M. Lyle
 Honorable Mary Lane Mikva
 Honorable Raymond W. Mitchell

BE IT REMEMBERED, that on 27th day of June, 2024 the final judgment of said Appellate Court was entered of record as follows:

PAUL R. DULBERG, and THE PAUL R. DULBERG REVOCABLE TRUST, Plaintiffs-Appellants, General No: 1-23-1142, 1-23-2221
 County/Agency: Cook County
 Trial Court/Agency Case No.: 22L10905

v.
 KELLY N. BAUDIN a/k/a BAUDIN & BAUDIN, AN ASSOCIATION OF ATTORNEYS, LAW OFFICES OF BAUDIN & BAUDIN, BAUDIN & BAUDIN LAW OFFICES, et al., Defendants-Appellees.

In accordance with Supreme Court Rule 368, this Mandate is issued. As Clerk of the Appellate Court and keeper of the records, files and Seal thereof, I certify that the foregoing is a true statement of the final Order of said Appellate Court in the above cause of record in my office. Pursuant to Supreme Court Rule 369, the clerk of the circuit court shall file the Mandate promptly.



IN WITNESS WHEREOF, I hereunto set my hand and affix the Seal of the Illinois Appellate Court this 7th day of August, 2024.

Thomas D. Palella

Clerk of the Appellate Court

Exhibit D

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