IN THE CIRCUIT COURT OF THE 22nd JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

FILED
AUG - 7 2026
KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

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

Plaintiffs,

v.

Case 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.

MEMORANDUM DECISION AND ORDER

This matter came to be heard for hearing on all of the Defendants' individual motions to dismiss. Plaintiff Paul R. Dulberg[1] ("Dulberg") filed written responses to all of the motions to dismiss and Defendants' filed written replies in support. Oral argument on the motions was conducted on July 29, 2026. The Court has considered the motions, briefs, oral argument, and applicable case law and statutes, and is ready to rule.

BACKGROUND

On June 28, 2011, Dulberg was injured by a chainsaw while working. He sued his employer, David Gagnon ("Gagnon") and the owners of the property where the injury occurred, Bill and Caroline McGuire ("McGuires").

[1] Plaintiff Paul R. Dulberg, Revocable Trust was voluntarily dismissed on July 29, 2026.

Dulberg was represented by Defendants Thomas J. Popovich ("Popovich") and Hans Mast ("Mast") ("Popovich Defendants") in that litigation (2012LA-178). McGuires made a $5000 settlement offer which Dulberg accepted and the Court approved on January 22, 2014.

On March 12, 2015, the Popovich Defendants withdrew as counsel for Dulberg. Within a week, attorney Brad Balke appeared for Dulberg and on November 6, 2015, attorney Randal Baudin II replaced Balke as Dulberg's attorney.

During the pending of 2012LA-178, Dulberg filed for Chapter 7 bankruptcy due to his significant medical bills. In regard to the case against Gagnon, the parties agreed to binding mediation with an upper cap of $300,000. A mediation award of $561,000 (before consideration of the cap) was obtained and on December 12, 2016, 2012LA-178 was dismissed with prejudice by agreement. The bankruptcy case was closed on June 20, 2017, with the $301,000 proceeds from the mediation going into the bankruptcy estate.

Thereafter, Dulberg filed a legal malpractice case against Popovich and Mast on November 28, 2017. The legal malpractice case (2017LA-337) was filed by Defendants Thomas Gooch ("Gooch") and Sabina Sershon ("Sershon") ("Gooch Defendants"). The Gooch Defendants withdrew their representation on October 8, 2018, and were replaced by the Clinton Defendants (Edward X. Clinton, Julia Williams, and Clinton Law Firm) on November 1, 2018. The Clinton Defendants withdrew on July 27, 2020, and were replaced by the Talarico Defendants (Alphonse Talarico and the Law Office of Alphonse A. Talarico) in October, 2020.

On February 1, 2023, Judge Joel Berg granted summary judgment in favor of the Popovich Defendants in 2017LA-337 based on the statute of limitations. Specifically, Judge Berg found that the $5,000 settlement, which Dulberg complained of in the legal malpractice case, triggered the running of the two year statute of limitations, which ran before 2017LA-377 was filed.

In 2022, Dulberg filed a separate lawsuit in Cook County (2022L-10905) against a number of defendants including attorney Baudin, Allstate (Gagnon's insurer) and ADR Systems, the chosen mediation provider in 2012LA-178. ADR was dismissed and its motion for Illinois Supreme Court Rule 137 sanctions against Dulberg was granted.

Dulberg appealed the entry of summary judgment in 2017LA-377. However, that appeal was dismissed on December 4, 2023, for failure to file an opening brief.

In this lawsuit, Dulberg, a self-represented litigant, has sued the Popovich Defendants, attorney George Flynn (who represented the Popovich Defendants in 2017LA-377) the Gooch Defendants, the Clinton Defendants, and the Talarico Defendants. Each Defendant, or group of Defendants, has brought a separate motion to dismiss. The Court shall address each motion in turn.

ANALYSIS

Popovich Defendants' Motion to Dismiss

The Popovich Defendants' Motion to Dismiss is brought pursuant to 735 ILCS 5/2-619.1, seeking dismissal pursuant to 2-619 and 2-615.

2-619 Arguments

In the 5/2-619 portion of the Motion to Dismiss, the Popovich Defendants raise the following affirmative defenses: (1) statute of limitations; (2) statute of repose; (3) res judicata; and (4) collateral and judicial estoppel. The Court shall address each in turn (the Court is combining res judicata and collateral and judicial estoppel).

Statute of Limitations

Dulberg titles his claims against the Popovich Defendants as "Civil Conspiracy to Commit Fraud Against Dulberg and Fraud on the Court". In that count (6), Dulberg alleges:

> "[a]ll named defendants worked in parallel conduct toward one primary purpose throughout legal malpractice case 17LA377: To deliberately collapse the claims of Dulberg to protect and shield Dulberg's previously retained attorneys in 12LA178 so the defendants and potential defendants faced no liability for their actions in underlying personal injury case 12LA178 and resulting bankruptcy case 14-83578". (Complaint, ¶221).

The only allegation specific to the Popovich Defendants in Count 6 is as follows:

> "Opposing counsel Flynn and Defendants Popovich and Mast also worked for this same common purpose as conspirators. Defense counsel and defendants do not have any right to undermine the judicial machinery or participate in corruption to win their case. Flynn's actions throughout legal malpractice case 17LA377 were much more than zealous defense on his clients. The defense counsel does not have any right to undermine the adversarial process that makes court valid. As co-conspirators Flynn, Popovich and Mast are jointly and severally liable for committing fraud against Dulberg and for committing fraud on the court". (Complaint ¶223)

According to Dulberg, all the Defendants and Judge Berg and Judge Thomas Meyer (who presided over 2012LA178) conspired against him. The conspiratorial acts alleged are convoluted but all involve conduct by the attorneys (and judges) in 2012LA178 and 2017LA-377, such as making misrepresentations to the Court about the definition of "injury" for the purpose of statute of limitations (Dulberg intimates that the attorneys conspired to trick the judges as to the meaning of "injury" and the judges conspired to be tricked), suppressing Gagnon's alleged admission of negligence in 2012LA178 by not answering a crossclaim, suppressing information about the bankruptcy case, and suppressing evidence in 2012LA178.

In his Complaint, Dulberg acknowledges that judges Berg and Meyer have judicial immunity and cannot be sued, thus avoiding the need to answer the rhetorical question whether one can conspire against oneself (per Dulberg the judges acted as co-conspirators working toward the same purpose as the named defendants- committing a fraud upon the court).

As to conspiratorial acts of the named Defendants, specifically the Popovich Defendants, even if true Dulberg's claims based on them are barred by the applicable statute of limitations. 735 ILCS 5/13-214.3(b), states:

> "(b) An action for damages based on tort, contract, or otherwise (i) against an attorney arising out of an act or omission in the performance of professional services or (ii) against a non-attorney employee arising out of an act or omission in the course of his or her employment by an attorney to assist the attorney in performing professional services must be commenced within 2 years from the time the person bringing the action knew or reasonably should have known of the injury for which damages are sought."

That statute applies whether the claim against the attorney is "styled as malpractice or fraud or conspiracy". Schrock v. Ungaretti & Harris, Ltd., 2019 IL App (1st) 161698, ¶48 (emphasis added). It applies to all claims concerning legal services and is not limited to legal malpractice. 800 South Wells Commercial, LLC v. Horwood Marcus and Berk Chartered, 2013 IL App (1st) 123606, ¶13-14.

Here, the alleged conspiratorial acts by the Popovich Defendants (in reality, nothing more than defending themselves from Dulberg's legal malpractice suit), even if true, arose out of and were related to their legal representation of Dulberg. More significantly, assuming these conspiratorial acts happened and resulted in the order of summary judgment against Dulberg in 2017LA-377, then the date of Dulberg's injury, which triggered the two year statute of limitations, was at latest the date of that judgment, February 1, 2023. That date is more than two years before the filing date for this lawsuit, December 4, 2025. Thus, Dulberg's claims against the Popovich Defendants are barred by the statute of limitations and must be dismissed with prejudice.

Statute of Repose

735 ILCS 5/13-214.3 contains a statute of repose. Specifically, subparagraph (c) provides, "[e]xcept as provided in subsection (d), an action described in subsection (b) may not be commenced in any event more than 6 years after the date on which the act or omission occurred". That language has been interpreted to provide that the repose period begins to run with the "last act of representation" upon which the claim is founded. Trogi v. Diabri & Vicari, P.C., 362 Ill. App. 3d 93, 96 (1st Dist. 2005). Here, as a matter of law, the Popovich Defendants' last act of representation was the date when they were granted leave to withdraw, March 13, 2015. Thus, the statute of repose for Dulberg's claims against the Popovich Defendants would expire on March 13, 2021, well before this lawsuit was filed. Even if one used the date Dulberg sued the Popovich Defendants for legal malpractice in 2017LA-377, November 28, 2017, the statute of repose would have expired on November 28, 2023- again well before this suit was filed. The statute of repose provides an additional basis for dismissal with prejudice as to the Popovich Defendants.

Res Judicata

The doctrine of res judicata acts to bar claims if the following three requirements are met: (1) there was a final judgment on the merits rendered by a court of competent jurisdiction; (2) there is an identity of cause of action, and (3) there is an identity of parties or their privies. River Park v. City of Highland Park, 184 Ill. 2d 290, 302 (1998)

Here, the first and third prongs are indisputable. Dulberg sued the Popovich Defendants in 2017LA-377 and is suing them here. Furthermore, there was a final judgment in 2017LA-377. Dulberg contends the second prong, identity of cause of action, is unmet because this lawsuit is "civil conspiracy", whereas 2017LA-377 was a claim for legal malpractice. However, "separate claims will be considered the same cause of action for purposes of res judicata if they arise from a single group of operative facts, regardless of whether they assert different theories of relief". River Park, p. 302. A review of Dulberg's conspiracy claims against the Popovich Defendants (and others), set out in Paragraph 225 of his Complaint show that the conspiratorial acts applicable to the Popovich Defendants arise out of their representation of Dulberg in 2012LA178. Recasting claims of negligence as conspiratorial acts does not give Dulberg a second bite at the apple. The only claim against the Popovich Defendants that could ever arguably arise from different facts would be the one alleging "coordinated actions in defining the word 'injury' in the discovery rule incorrectly throughout 17LA377" (Complaint, ¶225 (1)). However, as a matter of law, defining "injury" for purposes of applicability of the statute of limitations in conformity with Illinois law cannot be a basis for a conspiracy claim. Thus, res judicata applies and dismissal with prejudice as to the claims against the Popovich Defendants is mandated. Likewise, Dulberg's claims are barred by the concept of collateral estoppel.

2-615 Argument

The Court need not address the Popovich Defendants' 2-615 Motion to Dismiss as the Court is granting the 2-619 portion of the Motion, which results in a dismissal with prejudice of Dulberg's claims against the Popovich Defendants.

Defendant George Flynn's Motion to Dismiss

Attorney George Flynn is joined here apparently by virtue of successfully defending the Popovich Defendants in Dulberg's legal malpractice case against them.

In defending himself, Attorney Flynn has filed a 2-619.1 motion to dismiss and seeks Illinois Supreme Court Rule 137 sanctions.

2-619 Argument

Here, Flynn argues that he is immunized from liability under the doctrine of Absolute Litigation Privilege, or alternatively, qualified immunity.

The Absolute Litigation Privilege is the doctrine that an attorney is immunized from any liability to a non-client for communications made in connection with a pending or potential judicial proceeding. Johnson v. Johnson & Bell Ltd., 2014 IL App. (1^{st}) 142152, ¶25. The privilege applies to an attorney's communications before, during and after litigation, and includes statements both in and out of court. Scarpelli v. McDermott Will & Emery LLP, 2018 IL App (1^{st}) 170874, ¶20

Here, the sole allegation against Flynn with any specificity is that he misrepresented the definition of "injury" for purposes of the statute of limitations to the Court. Putting aside the incredulity of that claim addressed below, any statement Flynn made to the Court regarding the definition of "injury" for statute of limitation purposes, whether verbally or in writing, would be a communication related to litigation and as such would be protected by the Absolute Litigation Privilege. Accordingly, Dulberg's claims against Flynn are dismissed with prejudice.

2-615 Argument

The Court would not otherwise address 2-615 arguments given dismissal with prejudice is warranted under 2-619. However, here the Court addresses Flynn's 2-615 argument as it serves as an additional basis for dismissal with prejudice.

Dulberg's allegations against Flynn stem from Flynn's successful representation of the Popovich Defendants in Dulberg's lawsuit against them. As referenced, Dulberg claims Flynn misrepresented the definition of "injury" for purposes of calculating the statute of limitations to secure summary judgment. He did not. Flynn's arguments regarding the triggering event for the running of the statute of limitations were in conformity with Illinois law as evidenced by the fact that they were accepted by the Court through its entry of summary judgment, becoming the law of the case through dismissal of Dulberg's appeal of that order. Dulberg has not and cannot state a claim against Flynn premised on Flynn's successful representation of Dulberg's litigation opponents. A dismissal with prejudice pursuant to 2-615 is warranted when it is evident that plaintiff cannot plead any set of facts that state a viable cause of action. Levine v. UL LLC, 2023 IL App (1st) 221845. Thus, 2-615 provides an additional basis for a dismissal of Dulberg's lawsuit against Flynn, with prejudice.

Rule 137 Sanctions

In addition to dismissal, Flynn also seeks sanctions against Dulberg pursuant to Illinois Supreme Court Rule 137. That rule is in relevant part as follows:

> "**(a) Signature requirement/certification.** Every pleading, motion and other document of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his pleading, motion, or other document and state his address. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other document is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or other document is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other document, including a reasonable attorney fee."

It is apparent that Dulberg's complaint against Flynn is sanctionable under Rule 137.

Dulberg has sued everyone he perceives as having thwarted his litigation goals, no matter how tangential their involvement. Dulberg has sued the attorneys in his personal injury case (the Popovich Defendants, the Baudin Law Group in 22L-10905). He has sued the attorneys who represented him in his malpractice case against the Popovich Defendants (the Gooch Defendants, the Clinton Defendants, and the Talrico Defendants). He has sued the attorney who represented the Popovich Defendants (Flynn). He has sued the court appointed trustee in the bankruptcy case he filed (Joseph Olsen). He has sued the insurance carrier for Gagnon (Allstate); and implausibly, sued ADR Systems for providing the forum for the mediation agreed to by his attorneys and the bankruptcy trustee.

Not surprisingly, the judge assigned to 22L-10905 dismissed ADR and sanctioned Dulberg pursuant to Rule 137 for suing ADR without a good faith basis to do so.

Thus, Dulberg cannot claim ignorance of the Rule 137 requirement that one must have a good faith basis to sue. Despite being sanctioned for filing a frivolous claim against ADR, Dulberg sued Flynn here for having the temerity to best him in court. No objective analysis suggests a good faith basis to sue here. Flynn never should have been brought into this lawsuit and has expended significant resources in defending this case. Furthermore, Dulberg's frivolous claims against Flynn are but one example of his cavalier attitude toward good faith pleading requirements, as further evidenced by his baseless conspiracy claims against two judges. Rule 137 sanctions are appropriate and are assessed against Dulberg in an amount to compensate Flynn for his reasonable attorney fees and costs, to be determined through filing of a petition by Flynn.

<u>Gooch Defendants' Motion to Dismiss</u>

The Gooch Defendants have brought a motion to dismiss pursuant to 2-619.1. They make three distinct arguments for dismissal under the 2-619 portion of the Motion to Dismiss: 1) statute of limitations; 2) statute of repose; and 3) lack of proximate cause. The Court shall address each argument.

Statute of Limitations

Dulberg's claims against the Gooch Defendants are entitled "Prima Facie Negligent Conduct (Legal Malpractice), Fraud Against Dulberg and Fraud on the Court".

As referenced, an action brought against one's attorney for claims related to the provision of legal services, whether labeled legal malpractice, conspiracy, or fraud, must be filed within two years of the time the person bringing the action knew or reasonably should have known of the injury for which damages are sought. **735 ILCS 5/13-214.3**

Here, Dulberg filed this Complaint on December 4, 2025. The legal malpractice case that the Gooch Defendants filed on behalf of Dulberg was terminated through summary judgment for defendants on February 1, 2023. That order put Dulberg on notice of an injury. Thus, Dulberg needed to file his Complaint against the Gooch Defendants no later than February 1, 2025; he did not. Furthermore, Dulberg filed an ARDC Complaint against the Gooch Defendants on November 8, 2023. The allegations of misconduct by Dulberg against the Gooch Defendants essentially mirror those listed in this Complaint. The ARDC Complaint was filed more than two years before Dulberg filed this Complaint. In his Response, Dulberg contends the filing of the ARDC is irrelevant as the nature of that proceeding is different. While the nature of an ARDC complaint is different than a legal malpractice lawsuit, the fact that Dulberg made allegations of malpractice against the Gooch Defendants in his ARDC Complaint unequivocally establishes that Dulberg knew of his potential malpractice case against the Gooch Defendants when he filed his ARDC complaint, triggering the two year statute of limitations, which ran out before he filed this lawsuit.

The statute of limitations bars Dulberg's claims against the Gooch Defendants.

Statute of Repose

As referenced, actions against an attorney by a client must be filed within six years after the date on which the act or omission occurred. **735 ILCS 5/13-214.3(c)**. The last act of representation triggers the running of the repose period. Trogi v. Diabri & Vicari, P.C., 362 Ill. App. 3d 93, 96 (1st Dist. 2005). Here, it is undisputed the Gooch Defendants withdrew their representation on October 15, 2018, the last act of representation, occurring more than six years before Dulberg filed this lawsuit. The statute of repose bars Dulberg's claims against the Gooch Defendants.

Lack of Proximate Cause

The Gooch Defendants present a third argument supporting dismissal with prejudice: as a matter of law any acts or omission by the Gooch Defendants were not a proximate cause of Dulberg's injuries.

In support, the Gooch Defendants point to the fact that Dulberg still had a viable claim when the Gooch Defendants withdrew and were replaced by the Clinton firm. In fact, the case continued for almost five years after the Gooch Defendants withdrew; and the Complaint was amended after the Gooch Defendants' departure.

Dulberg makes numerous complaints regarding the Gooch Defendants' handling of the legal malpractice case, chiefly centered on the Gooch Defendant's allegedly poorly drafted Complaint (which Dulberg bizarrely contends Gooch did intentionally to assist the Popovich Defendants from avoiding liability), their communications, and work on discovery.

However, even assuming arguendo the Gooch Defendants were negligent in all the ways described by Dulberg, as a matter of law, such negligence was not a proximate cause of

Dulberg's injuries. The legal malpractice case was terminated based on the statute of limitations, which commenced on the date of the McGuire settlement, January 22, 2014. Thus, the statute expired before Dulberg ever met the Gooch Defendants, which per his Complaint was December 16, 2016 (Complaint, ¶61). Therefore, any actions by the Gooch Defendants during their representation of Dulberg could not be a proximate cause of his injuries.

<u>2-615 Arguments</u>

In light of the Court finding three distinct bases for dismissal with prejudice pursuant to 2-619, the Court need not consider the Gooch Defendants' 2-615 arguments.

<u>Clinton Defendants' Motion to Dismiss</u>

The Clinton Defendants represented Dulberg after the Gooch Defendants withdrew in 2017LA-377. As with the Gooch Defendants, Dulberg has sued the Clinton Defendants for "Legal Malpractice, Fraud, and Fraud on the Court". Like the other Defendants, the Clinton Defendants have brought a motion to dismiss pursuant to 5/2-619.1.

<u>2-619 Arguments</u>

<u>Statute of Limitations</u>

The Clinton Defendants argue that Dulberg's claims against them are time barred pursuant to the two year statute of limitations set out in 735 ILCS 5/13-214.3(b). They are correct. The scope of the 5/13-214.3(b), as explained above, is broad, including any "actions for damages based on tort, contract, or otherwise against an attorney arising out of an act or omission in the performance of professional services" (5/13-214.3(b)), with courts specifically including claims for fraud in its scope. <u>Schrock</u>, ¶48

Thus, Dulberg's claims are governed by 5/13-214.3(b). Therefore, he had two years from the date he "knew or reasonably should have known of the injury for which damages are sought"

(5/13-214.3(b)) to file suit. Here, as explained, Dulberg knew of his injury no later than February 1, 2023, when an adverse judgment was entered in 2017LA-377. He had two years from that date to sue the Clinton Defendants but failed to do so. Thus, Dulberg's claims against the Clinton Defendants are time barred.

Lack of Proximate Cause

The Clinton Defendants raise a similar argument to that raised by the Gooch Defendants: as a matter of law any acts or omissions by the Clinton Defendants were not a proximate cause of Dulberg's injuries. The Clinton Defendants are correct. The Clinton Defendants were not retained by Dulberg until November 1, 2018 (Complaint, ¶110), well after the statute of limitations ran for commencing a legal malpractice claim against the Popovich Defendants as determined by Judge Berg. Thus, any actions (or inactions) by the Clinton Defendants could not have been a proximate cause of Dulberg's injuries.

2-615 Arguments

Given that the Court has found two distinct bases for dismissing Dulberg's claims against the Clinton Defendants with prejudice, the Court need not consider the Clinton Defendants' 2-615 arguments.

Talarico Defendants' Motion to Dismiss

These Defendants were Dulberg's third and final attorneys in 2017LA-377. However, unlike the Gooch and Clinton Defendants, the Talarico Defendants arguably represented Dulberg in his appeal of the adverse judgment in that case (at oral argument Talarico's counsel could not say whether Talarico represented Dulberg in his appeal, however, the appellate court's dismissal order for the appeal was addressed to Talarico and Attorney Flynn, as an officer of the court, represented that Talarico did appear in the appeal).

Dulberg's claim against the Talarico Defendants are entitled "Legal Malpractice, Fraud, and Fraud on the Court". Like the other defendants, the Talarico Defendants have moved to dismiss pursuant to 735 ILCS 5/2-619.1

2-619 Argument

The Talarico Defendants contend that the misconduct alleged in the Complaint against various defendants, including the Talarico Defendants, occurred in 2023 or before and thus put Dulberg on notice of his injuries more than two years before he filed the instant lawsuit.

As explained, Dulberg had notice of injuries he may have suffered through the alleged malpractice of various attorneys who represented him in 2017LA-377 no later than the adverse judgment date of February 1, 2023. If the Talarico Defendants' representation of Dulberg ended with that adverse judgment, the Talarico Defendants, like other defendants, would be entitled to dismissal based on the statute of limitations. However, the Talarico Defendants' representation of Dulberg did not end then but rather continued for the appeal.[2]

Although inartfully drafted, Dulberg does allege numerous acts of malpractice/misconduct by the Talarico Defendants related to the appeal of 2017LA-377, and/or occurring after the adverse judgment date of February 2, 2023. (Complaint ¶195-218, 218) The appeal was not dismissed until December 4, 2023, making the December 4, 2025 lawsuit against the Talarico Defendants timely, at least as to conduct related to the appeal. Thus, the 2-619 portion of the Talarico Defendants' Motion to Dismiss must be denied.

2-615 Argument

The 2-615 portion of the Motion to Dismiss is well founded. 735 ILCS 5/2-603 requires complaints to "contain a plain and concise statement of the pleader's cause of action". Dulberg's

[2] For purposes of this Motion, the Court assumes, based on competent evidence presented, that the Talarico Defendants represented Dulberg in the appeal of 2017LA-377.

88 page, 226 paragraph complaint (not including exhibits) does not. It is an amalgam of manifestos, amorphous conspiracy theories (including against two judges), and minute details of irrelevant evidence. It would be impossible for the Talarico Defendants (or any other defendant) to answer the Complaint in its present state.

Dulberg's Complaint is further defective in that it fails to properly plead "a case within a case" as required in a legal malpractice claim. See Tri-G, Inc. v. Burke, Bosselman & Weaver, 222 Ill. 2d 218 (2006). Or in this case, a case within a case, within a case. In order to prevail against the Talarico Defendants, Dulberg will have to plead and prove: 1) that the Talarico Defendants committed malpractice in the appeal of 2017LA-377; 2) but for the Talarico Defendants' malpractice in the appeal of 2017LA-377, Dulberg would have prevailed in that appeal; and 3) upon remand and reinstatement of 2017LA-377, Dulberg would have prevailed in his malpractice claim against the Popovich Defendants, including proving he would have obtained a better result in his personal injury litigation (2012LA-178). Dulberg has not pled those required elements but will be allowed the opportunity to do so.

The 2-615 portion of the Talarico Defendants' Motion to Dismiss is granted and Dulberg's Complaint is be dismissed without prejudice, with leave to replead.

Supreme Court Rule 304(a) Finding

Defendant Flynn has requested Illinois Supreme Court Rule 304(a) language be included herein. It is appropriate to consider that request as the Court is not dismissing all defendants in this Order. However, this request is premature given the Court's determination as to the amount of sanctions to be assessed against Dulberg is pending and awaiting the filing of a petition by

Flynn setting out the attorney fees and costs incurred. No other defendant has made a request for a Rule 304(a) finding. The Court will consider such request(s) upon filing.

ORDER

IT IS HEREBY ORDERED:

1) Plaintiff Paul R. Dulberg's claims against Defendants Thomas J. Popovich, Hans Mast, Thomas W. Gooch, Sabina Sershon, the Gooch Firm, George Flynn, Edward X. Clinton, Julia Williams, and Clinton Law Firm, LLC., are dismissed with prejudice;

2) Plaintiff Paul R. Dulberg's claims against Defendants Alphonse Talarico and Law Office of Alphonse A. Talarico are dismissed without prejudice. Plaintiff is granted leave to file an amended complaint as to those defendants within 28 days;

3) The Court enters sanctions pursuant to Illinois Supreme Court Rule 137 against Plaintiff Paul R. Dulberg related to his complaint against George Flynn, in an amount to be determined after filing of a petition for attorney fees and costs to be filed by Flynn within 28 days; and

4) The status of decision date of August 21, 2026 is stricken and the matter is set for general status on September 11, 2026 at 9:00 a.m.

KEVIN G. COSTELLO
JUDGE