

IN THE TWENTY-SECOND JUDICIAL CIRCUIT COURT
McHENRY COUNTY, ILLINOIS

PAUL R. DULBERG, Individually
and THE PAUL R. DULBERG
REVOCABLE TRUST,

Plaintiff,

vs.

No. 2025 LA 360

THOMAS W. GOOCH, SABINA
SERSHON, EDWARD X. CLINTON,
JULIA WILLIAMS, ALPHONSE
TALARICO, GEORGE FLYNN,
THOMAS J. POPOVICH, HANS
MAST, THE GOOCH FIRM, CLINTON
LAW FIRM, LLC, LAW OFFICE OF
ALPHONSE A. TALARICO,

Defendants.

REPORT OF PROCEEDINGS of the hearing before the
Honorable JUDGE KEVIN G. COSTELLO, commencing on
July 29, 2026.

RECORDING TRANSCRIBED BY:

Cristin M. Kelly
Official Court Reporter

1 APPEARANCES:

2 PAUL R. DULBERG (via Zoom)
3 Self-Represented Litigant;

4 ATTORNEY THOMAS GOOCH (via Zoom)
5 Self-Represented Litigant;

6 ATTORNEY SABINA SERSHON (via Zoom)
7 Self-Represented Litigant;

8 ATTORNEY CAMILLE D. EVANS (via Zoom)
9 for the Defendants Edward X. Clinton, Julia
10 Williams, and Clinton Law Firm, LLC;

11 ATTORNEY CHRISTOPHER WUNDER (via Zoom)
12 For the Defendants Alphonse Talarico and Law
Office of Alphonse A. Talarico;

13 ATTORNEY GEORGE K. FLYNN (via Zoom)
14 Self-Represented Litigant;

15 ATTORNEY ROBERT MERLO (via Zoom)
16 for the Defendants Thomas J. Popovich and Hans
17 Mast.
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1 THE COURT: All right. Our 10:00 a.m. hearing,
2 Paul Dulberg versus Thomas Gooch, et al., 25 LA 360. If
3 I can get appearances for the record.

4 MR. DULBERG: Good morning, your Honor. Paul
5 Dulberg, pro se, for the plaintiff.

6 THE COURT: Morning.

7 MR. GOOCH: Good morning, your Honor. Thomas Gooch
8 appearing pro se.

9 MS. SERSHON: Good morning, your Honor. Sabina
10 Sershon appearing pro se.

11 THE COURT: Okay.

12 MR. MERLO: Good morning, your Honor. Robert Merlo
13 for Defendants Popovich and Mast.

14 THE COURT: Okay.

15 MR. FLYNN: Good morning, your Honor. George
16 Flynn, pro se.

17 THE COURT: Okay.

18 MR. WUNDER: Good morning, Judge. Chris Wunder for
19 the Talarico defendants.

20 MS. EVANS: Good morning, your Honor. Camille
21 Evans on behalf of the Clinton defendants.

22 THE COURT: All right. Are we missing anyone?

23 Okay. So I've got -- this is up for hearing
24 on various motions to dismiss. I've got -- and I've

1 reviewed the briefs related to the following motions:
2 Motions to Dismiss brought by Defendants Popovich and
3 Mast; Motion to Dismiss brought by Defendant Flynn;
4 Motion to Dismiss brought by Defendants Sershon and
5 Gooch; Motion to Dismiss bought -- brought by Edward
6 Clinton, Julia Williams, and the Clinton Law Firm; and
7 Motion to Dismiss brought by Defendants Talarico and Law
8 Office of Alphonse Talarico.

9 Am I missing any motions? All right. Sounds
10 like no.

11 All right. I'm going to start with the motion
12 brought by the Defendants Tom Popovich and Hans Mast.
13 So if I can get an appearance for the record one more
14 time by both the plaintiff and then the responding or --
15 and the defending attorney.

16 MR. DULBERG: Your Honor, Paul Dulberg, pro se, for
17 the plaintiff.

18 MR. MERLO: Good morning, your Honor. Robert
19 Merlo, M-E-R-L-O, for Defendants Popovich and Mast.

20 THE COURT: All right. So I have read the briefs
21 related to the motion to dismiss, but I'll take
22 argument. Mr. Merlo, anything you want to add to your
23 written submissions?

24 MR. MERLO: Thank you, your Honor. I'm largely

1 going to rest on my brief because -- on my briefs
2 because the history here is long and has become -- has
3 been made convoluted by way of the complaint's
4 allegations, but I want to emphasize that as it relates
5 to Attorneys Popovich and Mast, the claim against them
6 insofar as it can be parsed out from the complaint, is a
7 claim for fraud upon the court, and a claim that
8 Attorneys Popovich and Mast were part of a conspiracy or
9 an effort to commit fraud upon the court to, quote,
10 collapse the claims of Mr. Dulberg.

11 The reality of the situation is that the claim
12 that Attorneys Mast and Popovich somehow conspired to
13 collapse Mr. Dulberg's claims, whether that was in the
14 malpractice action that Mr. Dulberg filed against
15 Attorneys Mast and Popovich in 2017, and which was
16 dismissed in 2023, I believe.

17 There was -- those issues that the plaintiff
18 alleges were the basis of his claims collapsing, i.e.,
19 you know, an intentional effort to redefine the
20 definition of injury for purpose of the statute of
21 limitations analysis, or otherwise some effort to
22 misrepresent to the Court certain case law, such that
23 the Court was misled and leading to adverse results to
24 Mr. Dulberg -- even if taking that as true, those issues

1 were litigated in that case, in the malpractice case
2 against Messrs. Mast and Popovich. The definition of
3 injury for purposes of limitations analysis was
4 analyzed. The claims regarding the one piece of case
5 law that allegedly was misinterpreted or misapplied,
6 that was all part of the malpractice case. So res
7 judicata bars it.

8 And the claim for fraud upon the court, it is
9 an extremely high bar to lead such a claim. And simply
10 alleging that some -- that Mr. Dulberg's alleged
11 interpretation of existing case law as being the true
12 and correct interpretation, whereas my client's
13 interpretation of the same was not true and correct,
14 that's not fraud upon the court. That's a disagreement
15 on the law. And in any event, Judge Berg adjudicated
16 these issues of law in the favor -- in my client's
17 favor, and there's just simply no factual allegation or
18 a proper factual allegation that would be entitled to
19 the presumption of truth that would support a claim for
20 fraud upon the court against my clients.

21 And in any event, my clients last represented
22 or provided legal services to Mr. Dulberg in 2015.
23 Certainly, the statute of repose of six years has run.
24 And the statute of limitations against my clients has

1 run. In fact, the legal malpractice case against them
2 was dismissed because the statute of limitations had
3 expired. And our case law, specifically Schrock vs.
4 Ungaretti & Harris, makes clear that Section 5/13-214.3,
5 statute of limitations and statutes of repose for claims
6 against lawyers apply to any action against an attorney
7 arising out of their provision of legal services. It
8 does not limit it to malpractice claims. It's any
9 action. And that's plainly what we're dealing with
10 here.

11 So res judicata bars the complaint. The
12 complaint is time barred. Collateral estoppel applies
13 to bar the complaint. These issues have already been
14 litigated. And in any event, the plaintiff has not and
15 cannot state a claim for fraud upon the court, which is
16 an incredibly high bar and all we have here are
17 conclusory allegations that arguments of law were made
18 that -- with which Mr. Dulberg agrees. That's not fraud
19 upon the court, your Honor, and dismissal with prejudice
20 here against my clients is warranted.

21 THE COURT: All right. Thank you. Mr. Dulberg,
22 just -- obviously, I'll let you respond, but as an
23 initial somewhat housekeeping matter, the plaintiffs in
24 this case are Paul R. Dulberg, individually and the Paul

1 R. Dulberg Revokable Trust. Are you continuing to
2 maintain that Paul R. Dulberg Revokable Trust is your
3 proper plaintiff in this case?

4 MR. DULBERG: No, your Honor.

5 THE COURT: Okay. All right. Mr. Dulberg, you may
6 respond.

7 MR. DULBERG: I'm going to attack the res judicata
8 first. The prior 17 LA 377 judgment addressed the legal
9 malpractice case and limitations issues. It did not
10 adjudicate whether there was later concealment,
11 documentation suppression, Exhibit 12 irregularity, or a
12 conspiracy amongst these defendants' use of distorted
13 record.

14 THE COURT: Mr. Dulberg, I'm going to interrupt you
15 here. What -- well, putting aside -- first of all, res
16 judicata applies to not only the actions that have been
17 brought, but the actions that could've been brought. So
18 you would have to establish you didn't have any
19 knowledge or basis to bring any other claims other than
20 the malpractice one when you filed it.

21 But what is the nature of the conspiracy here
22 that Mr. Popovich and Mr. Mast engaged in? Go ahead.

23 MR. DULBERG: Okay. On July 23, 2026, I uploaded
24 to the digital submission of exhibits to the court's

1 website a file called Mast.wav, which I am calling
2 Exhibit EU. It's referred to implicitly in paragraph
3 140 of the complaint. Okay. And I'm sure your Honor
4 is -- what happened?

5 THE COURT: Go ahead.

6 MR. DULBERG: Can you --

7 THE COURT: I can hear you.

8 MR. DULBERG: Okay. The video went dead. I'm sure
9 your Honor has much experience with Zoom hearings and
10 talking to people over Zoom. And what Mast.wav is, is a
11 subpoenaed file from the court reporter that took the
12 Mast deposition. And I ensure that your Honor, who has
13 plenty of experience on Zoom dealing in court, can
14 appreciate what's in that file. And the point is, is
15 we're listening from a court reporter sitting in a
16 remote location over Zoom. She's not in the room with
17 the defendant. And she is recording the defendant
18 logging into Zoom. That -- that --

19 A VOICE: And out and in.

20 MR. DULBERG: And out and in, and out -- it's --

21 THE COURT: Okay. What --

22 MR. DULBERG: -- it's a bizarre --

23 THE COURT: Mr. Dulberg, if we're going to get
24 through this, and we've got five motions to sort out,

1 what -- you haven't really answered my question. I just
2 need a short, succinct answer as to what is the -- what
3 is the conspiracy that Mr. Popovich and Mr. Mast engaged
4 in? In as I understand it, they represented you -- I
5 think they were your original attorneys in a personal
6 injury claim, and that you settled a claim against one
7 of the defendants for \$5,000, and ultimately that, as I
8 understand, it was the basis for your legal malpractice
9 claim against Mr. Popovich and Mr. Mast because of the
10 alleged insufficiency of that settlement. So what --
11 that has been resolved.

12 MR. DULBERG: But -- yeah. The --

13 THE COURT: So what would be the conspiracy --
14 there's no dispute here. As I understand --

15 MR. DULBERG: There --

16 THE COURT: Let me finish my thought and then I'll
17 let you respond. As I understand it, again, the basis
18 of your lawsuit for malpractice against Mr. Popovich and
19 Mr. Mast was this \$5,000 settlement, which whether you
20 thought it was insufficient or somehow they fraudulently
21 convinced you to take it, whatever the theory was, it
22 was -- that was your injury. That was an insufficient
23 amount of money. And Judge Berg, in ruling on the
24 summary judgment motion in that legal malpractice case

1 ruled that that was the triggering event for the statute
2 of limitations. None of that is in dispute. So
3 whatever -- for lack of a better word -- chicanery you
4 might think that Mr. Mast and Mr. Popovich may have
5 engaged in, that's not going to change those essential
6 facts here.

7 So why would there be a basis to sue them
8 again? After you sued them, summary judgment was
9 entered. As I understand it, I don't know the
10 particulars, but the appeal was dismissed. Whether you
11 just didn't pursue it or the Appellate Court dismissed
12 it, I don't know. Regardless, it was dismissed.

13 So in essence, as I see it, you're asking me
14 in this case to relitigate a case that's already been
15 litigated. Whether you -- and I appreciate you may
16 disagree with Judge Berg's interpretation of law, but
17 what would be the conspiracy here?

18 MR. DULBERG: The new claim, okay, is that what was
19 not adjudicated in there, okay, was whether there was
20 later concealment, document suppression, Exhibit 12
21 irregularity --

22 THE COURT: Okay. What difference does that make?
23 If they later concealed document -- for what? For
24 your -- that could've supported your mal- -- legal

1 malpractice case?

2 MR. DULBERG: It changed the two-year -- or the
3 statute of limitations. This was -- the whole point of
4 this was to get to ruling that the judge could justify
5 on a two-year statute of limitations, which by the way
6 was under --

7 THE COURT: Mr. Dulberg, Mr. Dulberg, you have
8 never addressed in your numerous written responses to
9 all of these cases -- and it overlaps many of them --
10 you've never addressed a holding in the Shrock versus
11 Ungaretti & Harris case. That makes it clear that it's
12 a two-year statute whether it's styled as malpractice or
13 fraud or conspiracy.

14 A VOICE: Continuing concealment.

15 MR. DULBERG: Continuing concealment is --

16 THE COURT: Concealment of what? I mean, what --
17 what -- I don't understand what the difference is. You
18 were not happy with the \$5,000 settlement that
19 Mr. Popovich and Mr. Mast got you, correct, yes or no?

20 MR. DULBERG: I am not happy with their
21 representation, but that is history.

22 THE COURT: That's exactly the point here.

23 MR. DULBERG: That's irrelevant background.

24 THE COURT: Okay. That's why you sued them,

1 because of the \$5,000 settlement, correct?

2 MR. DULBERG: I sued them because he made an offer
3 without my knowledge.

4 THE COURT: Fine. That's -- again, assuming that
5 he did that, it doesn't change the fact that the statute
6 of limitations ran.

7 MR. DULBERG: In this case, I am suing them for
8 things that were not adjudicated, later concealed,
9 suppressed, the puppet show of a deposition they
10 conducted or performed in, and conspiracy with my own
11 attorneys at the time.

12 A VOICE: These are later acts.

13 MR. DULBERG: These are later acts.

14 THE COURT: Okay. And leading to what exact
15 injury, sir?

16 MR. DULBERG: Leading to the loss of 17 LA 377.

17 THE COURT: You lost that because the statute of
18 limitations was blown.

19 MR. DULBERG: Your Honor, it is clear that Judge
20 Berg, his finding is in contrary to standing Illinois
21 law.

22 THE COURT: Okay. Let's assume that that's true --
23 well, first of all, that's for the Appellate Court to
24 say. He made a ruling and it's over.

1 MR. DULBERG: Agreed. And if you read the
2 complaint, Mr. Talarico, through that Appellate Court,
3 all the way to the Supreme Court, he threw it into a
4 ditch intentionally.

5 THE COURT: Okay. Now, we're not -- we're not at
6 that claim yet, sir. We're talking about Mr. Popovich
7 and Mr. Mast. The point being that regardless of
8 whatever -- let me finish my thought. Whatever conduct
9 you think they engaged in, whether they hid stuff from
10 you, they misrepresented facts in the case, the statute
11 of limitations ran because of the settlement that was
12 the basis of that lawsuit. That triggered the statute
13 of limitations. It ran. That was the basis of Judge
14 Berg's decision. And nothing from the Appellate Court
15 has changed that.

16 MR. DULBERG: The continuing concealment runs that,
17 your Honor.

18 THE COURT: Okay. All right. You got five
19 minutes. Anything else you want to say before we move
20 on to the next one?

21 A VOICE: Just this. Very clear.

22 MR. DULBERG: I want to make it clear, the
23 17 LA 377 case did not adjudicate whether there was
24 later concealment, document suppression, Exhibit 12

1 irregularity, or a conspiracy amongst these defendants
2 for a distorted record. The Mast.wav file that I have
3 uploaded to the digital submission of exhibits for the
4 Court on July 23, 2026 is a clear example of what
5 happened during that deposition.

6 THE COURT: Okay. Well, I'm not considering that
7 because that was not filed in a timely manner. But
8 regardless, I don't know what it would show that would
9 change the fact that the statute of limitations ran
10 when -- in the '17 case in the lawsuit you filed against
11 Mr. Popovich.

12 MR. DULBERG: If the Court needs more time to
13 consider that --

14 THE COURT: I don't need more time, sir. What I'm
15 trying to point out to you is all of that seems to be
16 addressed, all of these documents, exhibits, et cetera,
17 seems to be attempting to bolster what you believe is
18 improper conduct by Mr. Popovich and Mr. Mast. But --

19 MR. DULBERG: Your Honor, there was --

20 THE COURT: Let me finish my -- the conduct that
21 you brought against them is that they committed
22 malpractice by accepting a too low settlement.

23 MR. DULBERG: That's part of the history of this
24 case, the back- --

1 THE COURT: Okay. All right. Anything else that's
2 not repetitive of what you already argued? All right.

3 MR. DULBERG: I -- yeah, this is -- this is about
4 their actions during 17 LA 377, not prior to it.

5 THE COURT: Okay. Well, regardless of during, if
6 the case was dismissed pursuant to -- or judgment was
7 entered, summary judgment for the defendants. So
8 whatever they did during that case would've been part of
9 that case. All right.

10 Mr. Merlo, anything else you want to add in
11 reply?

12 MR. DULBERG: Your Honor -- oh, sorry.

13 MR. MERLO: I guess it's Mr. Dulberg's turn still?

14 THE COURT: I'll have Mr. Dulberg get one more
15 thought in.

16 MR. DULBERG: I ask that if you are going to
17 dismiss this, that it not be with prejudice and that I
18 am allowed to amend the complaint to answer your
19 questions.

20 THE COURT: Okay. Well, this is not -- I
21 understand that there's a 2-615 aspect to all of these
22 motions, but what counsel is raising, whether it's a
23 statute of limitations, statute of repose, the
24 res judicata, collateral estoppel, those are all not

1 matters that can be -- if I agree with counsel, can be
2 corrected by amendments.

3 MR. DULBERG: Continuing concealment, your Honor,
4 on those issues.

5 THE COURT: Okay. All right. Mr. Merlo, anything
6 else you want to add to your oral argument here?

7 MR. MERLO: Just briefly, your Honor, with regard
8 to this claim of continuing concealment that
9 Mr. Dulberg's being fed by whomever is sitting next to
10 him. These allegations of my client's purported
11 misconduct when they were being sued in a prior case by
12 Mr. Dulberg are all arguments that were made in that
13 case, ergo, no concealment. And in any event, this talk
14 of this Exhibit 12 misconduct, which is as pled, is
15 Exhibit 12 or was Exhibit 12 or should have been
16 Exhibit 12 to Mr. Mast's deposition that was conducted
17 by Attorney Julia Williams, who was allegedly
18 Mr. Dulberg's attorney at the time deposing my client,
19 Mr. Mast, my client by Mr. Dulberg's own allegation
20 taken as true, is not the concealor, O-R, in such a
21 scenario. For fraudulent concealment or any sort of
22 equitable tolling argument to have any sort of validity,
23 the concealor must be the party against whom the
24 doctrine is asserted and that's just not the case here.

1 And in any event, these arguments were made long ago,
2 and therefore, there was no concealment sufficient to
3 toll any statute of limitations or repose.

4 And I would note, as to res judicata, I would
5 echo your Honor's question to Mr. Dulberg that it --
6 that doctrine applies to not only claims actually
7 adjudicated, but that which could have been adjudicated
8 in prior litigation. Certainly for the reasons I've
9 stated before, these claims of Mr. Dulberg either were
10 or could have been adjudicated in prior litigation.

11 And finally the -- as to the -- the point of
12 my client's conduct while they were a defendant in
13 another case against -- Mr. Dulberg brought against
14 them, the absolute litigation privilege would immunize
15 them for liability for their conduct in litigation. I
16 would just note that.

17 THE COURT: All right. Thank you.

18 All right. Let's move on to Attorney Flynn's
19 motion to dismiss. If I can get defense counsel's
20 appearance on that.

21 MR. FLYNN: Thank you, your Honor. George Flynn on
22 behalf of myself.

23 THE COURT: All right. And Mr. Dulberg, is
24 obviously present.

1 Mr. Flynn, I've read your motion. Is there
2 anything you want to add to your written submission?

3 MR. FLYNN: Judge, I appreciate that you've read
4 the submissions. I have very little to add. With
5 respect to the statute of limitations, the case --
6 underlying case was dismissed pursuant to the motion
7 that I brought and argued after I -- after I took
8 Mr. Dulberg's deposition. It was dismissed on
9 February 1, 2023. He didn't file his lawsuit until
10 December 4 of 2025. It's barred by the statute of
11 limitations.

12 The sole count against me is for conspiracy,
13 and as Mr. Merlo has argued, the facts and details of
14 the conspiracy are not pled. There are no factual
15 allegations as to what conspiracy I was involved in,
16 what agreements I made, who I spoke to, et cetera, et
17 cetera. So the conspiracy count fails to state a claim,
18 but more importantly it's barred by the absolute
19 litigation privilege. I was an attorney in litigation
20 defending my clients, and -- and am immunized pursuant
21 to the absolute litigation privilege. And
22 alternatively, immunized by qualified immunity.

23 Mr. Dulberg has not addressed any of the cases
24 that we've cited and I'll rest on the briefs and request

1 that the case against me be dismissed with prejudice.
2 And to the extent that any parties may remain, I would
3 ask for 304(a) language making the order final and
4 appealable.

5 THE COURT: All right. Thank you. Mr. Dulberg?

6 MR. DULBERG: Yes. Mr. Flynn's litigation
7 positions and filings are evidence of how a distorted
8 record was used. While the alleged wrongful conduct
9 concerns a broader concealment, suppression, document
10 irregularity, and coordinated use of a distorted record
11 to obtain dismissal and conceal the underlying facts.
12 Again, Exhibit EU, Mast.wav.

13 THE COURT: Okay. Mr. Dulberg, what -- again,
14 Mr. Flynn represented Mr. Popovich and Mr. Mast. He
15 successfully obtained a dismissal of that -- of that
16 case based on the statute of limitations. What fact did
17 he misrepresent to the Court, specifically Judge Berg,
18 that led him to dismiss this case where Judge Berg found
19 that the trigger for the statute of limitations was the
20 \$5,000 settlement, which is not disputed by anyone?

21 MR. DULBERG: Judge Berg relied on Hans Mast
22 transcript of the deposition. He relied on it
23 implicitly. He referred to it. We now have the on and
24 off subpoenaed file called Mast.wav --

1 THE COURT: Okay. You've told me that four times,
2 sir, and we're now at the half-hour point. I get that.
3 Judge Berg, he -- I'll quote from his -- what he said
4 is --

5 MR. DULBERG: Your Honor, this is not only proof
6 that they were faking technical difficulties, it is also
7 proof that Mast was accessing e-mails during the
8 deposition --

9 THE COURT: Okay. Mr. Dulberg, let's assume for
10 purposes of argument that's all true. That's not going
11 to change the fact that Judge Berg dismissed the case
12 because of the statute of limitations based on the
13 \$5,000 settlement and the timing of that settlement.

14 MR. DULBERG: All --

15 THE COURT: Mr. Mast, whatever he said in his
16 deposition isn't going to change those uncontested
17 facts. You might disagree with Judge Berg saying that
18 the --

19 MR. DULBERG: Your Honor, did I file --

20 THE COURT: -- triggering event for the injury is
21 five -- was the \$5,000 settlement, but that's what he
22 ruled. It's right here in the record.

23 MR. DULBERG: Yes, I know what Judge Berg ruled.

24 THE COURT: Okay.

1 MR. DULBERG: And you (audio distortion) miss the
2 continued concealment and -- and running the appeal into
3 the ditch by the co- -- their co-defendant,
4 Mr. Talarico.

5 THE COURT: Okay. Why are we talking about
6 Mr. Talarico when this is about Mr. Flynn?

7 MR. DULBERG: Because this continued con- --

8 A VOICE: Talarico is concealing --

9 MR. DULBERG: This is -- when we're talking about
10 conspirators, you can't isolate one from the other.
11 They're conspiring together.

12 THE COURT: Conspiring to do what, though? I mean,
13 again, the case --

14 MR. DULBERG: Your Honor, if you want the --

15 THE COURT: Let me finish my thought. Mr. Flynn
16 was hired to represent Mr. Popovich and Mr. Mast. He
17 did what any competent attorney would do. He defended
18 them. He brought a motion for summary judgment based on
19 the statute of limitations based on the fact that your
20 argument was that the \$5,000 settlement was your injury,
21 and that was the triggering event, and Judge Berg agreed
22 and the case was dismissed. There's -- where is the
23 fraud upon the court for that?

24 MR. DULBERG: (Audio distortion) that is not part

1 of the complaint is that Mr. Popovich had lied in his
2 affidavits to the Court in his divorce proceedings. He
3 lied about his possible contingency fees from his
4 personal injury cases. Okay. And everything
5 thereafter, including 12 LA 178, 13 LA 377, is -- and he
6 was found guilty of this by the Appellate Court. Okay.

7 THE COURT: I have no idea what that has to do with
8 anything in this case.

9 MR. DULBERG: That case affected many other cases,
10 not just mine. I just happen to be the one bringing it
11 forward.

12 THE COURT: Okay. This all comes down to you
13 didn't like a \$5,000 settlement, okay?

14 MR. DULBERG: No, I didn't like the fact that he
15 was dumping cases, particularly mine, to cover up his
16 fraud happening in a divorce settlement or a divorce
17 case.

18 THE COURT: Okay. All right. What else?

19 A VOICE: There's evidence of --

20 MR. DULBERG: There's evidence of continued
21 concealment to this day.

22 THE COURT: By Attorney Flynn?

23 MR. DULBERG: Absolutely. He maintains that
24 Exhibit 12 is real, even though he knows it's not. The

1 court reporter says on the record -- or in the Mast.wav
2 file that she received a bunch of blank pages.

3 A VOICE: Faked technical --

4 THE COURT: Where in his motion to dismiss does
5 Mr. Flynn even rely on this Exhibit 12 you keep talking
6 about?

7 MR. DULBERG: He used it in his motion to dismiss
8 17 LA 377.

9 THE COURT: Okay. I'm talking about this case.
10 I'm talking about -- I want to hear from --

11 MR. DULBERG: This is about --

12 THE COURT: Mr. Flynn has brought 137 -- Supreme
13 Court Rule 137 sanctions request against you. So you
14 tell me what evidence you have that somehow he is
15 involved in this continuing concealment or conspiracy.
16 He's simply pointing out that the statute of limitations
17 has run on any claim against him.

18 MR. DULBERG: Let's ask Mr. Flynn if he's
19 continuing to deny the technical difficulties during
20 the -- the faked technical difficulties during the Mast
21 deposition.

22 THE COURT: You keep talking about that and I don't
23 know how that is going to change the simple fact
24 that the statute of limitations ran. Is there some

1 dispute that there wasn't a \$5,000 settlement? Is there
2 some dispute about that? Yes or no?

3 MR. DULBERG: How that settlement came about is in
4 dispute. It always was --

5 THE COURT: I didn't ask you that. I asked you is
6 there some dispute that the settlement was \$5,000?

7 MR. DULBERG: The dispute was obtained through
8 fraud, your Honor.

9 THE COURT: Okay. You're not going to answer my
10 question. So you got two minutes. What else do you
11 want to add?

12 MR. DULBERG: I allege that Flynn's litigation
13 positions and filings are evidence of how a distorted
14 record was used. While the alleged wrongful conducts
15 concern a broader concealment, suppression,
16 documentation irregularity, and coordinated use of that
17 deceit- -- distorted record to obtain dismissal.

18 A VOICE: And that's proof.

19 MR. DULBERG: He also concealed the underlying
20 facts in doing so.

21 Now, if I need to make that more clear in my
22 complaint, I am more than willing to amend.

23 THE COURT: Anything else?

24 MR. DULBERG: I rest on my complaint and my -- my

1 response.

2 THE COURT: All right. Mr. Flynn, any reply?

3 MR. FLYNN: Judge, no amendment can ever cure this
4 woefully insufficient and sanctionable complaint.

5 I would just ask that the Court require the
6 gentleman with Mr. Dulberg to identify himself for the
7 record. He's been speaking and feeding arguments to
8 Mr. Dulberg. I don't believe the gentleman is an
9 attorney.

10 THE COURT: Okay.

11 MR. FLYNN: And arguably is engaging in the
12 unauthorized practice of law.

13 THE COURT: Mr. Dulberg, who is that with you on
14 camera?

15 MR. DULBERG: (Audio distortion) is my brother,
16 sibling, Thomas Kost. And I am disabled and he does
17 hand me documents and he does whisper in my -- he is my
18 assistant.

19 THE COURT: Okay. Well, let's just get through
20 this. Just try and limit -- this is your case, sir, and
21 I certainly seen nothing on the record that suggests you
22 can't handle your case on your own, but let's please
23 limit the advice you get from a non-attorney, okay?

24 All right. Let's move on to the motion filed

1 by Mr. Gooch and Ms. Sershon. If I can get appearances
2 for the record on that?

3 MR. GOOCH: Good morning, your Honor. Tom Gooch
4 appearing pro se.

5 MS. SERSHON: And good morning, your Honor. Sabina
6 Sershon appearing pro se.

7 MR. GOOCH: Judge, I'll argue initially.

8 THE COURT: All right. Go ahead.

9 MR. GOOCH: At the outset, I would join Mr. Flynn's
10 objection to the unauthorized practice of law by
11 Mr. Dulberg's brother. What he's doing is coaching him.
12 You know that. I know that. We all know that.

13 THE COURT: All right. Well, let's get through
14 this. Go ahead.

15 MR. GOOCH: Judge, I know you've read my brief and
16 I'm not going to make you suffer through it again.
17 Briefly, as to the 615 portion of it, there is no
18 question that that complaint is replete with conclusions
19 of law, not ultimate material facts. It combines
20 different causes of action.

21 And I recognize that normally when 615 motions
22 are granted, leave to amend is granted. However, in
23 this case, our 619 arguments should prevent that
24 because there -- the things that he can't plead around

1 are the dates. I mean, this complaint was filed on
2 December 4, 2025. Almost seven years prior to that, our
3 services were terminated by Mr. Dulberg when we filed
4 our motion to withdraw, and that was back in October of
5 2023 -- strike that -- October 2018, you granted us
6 motion to -- our motions to withdraw. He thereafter
7 hired new counsel immediately, and there's no -- there
8 can be no doubt that if there was some malpractice, he
9 would've learned it at that date, which gives rise to
10 the successor counsel rule and the reasons behind it.

11 But even if you don't buy that argument,
12 Judge, he in -- November 8th of 2023 filed an ARDC
13 complaint, which he foolishly attached as an exhibit and
14 you can consider because it is attached as part of the
15 complaint and controls the complaint. The allegations
16 are virtually the same. So how could you possibly say
17 that we hid any facts from Mr. Dulberg, we didn't let
18 Mr. Dulberg know the circumstances? Mr. Dulberg did not
19 realize that he had already made the allegations that he
20 makes in this complaint. He did it all on November 8,
21 2023, yet he did not file suit until almost a month and
22 a half later, and it's -- you know, being almost within
23 the statute, as you have previously pointed out to me
24 more than once, is not good enough. The statute is the

1 statute.

2 The same applies to the statute of repose.
3 It's a six-year statute of repose. But the statute of
4 repose, remember, runs from the date of the negligent
5 act, you know, and that's even more time barred.

6 We set forth an argument to successor counsel
7 rule and we set forth the cases that control it, and
8 there are very good reasons for that as well. And on
9 both of these bases, both the statute of limitations and
10 repose, as well as the successor counsel rule, you
11 should dismiss the counts against us with prejudice and
12 not grant any type of leave to amend because you can't
13 amend over the dates that are well known and well
14 admitted.

15 Thank you, your Honor.

16 THE COURT: All right. Thank you.

17 Mr. Dulberg?

18 MR. DULBERG: Does Ms. Sershon want to say anything
19 or is she being --

20 THE COURT: Well, I'll make sure the record is
21 clear. Ms. Sershon, did you want to add anything? I --
22 I -- based on what Mr. Gooch said, I thought he was
23 arguing for both of you, but if you want to add
24 something on your own, you're certainly welcome to.

1 MS. SERSHON: That's correct, your Honor. He was
2 arguing on behalf of both of us.

3 I just wanted to point out two things. The
4 ARDC complaint was filed in November 2023, and the
5 complaint was not filed until two years and one month
6 after. And the statute of repose and the statute of
7 limitations, as the prior defendants also argued, it
8 applies to any service, professional service. Our last
9 date of representation was October 15, 2020 -- or 2018,
10 and six years has gone and past. The complaint was
11 filed, I believe, seven years after, and any amendments
12 would not -- would not cure.

13 THE COURT: All right. Thank you. Mr. Dulberg?

14 MR. DULBERG: Yes. I am alleging that Gooch and
15 Sershon created the (audio distortion) foundation in
16 17 LA 377 by failing to plead or preserve material --

17 THE COURT: Okay. Hold on. I'm --

18 MR. DULBERG: -- and the case facts --

19 THE COURT: -- going to interrupt you, because
20 we're not -- we're not getting to what the merits of
21 what a claim you might have. He's argued -- well, three
22 arguments, but I'll focus on two. One is the statute of
23 limitations based on the fact that you made a complaint
24 to the ARDC with very similar allegations on

1 November 8th of 2023.

2 MR. DULBERG: I --

3 THE COURT: Certainly by that point you were aware
4 of the injuries that Mr. Gooch and Ms. Sershon allegedly
5 caused you.

6 MR. DULBERG: Not fully aware.

7 THE COURT: Which meant you had to file a lawsuit
8 within two years, and you didn't.

9 MR. DULBERG: No, (audio distortion) fully aware,
10 your Honor. An ARDC complaint is not a civil complaint
11 for damages. It does not --

12 THE COURT: I'm not suggesting it is, sir. What
13 the statute is and you -- what you've done here is
14 you've continued to ignore the case law that's very
15 clear, which is the statute of limitations runs when the
16 plaintiff knows of his injury. You knew of your injury
17 certainly no later -- probably well before this, but you
18 knew of it undoubtedly by November 8th of 2023 when you
19 sent out a long complaint to the ARDC. It doesn't
20 matter that -- no one's suggesting that's a civil
21 complaint. What it means is, that started the time for
22 you to file a lawsuit against Mr. Gooch. You had two
23 years from that date.

24 MR. DULBERG: The time to start a lawsuit for legal

1 malpractice is after the case has rested.

2 THE COURT: Okay. Whatever. I'm not going to
3 argue the law with you. You clearly -- you clearly
4 don't know the law, so it's kind of pointless, but --

5 MR. DULBERG: I believe the Supreme (audio
6 distortion) quite clear on that.

7 THE COURT: Okay.

8 MR. DULBERG: Second, alleging that later counsel
9 inherited, continued, and failed to correct or conceal
10 the damage mechanism started by Gooch and Sershon. That
11 makes successor counsel a factual causation issue, not
12 an automatic bar.

13 THE COURT: Okay. What about the statute of
14 repose? Any dispute that Mr. Gooch left the case --
15 left the -- was no longer representing you --

16 MR. DULBERG: Continuous concealment on the --

17 THE COURT: Okay. Sir, let me just ask you a
18 question. Okay. Is there any dispute that Mr. Gooch
19 withdrew from representing you as of October 15th of
20 2018?

21 MR. DULBERG: That's fact.

22 THE COURT: Okay. And you filed a lawsuit more
23 than six years after that; is that correct? This
24 lawsuit.

1 MR. DULBERG: The concealment --

2 THE COURT: I just asked you a question. It's a
3 yes or no.

4 MR. DULBERG: That --

5 THE COURT: Did you file your lawsuit more than six
6 years after that?

7 MR. DULBERG: Due to the continued concealment,
8 yes.

9 THE COURT: Okay. All right. What else do you
10 want to say?

11 MR. DULBERG: I have to go back and listen to what
12 Gooch said again.

13 I -- real quick, I'll just go over the points.
14 I am alleging that the later counsel inherited,
15 continued, and failed to correct or concealed the same
16 damage mechanisms that Gooch had put in place, Gooch and
17 Sershon, and that makes successor counsel a factual
18 causation issue, not an automatic bar, not by -- by
19 anything there.

20 The other -- the other part is successor
21 counsel does not automatically break causation where the
22 complaint alleges continuing concealment, an incomplete
23 record, and later counsel who did not cure, but
24 allegedly continued or failed to correct the same

1 problems.

2 THE COURT: Okay. Thank you. Anything else?

3 MR. DULBERG: I ask that I be able to amend the
4 complaint to -- to address any issues with either the
5 statute of repose, the statute of limitations, or any
6 other issue that the Court finds at issue with the
7 complaint.

8 THE COURT: All right. Mr. Gooch, Ms. Sershon,
9 anything you want to add to your argument?

10 MR. GOOCH: Not really, your Honor, other than to
11 say partial concealment was never raised as an issue,
12 and even if it were, the dates prevent it. The Court
13 does not live in a -- exist in a vacuum and the Court
14 can review that ARDC complaint and surmise that it was
15 not written an hour or so before it was filed. There is
16 a great deal of time Mr. Dulberg worked on that and
17 there's no question that he knew about it long before he
18 filed the ARDC complaint. But the fact that he filed it
19 is compelling and conclusive. It's beyond the statute
20 of limitations. It's beyond the statute of repose.
21 There's no reason not to dismiss this complaint and no
22 reason not to dismiss it with prejudice.

23 Thank you, your Honor.

24 THE COURT: All right. Thank you. Let's move

1 on --

2 MS. SERSHON: Your Honor, if I just may add --

3 THE COURT: Oh, I'm sorry. Ms. Sershon.

4 MS. SERSHON: I'm sorry.

5 THE COURT: Go ahead.

6 MS. SERSHON: No, I agree. I echo with what
7 Mr. Gooch says. There is no amendment that can cure
8 this. This idea of this continuing concealment,
9 Mr. Dulberg mentions in his response what he could
10 potentially amend the complaint with what concealment,
11 and it all has to do with the underlying action. It has
12 nothing to do with any concealment against any attorney
13 in this action. So even if he were allowed to amend,
14 those allegations would not change the statute of
15 limitations, nor the statute of repose.

16 THE COURT: All right.

17 MS. SERSHON: Thank you.

18 THE COURT: Thank you. All right. Let's move on
19 to the Clinton defendants. If I can get appearance by
20 counsel for defendants in that.

21 MS. EVANS: Good morning, your Honor. Camille
22 Evans on behalf of the Clinton defendants.

23 THE COURT: Okay. And just so the record is clear,
24 those would be Edward Clinton, Julia Williams, and the

1 Clinton Law Firm; is that correct?

2 MS. EVANS: That's correct.

3 THE COURT: Okay. I have read your motion to
4 dismiss, but is there anything you wanted to add
5 verbally to your written submissions?

6 MS. EVANS: Yes, Judge. So I know the statute of
7 limitations issue has been pretty common, to say the
8 least, with all of the briefs here, but it is the most
9 critical argument that all defendants have because the
10 problem here is that plaintiff is conflating the statute
11 of limitations with the six-year statute of repose. The
12 six-year repose period is a ceiling. So it does not
13 extend the limitations period, nor does it serve as a
14 substitute for a timely filing within the two-year
15 window.

16 What's most critical, though, is that
17 plaintiff's own allegations defeat his argument. So all
18 through the -- I think it's 288 paragraph complaint that
19 plaintiff filed, it alleges that he repeatedly
20 confronted the Clinton defendants about their purported
21 errors during the representation, including disputes
22 over the limitations, the accrual theory, the Spangler
23 evidence from that Tilschner versus Spangler case,
24 documentation production issues, and all of that was

1 through the representation, which was 2018 and 2020
2 July. So that establishes that he knew -- definitely
3 knew of any alleged injury no later than when the
4 Clinton defendants resigned, which was in July of 2020.

5 So the complaint, which he does -- there was a
6 clerical error in our -- in our argument that said his
7 complaint was filed on December 8 as opposed to
8 December 4. The four days doesn't matter because it's
9 untimely regardless under the two-year limitations
10 period. So the complaint being filed on the 4th still
11 is untimely because the Clinton defendants resigned in
12 July of 2020.

13 Then, even if this Court were to accept the
14 most generous proposed accrual date, which is
15 February 1st of 2023, the December 2025 filing date is
16 still approximately ten years [sic] beyond the two-year
17 deadline. But also the fact that the fraud on the
18 concealment position, that argument inevitability fails
19 as well. I mean, it's pretty clear that Illinois courts
20 have declined to apply the 13-215 section to toll the
21 statute of limitations where he -- where a claimant
22 discovers the fraudulent concealment or should have
23 discovered it through ordinary diligence and a
24 reasonable time remains within the timeframe. But

1 however, his own allegations refute this because he
2 specifically alleges all the things that he identified
3 and in that -- in the Clinton defendants'
4 representation. So he cannot simultaneously say that he
5 confronted his attorneys about their errors and then say
6 that those same errors were concealed from him. So
7 obviously on that front, the five-year limitations
8 period would be inapplicable.

9 But I want to go back to something that
10 Mr. Dulberg said earlier about you -- the successor
11 counsel argument not being an automatic bar. It is an
12 automatic bar because if we want to quote the second
13 restatement, it says that because the duty and the
14 entire responsibility for the situation has been shifted
15 to a third person, the original actor is relieved of
16 liability. So the Clinton defendants were succeeded by
17 Mr. Talarico. So in any event, there will be no
18 liability back on the Clinton defendants because of
19 successor counsel argument, which is an automatic bar.

20 So aside from this being completely time
21 barred, we still have the successor counsel argument
22 that is an automatic bar, and that's just the 619
23 portion. But -- yeah, I will -- I'll rest on that for
24 now.

1 THE COURT: All right. Thank you. Mr. Dulberg,
2 response?

3 Mr. Dulberg, you're muted.

4 MR. DULBERG: My complaint alleges that they
5 preserved and carried forward an incomplete or incorrect
6 limitations and accrual framing; failed to use material
7 evidence from 12 LA 178 and BK-1483578; failed to use or
8 disclose the McGuire, Gagnon evidence; the October 22,
9 2013 settlement offer evidence; the Tilschner,
10 bankruptcy, and ADR issues; and the document suppression
11 evidence. The --

12 THE COURT: So when -- when did you become aware of
13 all those errors made by the Clinton defendants?

14 MR. DULBERG: That left the Court and the successor
15 counsel with a distorted record.

16 THE COURT: Okay. But I'd like an answer to my
17 question. When did you become aware of all those errors
18 made by the Clinton Law Firm?

19 MR. DULBERG: In increments.

20 THE COURT: I'm sorry?

21 MR. DULBERG: In variable increments. And I've
22 continued to try -- this goes to all defendants here. I
23 continued to try to correct those errors all the way
24 through my Supreme Court filing.

1 THE COURT: You still haven't answered my question,
2 but that's okay. Go ahead.

3 MR. DULBERG: Okay. I am also alleging that the
4 viability and limitations analysis in 17 LA 377 depended
5 on the facts that were omitted, concealed, or
6 mischaracterized. You know, successor counsel does --
7 again, does not automatically break causation where the
8 complaint alleges continuing concealment, which is
9 ongoing to this day. An incomplete record --

10 THE COURT: Mr. Dulberg, why didn't you file suit
11 against the Clintons until 2025 when you were aware of
12 all these errors well before that?

13 MR. DULBERG: I had -- I continued to -- I
14 continued to try to correct the errors all the way
15 through the Supreme Court brief that we filed and was
16 rejected, and Mr. Talarico was -- that's a -- that's a
17 whole other animal. He left me -- he claimed -- he took
18 my money. He took the deposit --

19 THE COURT: Well, you'll get a chance to talk about
20 him in a little bit, but we're talking about the Clinton
21 defendants.

22 MR. DULBERG: Well, they're co-conspirators, and
23 you know, to have a conspiracy, you can't just say one
24 person did this and you can't consider --

1 THE COURT: We're not talking about a conspiracy.
2 We're talking about the statute of limitations. You've
3 listed all kinds of errors that the Clinton Law Firm
4 made. And they got out of the case in 2020. I don't
5 know if you fired them or what the circumstances were,
6 but it seems like you were aware of all these errors
7 they were making at the time, but you didn't file a
8 lawsuit until 2025, and I'm just trying to figure out
9 why.

10 MR. DULBERG: It is many of those errors with
11 Mr. Talarico, and he continued the concealment.

12 THE COURT: Okay. All right. Anything else?

13 MR. DULBERG: That's it, your Honor.

14 THE COURT: All right. Any reply?

15 MS. EVANS: I mean, other than the fact that your
16 Honor -- even still if this complaint were not woefully
17 time barred, all -- from a 615 standpoint, there are no
18 well -- no well pled facts to establish but for
19 causation for legal malpractice. All of the allegations
20 are extremely conclusory. There are still no well pled
21 facts to plead a claim for fraud. There are still no
22 well pled facts to plead a claim for still a conspiracy.

23 And then just on a 2-603 standard, I mean,
24 226 paragraphs, 88-page complaint, plain and concise

1 is -- under -- under the statute is just -- it didn't
2 happen here. So aside from everything else, I mean,
3 this complaint is severely improperly pled. But -- but
4 we will stand on the fact that the complaint in and of
5 itself is completely time barred, and the successor
6 counsel argument, so.

7 THE COURT: All right. Thank you. Let's move on
8 to the Talarico defendants. If I can get appearance for
9 them, please.

10 MR. WUNDER: Sure, Judge. Chris Wunder for the
11 Talarico defendants.

12 THE COURT: Okay. I have read briefs related to
13 your motion, but I'll take argument.

14 MR. WUNDER: Sure, Judge. I'm not going to take
15 long. I know we've been going for an hour already.
16 Clearly, the case is dismissible on 603 and 615 grounds,
17 but still the same arguments regarding the statute of
18 limitations also apply to the Talarico defendants. This
19 case was filed more than two years after the two cases
20 were adjudicated. The plaintiff has not addressed the
21 case law, you know, providing that the accrual date was
22 the date of entry of judgment, and there's not much he
23 can do about that. He can't change the dates, as I
24 believe Mr. Gooch said.

1 So for the same reasons that the other
2 defendants are seeking dismissal, Mr. Talarico is also
3 seeking dismissal with prejudice. Thank you, Judge.

4 THE COURT: Thank you. Mr. Dulberg?

5 MR. DULBERG: Yes, your Honor. The complaint
6 alleges the Talarico conduct is within the two years of
7 the December 4, 2025 filing. Those allegations include
8 the December 4, 2023 appellate dismissal, the
9 January 2024 Supreme Court petition instructions, and
10 resignation events; the May 2024 ARDC related conduct;
11 the August 2025 filings were statements in -- in a
12 parallel case, 22 L 0109- --

13 THE COURT: All right. Mr. Dulberg, but the
14 statute of limitations begins to run when -- when the
15 plaintiff is aware of their injury. Why wouldn't that
16 date have been at the latest the date that Judge Berg
17 dismissed the 17 LA case?

18 MR. DULBERG: He lied about the Appellate Court.
19 He listed me as pro se and he took my money to represent
20 me, and then ran the case into a ditch by not filing the
21 brief.

22 THE COURT: You're talking about in the -- so the
23 appeal of the summary judgment motion --

24 MR. DULBERG: Yes.

1 THE COURT: Okay. And did Mr. Talarico represent
2 you in that appeal?

3 MR. DULBERG: He took my money for the appeal. He
4 took the --

5 THE COURT: Did he file an appearance in that -- in
6 that appeal?

7 MR. DULBERG: He filed the paperwork. He filed the
8 paperwork, and he filed it pro se in my name.

9 THE COURT: Okay. I --

10 A VOICE: And never told you.

11 MR. DULBERG: And never told me.

12 THE COURT: I'm just trying to get an answer, and
13 I'll ask counsel, but --

14 MR. DULBERG: I found out from the court clerk --
15 the Appellate Court Clerk on the day that the appeal was
16 denied.

17 THE COURT: Did Mr. Talarico file any -- any
18 appearance or brief or any document with the Appellate
19 Court related to an appeal --

20 MR. DULBERG: (Audio distortion) it's with the
21 Appellate Court. In his name. He did it.

22 THE COURT: Okay. All right. Anything else?

23 MR. DULBERG: That's it, your Honor.

24 THE COURT: All right.

1 MR. DULBERG: I ask --

2 THE COURT: So Mr. Wunder, what -- I guess my
3 question to you is, on the -- did your client file an
4 appearance or any documents with the Appellate Court in
5 the appeal of the --

6 MR. DULBERG: He filed a --

7 THE COURT: -- 17 LA -- I'm not asking you. I'm
8 asking Mr. Wunder.

9 In the 17 LA 377, did he file --

10 MR. WUNDER: And Judge, I don't --

11 THE COURT: -- anything with the Appellate Court?

12 MR. WUNDER: I don't have the answer to that
13 question for your right now. I apologize. I would just
14 point out that if his theory is malpractice relating to
15 an appeal, he would still have to establish that the
16 case would've been reversed, Judge, and there's nothing
17 that has been provided in this complaint to establish --

18 THE COURT: Okay. That would be a 2-615 issue.

19 MR. WUNDER: That's correct, Judge.

20 THE COURT: That's why I think it's significant --
21 if your client did in any way represent Mr. Dulberg in
22 the appeal, then the triggering event date for the
23 statute of limitations may be a date after the dismissal
24 by Judge Berg. It could -- if it's -- if the alleged

1 malpractice is related to the conduct during the appeal,
2 then that would be a different issue. And I guess
3 that's -- that may be an issue of fact here since I'm
4 not really getting a specific answer as to whether
5 Mr. Talarico did, in fact, file any paperwork with the
6 Appellate Court in that case or not.

7 MR. FLYNN: Judge, and having been part of the
8 appeal, I can't stand silent here when the question is
9 on the table. Mr. Talarico did file an appearance and
10 multiple motions for an extension. I later moved to
11 dismiss the appeal because the brief on appeal was
12 untimely.

13 THE COURT: Okay. Well, and I appreciate you
14 advising me of that, Mr. Flynn.

15 Okay. Mr. Wunder, any other argument in
16 reply?

17 MR. WUNDER: No, Judge.

18 THE COURT: Okay. I'm going to take these matters
19 under advisement and issue a written decision. I'd like
20 to go out -- I was going to kick it out about 21 days or
21 so. Give me time to do that because we've got five
22 different motions I've got to address here. So I'm
23 looking at a status of decision date of August 21, if
24 that works.

1 MR. FLYNN: Is that 10 o'clock, Judge?

2 MR. GOOCH: That works for me, your Honor.

3 THE COURT: I'm sorry?

4 MR. FLYNN: 10 o'clock, again?

5 THE COURT: It will be at 9 o'clock. It's just

6 a --

7 MR. FLYNN: 9 o'clock.

8 THE COURT: -- status. People can appear by Zoom.

9 Does anyone have a problem with that date?

10 MR. FLYNN: No.

11 MR. WUNDER: No, Judge.

12 MS. SERSHON: No, your Honor.

13 MR. MERLO: No, your Honor.

14 MS. EVANS: I'm sorry. You said August 21?

15 THE COURT: Yes.

16 MS. EVANS: Okay. Thank you. No problem with

17 that.

18 THE COURT: Okay. So what I anticipate doing, hope

19 to do is have a written decision to you folks before

20 that. If for some reason I'm going to -- if I need more

21 time, I will -- we'll continue it with a new date. But

22 I've got -- keep a date to keep me on track and for the

23 clerk's office.

24 All right. I'll need an order for today. So

1 who would like to do that?

2 MR. MERLO: I can do it, your Honor.

3 THE COURT: Okay. I appreciate that. All right.

4 Just circulate it and then submit it electronically.

5 All right. Thank you, everyone, for your time and

6 attention to this matter. Appreciate it.

7 MR. GOOCH: Chris, I don't need to see the order.

8 You can just send it in without me looking at it.

9 MR. MERLO: Got it.

10 THE COURT: All right. Appreciate the efforts put

11 into all the briefs, including that done by the

12 plaintiff here. All right. I'll await that order.

13 Thank you.

14 MR. MERLO: All right. Thank you, Judge.

15 MS. SERSHON: Thank you, your Honor.

16 MS. EVANS: Thank you, your Honor.

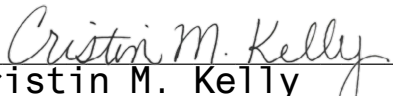
17 MR. WUNDER: Have a good one.

18 MS. EVANS: Have a great day.

19 (Which were all the proceedings
20 had in the above-entitled cause
21 this date.)
22
23
24

1 IN THE TWENTY-SECOND JUDICIAL CIRCUIT
2 McHENRY COUNTY, ILLINOIS

3 I, CRISTIN M. KELLY, an Official Court
4 Reporter for the Twenty-Second Judicial Circuit of
5 Illinois, do hereby certify that the foregoing Report of
6 Proceedings was electronically recorded and is a true,
7 correct, and complete transcript so taken at the time
8 and place hereinabove set forth to the best of my
9 ability based on the quality of the electronic
10 recording.

11
12
13 
14 Cristin M. Kelly
15 Official Court Reporter

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18
19
20
21
22
23
24 Dated this 4th day of August, 2026