

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

PAUL R. DULBERG, *et al.*,)
Plaintiffs,)
vs.) **CASE NO. 25LA360**
THOMAS W. GOOCH, *et al.*,)
Defendants,)

**PLAINTIFF'S MOTION TO RECONSIDER AUGUST 7, 2026 ORDER DISMISSING DEFENDANTS
GOOCH AND SERSHON FROM THIS CASE BASED ON MISTAKES IN LAW**

NOW COMES Plaintiff, Paul R. Dulberg, pro se, and respectfully moves this Court to reconsider its August 7, 2026 Order dismissing Defendants Gooch and Sershon from this case. In support thereof, Plaintiff states as follows:

**A. THE AUGUST 7, 2026 ORDER BYPASSES AND IGNORES TALARICO'S ACTIONS STATED IN
PARAGRAPHS 169 TO 213 OF DULBERG'S COMPLAINT**

1. ON JULY 29, 2026 Judge Costello held 5 hearings on 5 separate Motions to Dismiss. The third hearing was on the Gooch and Sershon Motion to Dismiss. During the hearing Judge Costello would not acknowledge that Talarico's actions or Clinton and Williams' actions had any relevance or relation to Dulberg's claims made against Gooch and Sershon.

2. After siding with the defendants in each of the first 4 motions to dismiss heard, Judge Costello held a fifth hearing on Talarico's motion to dismiss. It was during the fifth hearing that the Judge learned for the first time that Talarico acted as Dulberg's attorney during the 17LA377 appeal process in this exchange starting on page 45, line 2 of the July 29, 2026 Report of Proceedings (**Exhibit ER-1**¹):

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

MR. DULBERG: He filed a --

THE COURT: -- 17 LA -- I'm not asking you. I'm asking Mr. Wunder. In the 17 LA 377, did he file --

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

THE COURT: -- anything with the Appellate Court?

MR. WUNDER: I don't have the answer to that question for your right now. I apologize.

and beginning on page 45, line 20:

THE COURT: That's why I think it's significant -- if your client did in any way represent Mr. Dulberg in the appeal, then the triggering event date for the statute of limitations may be a date after the dismissal by Judge Berg. It could -- if it's -- if the alleged malpractice is related to the conduct during the appeal, then that would be a different issue. And I guess that's -- that may be an issue of fact here since I'm not really

¹ Attached as Exhibit **ER-1**

getting a specific answer as to whether Mr. Talarico did, in fact, file any paperwork with the Appellate Court in that case or not.

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

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

3. But Talarico's actions are clearly stated in the complaint ¶ 169 to ¶ 213 and Talarico's Appellate and Supreme Court actions are described in detail in the complaint ¶ 195 to ¶ 213 in a section clearly titled "HOW TALARICO INTENTIONALLY DESTROYED DULBERG'S ATTEMPT TO APPEAL THE FINAL DECISION IN 17LA377 WHICH IS UNMISTAKABLY AT VARIANCE WITH ILLINOIS LAW". The complaint exhibits prove Talarico registered Dulberg as pro se with the Appellate Court on 4 separate occasions (all without Dulberg's knowledge or consent) while acting as Dulberg's attorney and collecting fees. All of these documents were already in the possession of Judge Costello and all parties to this case. Talarico's actions against Dulberg include:

- a. On February 17, 2022 Talarico informed Dulberg that Talarico discovered that presiding Judge Meyer has a conflict of interest with Popovich and that Judge Meyer self-recused in at least one previous case based on being friends with Popovich, yet Talarico never raised the issue in court during 17LA377. (Complaint ¶ 171 and **Exhibit CL**¹)
- b. On May 24, 2022 document examination agency Omni completed their report on the 2 case 12LA178 court reporter signatures which were subpoenaed (Paula Erickson and Margaret Orton) and found on 5 depositions in underlying case 12LA178. Omni found the signatures do not match known samples.(Complaint ¶ 181 and **Exhibits AJ1, AJ2, AJ3, AJ4, AJ5, AJ6, AJ7, AJ8, AJ9, AJ10, AJ11, AJ12, AJ13, AJ14, AJ15, AJ16**²). Talarico never raised these issues in court.
- c. Talarico was informed in detail that Clinton and Williams deliberately suppressed key evidence of a certified slip ruling of Tilschner v Spangler that Dulberg provided to them and asked them to raise in court. Talarico was notified that Clinton and Williams and Gooch were all informed in writing on many occasions of the importance of this key evidence to Dulberg's claims in 17LA377 (listed in Complaint ¶ 137 and Table 10).
- d. On November 9, 2022, about one week after Clinton and Williams claimed in court that they had no memory of the case Tilschner v Spangler or the contents of "exhibit 12" of Mast's deposition, Talarico was provided with evidence of a sophisticated system of document and information suppression used by Clinton-Williams against Dulberg and collaboration with opposing counsel Flynn in 17LA377 (**Exhibit DW**³, **Exhibit ED-2**⁴, **Exhibit ED-3**⁵) and described in ¶ 188 of the Complaint, but Talarico never raised the issue with the presiding Judge.
- e. On March 3, 2023 Talarico deviously listed Dulberg as a Self Represented Litigant in the 17LA377 Notice

1. Exhibit **CL** ··· Docket No. **0258**

2. Exhibits **AJ1-AJ16** ····· Docket No.'s **0209-0224**

3. Exhibit **DW** ··· Docket No. **0168**

4. Exhibit **ED-2** ··· Docket No. **0155**

5. Exhibit **ED-3** ··· Docket No. **0154**

of Appeal without Dulberg knowing it (**Exhibit CN¹**). Talarico represented himself to Dulberg as if Talarico was Dulberg's acting attorney during the 17LA377 appeal process (Reviewing Court No: 2-23-0072) (**Exhibit CO², Exhibit CP³**) and Talarico continued to charge and collect Dulberg's fees the entire time (**Exhibit BN-7⁴**). Talarico also intentionally destroyed Dulberg's Supreme Court Petition while also deviously posing as Dulberg's retained attorney. All fees were paid monthly. (Complaint ¶ 195)

- f. Communications records between Talarico and Dulberg, together with the one-page appeal / Supreme Court PLA (Petition for Leave to Appeal) timeline, demonstrate that Talarico held himself out to Dulberg as Dulberg's retained attorney during the appeal process (Reviewing Court No. 2-23-0072), including during the final appeal / Supreme Court PLA phase arising from the Judge Berg ruling in 17LA377. (**Exhibits EQ-1⁴, EQ-2⁵, and EQ-5⁶**)
- g. Communications records, the one-page January 2024 timeline, the January 9, 2024 filing-return notice, and the related Supreme Court record materials demonstrate that Talarico held himself out to Dulberg as Dulberg's retained attorney for purposes of preparing and attempting to file the Supreme Court Petition in case number 25884372, which stemmed directly from Second District Appellate case number 2-23-0072 and 22nd Judicial Circuit Court case number 17LA377. (**Exhibits EQ-1⁵, EQ-2⁶, EQ-3⁷, EQ-4⁸, and EQ-5⁹**)
- h. On September 26, 2023 Talarico accepted a \$10,000 retainer to pursue claims against Clinton and Williams and Gooch for "Fraud on the court, Civil rights violations, Reopening the bankruptcy, Etc".... (Complaint ¶ 210 and **Exhibit AT¹⁰**)
- i. On May 29, 2024 Talarico intentionally lied to the Illinois Supreme Court about ever being retained to pursue claims against Clinton and Williams. Talarico later called the same claims against Clinton and Williams (that Talarico was retained to pursue) a "fantasy" "conspiracy theory" by Dulberg and Thomas Kost. (Complaint ¶ 208 and **Exhibit BY¹¹**)

4. Every one of these actions are listed clearly in the complaint with all exhibits included. All defendants and Judge Costello spoke throughout the July 29, 2026 hearing as if none of them were in possession of any information on Talarico's actions in the Appellate Court or any of the exhibits (complaint ¶ 195 to ¶ 213). On August 7, 2026 Judge Costello then ruled in favor of Gooch and Serzhon as if he was not in possession of any of this information or any of the exhibits.

5. Talarico committed these acts against his client Dulberg just after Clinton and Williams committed the following acts against their client Dulberg described in ¶ 108 to ¶ 168 of the Complaint in chronological order, including:

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- 1. Exhibit **CN** ... Docket No. **0256**
 - 2. Exhibit **CO** ... Docket No. **0255**
 - 3. Exhibit **CP** ... Docket No. **0254**
 - 4. Exhibit **BN-7** · Docket No. **0192**
 - 5. **Attached** as: · Exhibit **EQ-1**_CallLog_312-608-1410_only.pdf
 - 6. **Attached** as: · Exhibit **EQ-2**_CallLog_AllowedNumbers_Extracted_From_MyBill_01.25.pdf
 - 7. **Attached** as: · Exhibit **EQ-3**_GroupEx50_Part13_SupremeCourtHyperlinks_KeyPages.pdf
 - 8. **Attached** as: · Exhibit **EQ-4**_Pages 8329-8332 extracted from Docket No 0332_Group Exhibit 50_Part 13 of 13_File-Stamped.pdf
 - 9. **Attached** as: · Exhibit **EQ-5**_CallLog_Timeline_OnePage_Landscape.pdf
 - 10. Exhibit **AT** · Docket No. **0208**
 - 11. Exhibit **BY** · Docket No. **0184**

- a. Clinton and Williams knowingly and intentionally misinformed Dulberg how to calculate the Statute of Limitations by deliberately misrepresenting statements underlined in blue in **Exhibit 253**¹ to Dulberg and to the court. Gooch and Sershon claimed the Statute of Limitations is calculated from the day Dulberg knew or should have known of any “injury” caused by Mast and/or Popovich. The Second Amended Complaint was intentionally crafted by Clinton and Williams with the same misrepresentation of the statements underlined in blue in **Exhibit 253**¹ (of how to calculate statute of limitations) that Gooch placed in the original Complaint and the First Amended Complaint. (Complaint ¶118)
- b. Clinton and Williams never informed Dulberg that the 12LA178 record contains an admission of negligence by Gagnon for Dulberg’s chainsaw injury as early as March, 2013 (more than 20 months before Dulberg declared bankruptcy, more than 41 months before Dulberg was forced into binding mediation with an ‘upper cap’ of \$300,000 placed on the value of the case). (Complaint ¶ 216 (b) and **Exhibit 112**²).
- c. Clinton and Williams did not mention anything about Dulberg’s bankruptcy in the Complaint or in any court record (Except once, see Complaint ¶ 165) even though BK 14-83578 was the underlying case of legal malpractice case 17LA377 and the case 12LA178 had become a protected asset of the bankruptcy estate from the time Dulberg declared bankruptcy. (Complaint ¶ 28 to ¶ 37)
- d. Clinton and Williams focused only on the settlement with the McGuire defendants in underlying personal injury case 12LA178 and ignored everything related to co-defendant Gagnon. (Complaint ¶ 111 to ¶ 114)
- e. Clinton and Williams intentionally and systematically suppressed key evidence of a certified slip opinion of the Appellate Court ruling Tilschner v Spangler and then acted as if neither Clinton or Williams have any memory of being informed repeatedly by Dulberg and Kost of the key evidence Tilschner v Spangler. (Complaint ¶ 137)
- f. Clinton and Williams were first informed of “smoking gun” evidence of Popovich and Mast committing intentional tort (fraud) on July 8, 2019 due to the discovery of Mast and Popovich offering to settle the McGuire claim on behalf of Dulberg with McGuires’ attorney Barch for \$7,500 on October 22, 2013. Since Mast first explained to Dulberg that the McGuire defendants were not responsible for Dulberg’s chainsaw injury because the ruling Tilschner v Spangler demonstrates that the Restatement of Torts 318 is not applicable in Illinois on November 20, 2013, the fact that Popovich and Mast already offered to settle the claim with the McGuire defendants about 1 month earlier proves that Popovich and Mast made the October 22, 2013 offer without Dulberg’s knowledge or consent. By suppressing the document Tilschner v Spangler from the 17LA377 court record and by not bates-stamping the document and producing the document to opposing counsel and by excluding the document from “exhibit 12” of the Mast deposition, Clinton and Williams knowingly suppressed this “smoking gun” evidence of Popovich and Mast committing fraud against Dulberg. (Complaint ¶ 134 to ¶ 142)
- g. Clinton and Williams used a sophisticated system of document and information suppression including: Suppression of key evidence Tilschner v Spangler, suppressing over 3,400 pages of documents from May 30, 2019 to July 9, 2020 and producing them to opposing counsel after taking 2 depositions and about 3 weeks before Clinton and Williams resigned as counsel, systematically suppressing large sections of emails before producing emails to opposing counsel, and more. (Complaint ¶ 121 to ¶ 167)
- h. Since May 30, 2019 Clinton and Williams never informed Dulberg of or addressed issues around missing signatures on the certification pages in depositions purportedly created by VAHL REPORTING SERVICE

1. Exhibit **253** ... Docket No. **0295**

2. Exhibit **112** ... Docket No. **0113**

LTD. (Complaint ¶ 173)(**Exhibit AJ17**¹) Additionally Clinton and Williams never informed Dulberg of the 2019 dates found on depositions taken in 2013 with missing signatures of court reporters on the certification pages¹ in depositions purportedly created by URBANSKI REPORTING CO., INC. (Complaint ¶ 172) (**Exhibits EE-1, EE-2, EE-3, EE-4, EE-5**²)

- i. Clinton and Williams deliberately placed factually incorrect statements on the record on Dulberg's behalf concerning the origin of source of the \$300,000 "upper cap" placed on the value of personal injury case 12LA178. (Complaint ¶ 119)
 - j. Clinton and Williams informed Dulberg that Dulberg cannot issue a subpoena to bankruptcy trustee Megan Heeg because she already retired so subpoenaed documents are unavailable to Dulberg. (Complaint ¶ 167)
 - k. Clinton and Williams deliberately waited until hours after Dulberg's deposition in legal malpractice case 17LA377 to provide Dulberg with documents from the subpoena of McGuire's attorney Ron Barch even though Dulberg had been asking for the subpoenaed documents for months and Clinton and Williams provided many of the subpoenaed documents to opposing counsel Flynn months earlier. (Complaint ¶ 167)
6. As alleged in the Complaint and consistent with ¶ 3 and ¶ 5, Talarico was provided detailed notice of Clinton/Williams' suppression and concealment of documents and information but did not cure it and instead acted in ways consistent with continued concealment (to this day) as follows:
- a. February 17, 2022: conflict information regarding Judge Meyer and Popovich (Complaint ¶171; **Exhibit CL**³).
 - b. May 24, 2022: Omni signature comparison findings regarding court reporter signatures (Complaint ¶181; **Exhibits AJ1, AJ2, AJ3, AJ4, AJ5, AJ6, AJ7, AJ8, AJ9, AJ10, AJ11, AJ12, AJ13, AJ14, AJ15, AJ16**⁴).
 - c. November 9, 2022: successor counsel was provided "smoking gun" suppression evidence (Complaint ¶188; **Exhibit DW**⁵, **Exhibit ED-2**⁶, **Exhibit ED-3**⁷).
 - d. March 3, 2023 and thereafter: appeal-related conduct, representation posture, and downstream events (Complaint ¶195 and related exhibits), including the December 4, 2023 appeal dismissal (**Exhibit DR-6**⁸), the January 2024 Supreme Court PLA drafting / submission / filing-return / hyperlink-instruction / withdrawal sequence summarized in **Exhibit EQ-5**⁹, the January 9, 2024 transaction-rejected filing-return notice showing that the PLA in case number 25884372 had been submitted on January 8, 2024 by Alphonse Talarico as filing attorney and was returned with instructions to cure and resubmit by motion for leave to file instanter (**Exhibit EQ-4**¹⁰), and the related Supreme Court record materials attached in this Response (see **Exhibit EQ-3**¹¹).

1. **Attached** as: · Exhibit **AJ17**_Pages 434_410-411_825-826_888-889_1158-1159_extracted from Docket Numbers 0359 and 0356.pdf

2. Exhibits **EE-1 to EE-5** · Docket No.'s **0149-0153**

3. Exhibit **CL** · Docket No. **0258**

4. Exhibits **AJ1-AJ16** · Docket No.'s **0209-0224**

5. Exhibit **DW** · Docket No. **0168**

6. Exhibit **ED-2** · Docket No. **0155**

7. Exhibit **ED-3** · Docket No. **0154**

8. Exhibit **DR-6** · Docket No. **0267**

9. **Attached** as: · Exhibit **EQ-5**_CallLog_Timeline_OnePage_Landscape.pdf

10. **Attached** as: Exhibit **EQ-4**_Pages 8329-8332 extracted from Docket No 0332_Group Exhibit 50_Part 13 of 13_File-Stamped.pdf

11. **Attached** as: Exhibit **EQ-3**_GroupEx50_Part13_SupremeCourtHyperlinks_KeyPages.pdf

- e. September 26, 2023: Talarico accepted a \$10,000 retainer to pursue claims against Clinton and Williams and Gooch for “Fraud on the court, Civil rights violations, Reopening the bankruptcy, Etc”.... (Complaint ¶ 210 and **Exhibit AT**¹)
7. All of this is stated clearly in the complaint. Before Clinton and Williams acted as described in complaint ¶ 108 to ¶ 168, Gooch and Serшон committed the following acts on their client Dulberg described in ¶ 61 to ¶ 106 of the Complaint in chronological order, including:
- a. Gooch and Serшон knowingly and intentionally wrote the 17LA377 Complaint and Amended Complaint to fail the minimum standard for legal sufficiency described in the statements underlined in red in **Exhibit 253**. (Complaint ¶ 78 to ¶ 96)
 - b. Gooch and Serшон knowingly and intentionally misinformed Dulberg how to calculate the Statute of Limitations by deliberately misrepresenting statements underlined in blue in **Exhibit 253** to Dulberg. Gooch and Serшон claimed the Statute of Limitations is calculated from the day Dulberg “knew or should have known” of an “injury” caused by Mast and/or Popovich. (Complaint ¶ 63 to ¶ 65, ¶ 68 to ¶ 72)
 - c. Gooch and Serшон never informed Dulberg that the 12LA178 record contains an admission of negligence by Gagnon for Dulberg’s chainsaw injury as early as March, 2013 (more than 11 months before Dulberg settled with defendant McGuire for \$5,000, more than 20 months before Dulberg declared bankruptcy, more than 41 months before Dulberg was forced into binding mediation with an ‘upper cap’ of \$300,000 placed on the value of case 12LA178). (Complaint ¶ 82)(**Exhibit 112**).
 - d. Gooch and Serшон did not mention anything about Dulberg’s bankruptcy in the complaint or in any court record even though BK 14-83578 was the underlying case of legal malpractice case 17LA377 and the case 12LA178 had become a protected asset of the bankruptcy estate from the time Dulberg declared bankruptcy. (Complaint ¶ 78 to ¶ 82)
 - e. Gooch focused only on the settlement with defendants McGuire in underlying personal injury case 12LA178 and ignored everything related to co-defendant Gagnon. (Complaint ¶ 78 to ¶ 82)
 - f. Gooch was told at his first meeting with Dulberg that Mast told Dulberg that the McGuire were not liable for Dulberg’s chainsaw injury because the case Tilschner v Spangler demonstrates the Restatement of Torts 318 is not applicable in Illinois. Gooch was given a certified slip opinion of the Appellate Court ruling on Tilschner v Spangler, a rare document. Dulberg told Gooch that Mast gave Dulberg the document when Mast told Dulberg that Dulberg has no valid claim against the McGuire. Gooch was informed again of the importance of Tilschner v Spangler as key evidence and as the legal opinion Mast gave to Dulberg as to why Dulberg has no valid claim against the McGuire. In the Gooch case file there is nothing related to the case Tilschner v Spangler and Gooch did not place anything in the 17LA377 report of proceedings or common law record related to Tilschner v Spangler. (Complaint ¶ 61, ¶ 62)
 - g. Gooch and Serшон intentionally placed the factually incorrect statement “the high-low agreement was executed by Dulberg” that Gooch knew to be untrue since Gooch only possessed an unsigned copy of a proposed binding mediation agreement and the report of proceedings and common law record of 12LA178 clearly show that the “upper cap” was placed on the value of 12LA178 by the Baudins and Gagnon’s insurer Allstate between June 13, 2016 and August 10, 2016 in the 22nd Judicial Circuit court before Judge Meyer with Dulberg being treated as the plaintiff of standing without bankruptcy trustee Heeg acting as administrator or even knowing the agreement was reached or what the agreement was and without

1 Exhibit **AT** Docket No. **0208**

representation of the bankruptcy estate. Dulberg told Gooch that Dulberg refused to enter into binding mediation and refused to sign the proposed agreement. (Complaint ¶ 80)

8. Dulberg's complaint has a section clearly titled "RELEVANT FACTS OF LEGAL MALPRACTICE CASE 17LA377 COMMON TO ALL COUNTS" containing ¶ 61 to ¶ 213 and consisting of 4 lists of actions (all in chronological order) by Dulberg's former retained attorneys cleanly divided as follows:

¶ 61 to ¶ 106	(pages 18 to 23)	Gooch-Sershon timeline
¶ 108 to ¶ 168	(pages 32 to 59)	Clinton-Williams timeline
¶ 169 to ¶ 194	(pages 59 to 69)	Talarico timeline
¶ 195 to ¶ 213	(pages 69 to 76)	Talarico timeline of intentionally destroying 17LA377 appeal (2-23-0072).

The key evidence and details of Talarico's appearances during the 17LA377 appeal claiming to represent Dulberg that Judge Costello and all opposing attorneys claimed they couldn't find is in complaint ¶ 195 to ¶ 213.

9. On August 7, 2026 Judge Costello referred to the contents of Dulberg's complaint as (**Exhibit ER-2**):

"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."

It is clear from Judge Costello's statement that Judge Costello believes that the actions of Gooch and Sershon (complaint ¶ 61 to ¶ 106 and ¶ 7 a to g), Clinton and Williams (complaint ¶ 108 to ¶ 168 and ¶ 5 a to k) and Talarico (complaint ¶ 169 to ¶ 213 and ¶ 3 a to i) either never took place or don't matter.

10. At no time in the July 29, 2026 ROP or in his August 7, 2026 final Order does Judge Costello recognize (1) what Talarico did in cases 17LA377 and 22L010905, (2) why Talarico did it and (3) who Talarico did it for. Judge Costello stated in the Order:

"For purposes of this Motion, the Court assumes, based on competent evidence presented, that the Talarico Defendants represented Dulberg in the appeal of 17LA-377. 88 page, 226 paragraph complaint (not including exhibits) does not."

11. In this way Judge Costello does not recognize the existence of a key section (complaint ¶ 195 to ¶ 213) of Dulberg's complaint titled "HOW TALARICO INTENTIONALLY DESTROYED DULBERG'S ATTEMPT TO APPEAL THE FINAL DECISION IN 17LA377 WHICH IS UNMISTAKABLY AT VARIANCE WITH ILLINOIS LAW" containing all the key information and evidence of what Talarico did during the appeal of 17LA377 and during the writing of the Supreme Court Petition as existing. The "competent evidence" Judge Costello does rely on in the quote is Flynn's statement quoted in ¶ 2. Judge Costello does not accept or recognize that the actual exhibits in the complaint

1 Attached as Exhibit **ER-2**

do exist and are in his possession (the very key evidence that explains and proves what Talarico did during the appeal of 17LA377 and during the writing of the Supreme Court Petition (¶ 195 to ¶ 213)). On August 7, 2026 Judge Costello ruled 5 times in a row against Dulberg, each time not being aware or refusing to accept that Judge Costello and all opposing parties have been in possession of the very key evidence (¶ 195 to ¶ 213) that refutes each of Judge Costello's 5 rulings against Dulberg.

12. During the July 29, 2026 hearings not a single participating attorney acted as if they were aware there was/is documented evidence in their possession and in the 25LA360 common law record that proves Talarico appeared and acted in the Appellate Court while acting as Dulberg's attorney. They all, as a group, acted unaware that there is a section of the complaint titled "HOW TALARICO INTENTIONALLY DESTROYED DULBERG'S ATTEMPT TO APPEAL THE FINAL DECISION IN 17LA377 WHICH IS UNMISTAKABLY AT VARIANCE WITH ILLINOIS LAW" describing what Talarico did during the appeal of 17LA377 and during the writing of the Supreme Court Petition on behalf of Dulberg with exhibits as evidence (¶ 195 to ¶ 213).

13. On August 7, 2026 Judge Costello ruled in favor of Gooch and Sershon as if unaware the listed claims and evidence is in the complaint:

"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."

"...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."

14. The gravitas of the complaint is the coordinated, systematic actions by Gooch, Sershon, Clinton, Williams and Talarico described in detail in the complaint ¶ 61 to ¶ 213 and backed by evidence:

¶ 61 to ¶ 106	(pages 18 to 23)	Gooch-Sershon timeline
¶ 108 to ¶ 168	(pages 32 to 59)	Clinton-Williams timeline
¶ 169 to ¶ 194	(pages 59 to 69)	Talarico timeline
¶ 195 to ¶ 213	(pages 69 to 76)	Talarico timeline of intentionally destroying 17LA377 appeal (2-23-0072).

and how these systematic actions favored Popovich and Mast with a consistency that cannot possibly be a coincidence.

These detailed actions are clearly stated in the complaint from ¶ 61 to ¶ 213 in a way that a reader of the complaint cannot possibly miss, and are summarized in ¶ 3 a to i, ¶ 5 a to k and ¶ 7 a to g. In ¶ 3, 5 and ¶ 7 there are 27 different actions by Gooch, Sershon, Clinton, Williams and Talarico listed. Judge Costello dismissed all defendants except Talarico from the case on the grounds the complaint relevant facts ¶ 61 to ¶ 213 and summaries ¶ 3 a to i, ¶ 5 a to k and

¶ 7 a to g are “an amalgam of manifestos, amorphous conspiracy theories (including against two judges), and minute details of irrelevant evidence” while bypassing and ignoring every documented action and exhibit in the complaint ¶ 61 to ¶ 213 on those grounds.

B. JUDGE COSTELLO BYPASSED AND IGNORED EVIDENCE THAT TALARICO ACTED IN THE SAME OUTRAGEOUS WAY AGAINST DULBERG AND TO HELP DEFENDANTS IN RELATED CASE 22L010905

15. Dulberg incorporates his argument stated in PLAINTIFF’S MOTION TO RECONSIDER AUGUST 7, 2026 ORDER CONCERNING DEFENDANT TALARICO, Section B which describes Talarico’s actions in related case 22L010905 into this motion also as Section B.

C. JUDGE COSTELLO BYPASSED AND IGNORED TALARICO’S ACTIONS IN COMPLAINT ¶ 169 TO ¶ 213 AND CLINTON AND WILLIAMS’ ACTIONS IN COMPLAINT ¶ 108 TO ¶ 168 WHEN DETERMINING STATUTE OF LIMITATIONS FOR GOOCH AND SERSHON

16. Judge Costello dismissed Gooch and Sershon from the case due to the statute of limitations, ruling:

“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.”

17. Judge Costello bypassed and ignored Talarico’s actions in the Appellate Court and Illinois Supreme Court (¶ 195 to ¶ 213). Judge Costello bypassed and ignored that Talarico accepted a \$10,000 retainer to pursue claims against Clinton and Williams and Gooch for “Fraud on the court, Civil rights violations, Reopening the bankruptcy, Etc” pursue actions against Gooch on September 26, 2023 (Complaint ¶ 210 and **Exhibit AT**¹). Judge Costello bypassed and ignored that Talarico intentionally lied to the Illinois Supreme Court about ever being retained to pursue claims against Clinton and Williams. Talarico later called the same claims against Clinton and Williams (that Talarico was retained to pursue) a “fantasy” “conspiracy theory” by Dulberg and Thomas Kost. (Complaint ¶ 208 and **Exhibit BY**²). Talarico simply stole the money and sat on any actions against Gooch, Sershon, Clinton and Williams. It was only after Talarico resigned as Dulberg’s counsel without producing any Supreme Court Petition on January 14, 2024 that Dulberg began to realize

1 Exhibit **AT** Docket No. **0208**

2 Exhibit **BY** Docket no. **0184**

and understand what Talarico actually did to Dulberg's cases and claims (complaint ¶ 198 to ¶204) . Dulberg filed his complaint on December 4, 2025, which is within Talarico's final Appellate Court actions (on December 4, 2023) and well within a January 14, 2026 cut off date, which is the earliest Dulberg could possibly have known that Talarico deliberately stole over \$300,000 from Dulberg and his family while Talarico covertly acted to destroy Dulberg's cases and claims against all 17LA377 and 22L010905 defendants. Talarico was acting as a shield to protect all defendants from liability for their actions. All this information was already in the possession of all opposing parties and Judge Costello before the July 29, 2026 hearings since it is clearly stated in the complaint. Judge Costello then bypassed and ignored the same information when ruling partially in favor of Talarico on August 7, 2026 on the grounds that Dulberg's complaint and claims are "an amalgam of manifestos, amorphous conspiracy theories (including against two judges), and minute details of irrelevant evidence" and therefore void of any well pleaded facts or evidence.

18. Judge Costello further ruled:

"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."

19. Judge Costello's ruling demonstrate how Talarico's actions intentionally shield Gooch and Sershon from liability.

Talarico acted to shield Gooch and Sershon, and Judge Costello bypassed and ignored (1) what Talarico did, (2) why Talarico did it and (3) who Talarico did it for which shields Gooch and Sershon from any liability for their actions when ruling on Gooch and Sershon's Motion to Dismiss. Talarico even accepted a \$10,000 retainer to pursue cases against Gooch, Sershon, Clinton and Williams on September 26, 2023 (complaint ¶ 210, **Exhibit AT**¹) and sat on taking any action and stole the money. Talarico then intentionally lied to the Illinois Supreme Court (complaint ¶ 208 to ¶ 211) and to this court about being retained by Dulberg to pursue cases against Gooch, Sershon, Clinton and Williams on September 26, 2023. Only after Talarico resigned as counsel on January 14, 2024 without filing a Supreme Court Petition did Dulberg first begin to realize and understand what Talarico was actually doing to him and how Talarico was actually acting as a shield to protect all defendants from liability for their actions. All this information was already in the

¹ Exhibit **AT** Docket No. **0208**

possession of all opposing parties and Judge Costello (in complaint ¶ 195 to ¶ 213 with exhibits) before the July 29, 2026 hearings. Judge Costello then bypassed and ignored the same information when ruling in favor of Gooch and Sershon on the grounds that it is “an amalgam of manifestos, amorphous conspiracy theories (including against two judges), and minute details of irrelevant evidence”.

D. DULBERG HAS A DISABILITY AS A SPEAKER AND RELIES ON WRITTEN STATEMENTS BUT JUDGE BYPASSED AND IGNORED KEY SECTIONS OF THE COMPLAINT WHEN RULING IN FAVOR OF GOOCH AND SERSHON

20. On February 23, 2026 Dulberg filed “PLAINTIFF’S MOTION TO RECONSIDER ORDER DENYING SUBSTITUTION OF JUDGE FOR CAUSE”. Dulberg incorporates the same argument made in Section D of that motion titled “D. DULBERG HAS A DISABILITY AS A SPEAKER AND RELIES ON WRITTEN STATEMENTS” into this Motion

21. There is evidence in the July 29, 2026 hearing transcript that the Judge was not aware of key sections of the complaint before holding 5 hearings on the merits of the complaint. There is evidence that all opposing parties acted as if they have no knowledge of statements and documents in their possession and clearly labeled. There is evidence all opposing counsels together ‘forgot’ that entire sections of the complaint exist (containing key evidence), which are the same sections Judge Costello was not aware of during the July 29, 2026 hearings. There is evidence that Judge Costello accepted Flynn’s word that Talarico participated in the 17LA377 appeal on behalf of Dulberg but refused to accept detailed chronological descriptions of Talarico’s Appellate court actions and all evidence to support all claims in complaint ¶ 195 to ¶ 213 on the grounds that “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.”

22. Dulberg cannot have the freedom to rely on the written record if Dulberg’s relevant facts in complaint ¶ 61 to ¶ 213 (152 paragraphs total) and acts listed in ¶ 3 a to i, ¶ 5 a to k and ¶ 7 a to g (27 items total) and all exhibits are treated as non-existent in Judge Costello’s final ruling while a single oral hearing statement by Flynn constitutes the only evidence of Talarico’s participation in the 17LA377 appeal that Judge Costello will admit or acknowledge to date. This is a 100% reliance on oral statements by the defense and 0% reliance on written relevant facts and exhibits in Dulberg’s complaint in the possession of Judge Costello.

E. JUDGE COSTELLO’S RULING INADVERTENTLY ALLOWS COVERT ILLINOIS ATTORNEY

**NETWORKS TO COMMIT RISKLESS FRAUD ON ANY CLIENT BY USING A SIMPLE 5 STEP
TEMPLATE THAT CAN BE REPEATED AND PERFECTED**

23. Gooch was retained by Dulberg and destroyed Dulbergs claims as described in complaint ¶ 61 to ¶ 106 and listed in ¶ 7 a to g. This was followed by Clinton and Williams being retained by Dulberg and destroying Dulberg's claims as described in complaint ¶ 108 to ¶ 168 and listed in ¶ 5 a to k. This is followed by Talarico being retained by and destroying Dulberg's claims as described in complaint ¶ 169 to ¶ 194, followed by Talarico destroying Dulberg's Appellate Court and Supreme Court claims as described in ¶ 195 to ¶ 213 and listed in ¶ 3 a to i. TEMPLATE 1 below lists these actions as a simple 5 step process where Gooch follows steps 1 to 3, Clinton and Williams then follow steps 1 to 3 again, and Talarico completes steps 4 and 5.

TEMPLATE 1: SIMPLE CASE AND CLAIM DESTRUCTION STRATEGY

GOOCH AND SERSHON		CLINTON AND WILLIAMS
STEP 1	Come into possession of incriminating evidence against an attorney	Come into possession of incriminating evidence against an attorney
STEP 2	Be retained by the attorney's victim and systematically destroy victim's claims to protect the attorney defendants..	Be retained by the attorney's victim and systematically destroy victim's claims to protect the attorney defendants..
STEP 3	Systematically destroy the victims claims so much that victim seeks new counsel.	Systematically destroy the victim's claims against the attorney and withdraws as counsel.
TALARICO		
STEP 4	Be retained as victim's third attorney in 17LA377. Systematically and completely destroy victim's claims and then act as the victim's retained attorney during the appeal process and charge and collect around \$100,000 from victim during the appeal process.	
STEP 5	Destroy victim's appeal and then trash victim's attempt at filing a Supreme Court Petition to protect the defendant attorneys.	

24. Judge Costello's ruling does not recognize any connection between Gooch and Sershon's STEPS 1 to 3, Clinton and Williams' STEPS 1 to 3 and Talarico's (STEPS 4, 5) actions as parts of a single plan to destroy Dulberg's case and claims against Popovich and Mast as Dulberg claims in the complaint.

25. Judge Costello's ruling also does not recognize that Gooch, Sershon, Clinton, Williams and Talarico systematic destruction of Dulberg's claims against Popovich and Mast (STEPS 1 to 5) was in any way related to the primary beneficiaries of the destruction, who are 17LA377 defendants Popovich and Mast.

26. Judge Costello ruled that the only person that can be held liable in the 5 step sequence is Talarico. Judge Costello bypassed and ignored (1) what Talarico did, (2) why Talarico did it and (3) who Talarico did it for and Dulberg's complaint ¶ 169 to ¶ 213 and ¶ 3 a to i and all exhibits while dismissing Gooch and Sershon (and Clinton, Williams, Popovich, Mast and Flynn) from the case. This ruling allows Talarico to shield all other defendants from any liability for their actions (which was the very purpose of Talarico's representation of Dulberg in 17LA377 and 22L010905). Judge Costello's ruling inadvertently allows Talarico to 'complete his mission' by successfully shielding, once and for all, all defendants from any liability for their actions.

27. Judge Costello's order inadvertently facilitates a simple but inescapable 5 step template (TEMPLATE 1) for successful corruption to be perfected and repeated by covert networks of attorneys in the Illinois court system. The 5 step process is so simple, lucrative and risk-free that Illinois attorneys can repeatedly "ambush" any targeted, vulnerable person at the moment of filing a complaint (STEPS 1 to 3) and face no liability for their actions. Likewise the primary beneficiaries of the case and claim destruction can never be held liable. This places anyone among the general public in danger of being targeted and stripped of due process or any ability to use the court system as a U.S. citizen using this same 5 step template.

F. ILLINOIS AND FEDERAL COURTS HAVE RECOGNIZED SUBSTANTIAL INSTITUTIONAL ISSUES WITH ILLINOIS ATTORNEY SELF-POLICING AND COVERT ATTORNEY COLLABORATIONS TARGETING THE PUBLIC

28. As a result of the Greylord investigations first becoming public in 1983, The Special Commission on the Administration of Justice in Cook County was first assembled in 1984. THE SPECIAL COMMISSION ON THE ADMINISTRATION OF JUSTICE IN COOK COUNTY FINAL REPORT was first released on September 14, 1988 (about 1 week before Himmel was decided by the Illinois Supreme Court on September 22, 1988). Some final conclusions by the Special Commission on the state of self-policing and self-regulation by Illinois attorneys are:

"...the lack of personal honesty on the part of some judges and lawyers does not explain how the corruption revealed in the Greylord trials could be carried out for decades, undetected by responsible authorities, nor how it could evolve into such well-organized and systematic schemes." (page 8 of the FINAL REPORT)

"...despite the duty that lawyers have under the Illinois Code of Profession Responsibility to report their knowledge of illegal acts, this type of corruption continued for decades, apparently unreported to law enforcement officials." (page 53 of the FINAL REPORT)

"The state's agencies responsible for regulating professional conduct - the Attorney Registration and Disciplinary Commission and the Judicial Inquiry Board - also apparently failed to detect criminal wrongdoing. Because lawyers and court personnel are reluctant to report misconduct, there was little risk that crimes would be brought to the attention of law enforcement or regulatory officials by private

citizens.” (page 53 of the FINAL REPORT)

“The official rules - such as the Court’s rules, the lawyer’s Code of Professional Responsibility and the criminal laws governing courtroom conduct - form what one writer has called a “myth system.” What actually occurs in these courtrooms reflects a different set of norms which constitutes an “operational code.”” (page 67 of the FINAL REPORT)

“The criminal conspiracies which persisted in Cook County’s courtrooms could not have endured if lawyers had reported what they saw or suspected to law enforcement officials. Indeed, the status of lawyering as a profession is threatened when attorneys do not comply with this duty. We doubt whether the public will long tolerate the self-regulatory status of lawyers if they do not rectify the widespread disregard for their obligation to report the crimes and misdeeds of others.” (page 75 of the FINAL REPORT)

29. Upon leaving office in 1981 (one year after Operation Greylord began and while still under cover), former United States Attorney for the Northern District of Illinois Thomas P. Sullivan observed:

“There seems to be in Chicago and the surrounding areas a pervasive, deep-seated lack of honesty at all levels of Government and business. I do not know whether it is worse here than elsewhere, but I do know that public and private corruption is commonplace in our city.” (page 63 of FINAL REPORT)

30. The American Bar Association’s Special Committee on Evaluation and Disciplinary Enforcement referred to the state of lawyer discipline as:

“a scandalous situation that requires the immediate attention of the profession.” the Committee’s report went on the note that “[w]ith few exceptions the prevailing attitude of lawyers toward disciplinary enforcement ranges from apathy to outright hostility.” (page 74 of FINAL REPORT)

31. Concerning an attitude of complacency, efforts to maintain status quo and “look the other way” in the wake of Greylord, THE SPECIAL COMMISSION concluded:

“We are certain that complacency is not the answer to the problems revealed by the Greylord prosecutions. Nothing, we believe, would be more demoralizing than failing to take action to check corruption and prevent further erosion of public confidence in the court system.” ¹ (page 12 of FINAL REPORT)

32. Judge Costello’s August 7, 2026 order inadvertently serves as an open invitation for Illinois attorneys to practice a simple 5 step template (TEMPLATE 1) for corruption in Illinois courts. The ruling allows Talarico (or whoever carries out steps 4 and 5) to act as a shield which protects all other defendants from liability for actions listed in the complaint.

1 In ‘No More Greylords?’ by Richard Lindberg (1994) published by ‘IPSN – Founder Combined Counties Police Association’, retired Judge James M. Bailey stated: “Personally Harry Comerford is one of the nicest guys you can ever hope to meet. But Harry’s like everybody else. He’s going to protect his back. The only way you protect your back is to go ahead and make the assignments on the basis of politics, or on the basis of who you know.” The article states: “The office of Chief Judge of the Circuit Court of Cook County is a patronage mill - no different than the Cook County Board, the County Clerk’s office, or the ill-fated Sheriff’s office under James O’Grady and his successor Michael Sheahan.” Retired Judge James M. Bailey continued: “This position probably has more power than the Appellate Court. ...It might even have more power than the Supreme Court. Just look at the enormity of the budget and see Just how many people the Circuit Court of Cook County hires. There are so many jobs the Chief Judge is in control of - secretaries, probation officers, public defenders - it’s amazing. You’re talking about a lot of jobs.”

Those positioned in steps 1 to 3 can do anything to their own client with impunity and always be shielded (by steps 4 and 5) from the consequences of their actions.

33. In the case that Judge Costello rules against this motion, plaintiff welcomes this opportunity for Judge Costello to explain further any and all of the points that Dulberg is raising in this Motion to Reconsider so that Dulberg can respectfully perfect his right to appeal Judge Costello's decisions.

34. WHEREFORE, Plaintiff respectfully requests that the Court reconsider and **vacate the portions of its August 7, 2026 Order dismissing Thomas W. Gooch, Sabina Sershon, and The Gooch Firm with prejudice;** deny their Motion to Dismiss or, **alternatively, modify the dismissal to be without prejudice and grant Plaintiff leave to amend;** and grant such other relief as is just.

Respectfully submitted by: /s/ Paul R. Dulberg *pro se* Plaintiff
Paul R. Dulberg
4606 Hayden Ct. McHenry, Illinois 60051
(847) 497-4250
Paul_Dulberg@comcast.net

VERIFICATION BY CERTIFICATION PURSUANT TO SECTION 1-109

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Paul R. Dulberg
Paul R. Dulberg

1 CERTIFICATE OF REPORTER
2
3
4

5 I, TERRI A. CLARK, Certified
6 Shorthand Reporter for the State of Illinois,
7 do hereby certify that the foregoing was
8 reported by stenographic and mechanical
9 means, which matter was held on the date, and
10 at the time and place set out on the title
11 page hereof, and that the foregoing
12 constitutes a true and accurate transcript of
13 same.

14 I further certify that I am not
15 related to any of the parties, nor am I an
16 employee of or related to any of the
17 attorneys representing the parties, and I
18 have no financial interest in the outcome of
19 this matter.
20
21
22

23 _____
TERRI A. CLARK, CSR

24 LICENSE NO. 084-001957

Dulberg 000434

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)
4
5
6
7

8 I, Margaret Maggie Orton,
9 CSR, Certified Shorthand Reporter, and RPR,
10 Registered Professional Reporter, do hereby
11 certify that APIWAT FORD, DO, on
12 November 20, 2013 was by me first duly
13 sworn to testify to the truth, the whole
14 truth, and nothing but the truth, and that
15 the above deposition was recorded
16 stenographically by me and transcribed by
17 me.

18 I FURTHER CERTIFY that the
19 foregoing transcript of said deposition is
20 a true, correct, and complete transcript of
21 the testimony given by the said witness at
22 the time and place specified.

23 I FURTHER CERTIFY that I am not
24 a relative or employee or attorney or

Dulberg 000410

1 employee of such attorney or counsel, or
2 financially interested directly or
3 indirectly in this action.

4 IN WITNESS WHEREOF, I have set
5 my hand.

6

7

8

9

10 Margaret Maggie Orton
11 Certified Shorthand Reporter
12 Certificate No. 84-004046

13

14

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Dulberg 000411

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

4 I, ANGELA M. INGHAM, a Notary Public
5 within and for the County of Cook, State of
6 Illinois, and a Certified Shorthand Reporter of
7 said state, do hereby certify that heretofore,
8 to-wit, on the 1st day of October, 2013, KAREN
9 LEVIN, M.D., personally appeared before me at
10 1900 Hollister Drive, Suite 250, in the City of
11 Libertyville, in the County of Lake and State of
12 Illinois, a witness in a certain cause now pending
13 and undetermined in the Circuit Court of McHenry
14 County, Illinois, wherein Paul Dulberg is the
15 plaintiff and David Gagnon, et al., are the
16 defendants.

17 I further certify that the said witness
18 was first duly sworn to testify the truth, the
19 whole and nothing but the truth in the cause
20 aforesaid; that the testimony then given by said
21 witness was reported stenographically by me, in the
22 presence of said witness, and afterwards reduced to
23 typewriting by Computer-Aided Transcription, and
24 the foregoing is a true and correct transcript of
the testimony so given by said witness as

Dulberg 000825

1 aforesaid.

2 I further certify that the signature of
3 the witness to the foregoing deposition was waived
4 by agreement of counsel for the respective parties;
5 and that I am not counsel for nor in any way
6 related to any of the parties to this suit, nor am
7 I any way interested in the outcome thereof.

8 In witness whereof, I have hereunto set my
9 hand and affixed my notarial seal this day
10 of , 2013.

11

12

13 Notary Public, Cook County, Illinois
14 C.S.R. License No. 084-002984

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Dulberg 000826

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2 STATE OF ILLINOIS)
3) SS:
4 COUNTY OF L A K E)

5

6

7 I, Jill S. Tiffany, CSR,

8 Certified Shorthand Reporter, and a notary

9 public in and for the County of Lake and

10 State of Illinois, do hereby certify that

11 DR. KATHY KUJAWA on July 23, 2014 was by me

12 first duly sworn to testify to the truth,

13 the whole truth, and nothing but the truth,

14 and that the above deposition was recorded

15 stenographically by me and transcribed by

16 me.

17

18 I FURTHER CERTIFY that the

19 foregoing transcript of said deposition is

20 a true, correct, and complete transcript of

21 the testimony given by the said witness at

22 the time and place specified.

23

24

25

Dulberg 000887

1 I FURTHER CERTIFY that I am not a
2 relative or employee or attorney or
3 employee of such attorney or counsel, or
4 financially interested directly or
5 indirectly in this action.

6 IN WITNESS WHEREOF, I have set my
7 hand.

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13 Jill S. Tiffany
14 Certified Shorthand Reporter
Certificate No. 084-002807

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Dulberg 000888

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2 STATE OF ILLINOIS)
3) SS:
4 COUNTY OF L A K E)

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I, Jill S. Tiffany, CSR,
Certified Shorthand Reporter, and a notary
public in and for the County of Lake and
State of Illinois, do hereby certify that
DR. SCOTT SAGERMAN on October 15, 2013 was
by me first duly sworn to testify to the
truth, the whole truth, and nothing but the
truth, and that the above deposition was
recorded stenographically by me and
transcribed by me.

16

17

I FURTHER CERTIFY that the
foregoing transcript of said deposition is
a true, correct, and complete transcript of
the testimony given by the said witness at
the time and place specified.

22

23

23

24

1 I FURTHER CERTIFY that I am not a
2 relative or employee or attorney or
3 employee of such attorney or counsel, or
4 financially interested directly or
5 indirectly in this action.

6 IN WITNESS WHEREOF, I have set my
7 hand.

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13 _____
14 Jill S. Tiffany
15 Certified Shorthand Reporter
16 Certificate No. 084-002807

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Dulberg 001159

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8	2024-01-01	9:10 AM	847-439-2198	5
8	2024-01-01	10:14 AM	847-439-2198	6
8	2024-01-01	10:38 AM	312-608-1410	25
8	2024-01-01	11:02 AM	312-608-1410	1
8	2024-01-01	11:48 AM	847-439-2198	16
8	2024-01-01	12:06 PM	847-439-2198	2
8	2024-01-01	12:39 PM	312-608-1410	2
8	2024-01-02	7:26 AM	847-439-2198	2
8	2024-01-02	7:42 AM	847-439-2198	4
8	2024-01-02	8:19 AM	847-439-2198	2
8	2024-01-02	8:23 AM	847-439-2198	9

8	2024-01-02	11:35 AM	847-439-2198	1
8	2024-01-02	11:36 AM	847-439-2198	1
8	2024-01-02	11:37 AM	847-439-2198	25
8	2024-01-02	12:24 PM	847-439-2198	4
8	2024-01-02	3:26 PM	847-439-2198	5
8	2024-01-02	4:19 PM	847-439-2198	9
8	2024-01-02	4:41 PM	847-439-2198	9
8	2024-01-03	8:25 AM	847-439-2198	12
8	2024-01-03	8:37 AM	847-439-2198	30
9	2024-01-03	9:24 AM	847-439-2198	1
9	2024-01-03	10:01 AM	847-439-2198	16
9	2024-01-04	8:07 AM	847-439-2198	1
9	2024-01-04	8:26 AM	312-608-1410	24
9	2024-01-04	8:49 AM	847-439-2198	2
9	2024-01-04	8:50 AM	312-608-1410	2
9	2024-01-04	8:51 AM	847-439-2198	1
9	2024-01-04	8:52 AM	312-608-1410	42
9	2024-01-04	9:53 AM	847-439-2198	6
9	2024-01-04	10:04 AM	312-608-1410	2
9	2024-01-04	10:26 AM	312-608-1410	2
9	2024-01-04	10:32 AM	312-608-1410	1
9	2024-01-04	10:40 AM	312-608-1410	1
9	2024-01-04	11:39 AM	847-439-2198	9
9	2024-01-04	11:49 AM	312-608-1410	2
9	2024-01-04	2:24 PM	312-608-1410	2
9	2024-01-04	2:51 PM	312-608-1410	6
9	2024-01-04	2:59 PM	312-608-1410	3
9	2024-01-04	3:37 PM	312-608-1410	3
9	2024-01-04	4:35 PM	847-439-2198	5
9	2024-01-04	4:49 PM	312-608-1410	4
9	2024-01-04	5:58 PM	847-439-2198	3
9	2024-01-04	6:31 PM	847-439-2198	5
9	2024-01-05	7:13 AM	847-439-2198	6
9	2024-01-05	7:30 AM	847-439-2198	1
9	2024-01-05	8:03 AM	847-439-2198	1
9	2024-01-05	8:04 AM	847-439-2198	2
9	2024-01-05	8:06 AM	312-608-1410	1
9	2024-01-05	8:46 AM	312-608-1410	12
9	2024-01-05	8:57 AM	847-439-2198	10
9	2024-01-05	10:09 AM	312-608-1410	3
9	2024-01-05	10:59 AM	312-608-1410	9
9	2024-01-05	12:00 PM	312-608-1410	1
10	2024-01-05	12:10 PM	312-608-1410	3
10	2024-01-05	1:24 PM	312-608-1410	1
10	2024-01-06	8:01 AM	312-608-1410	1
10	2024-01-06	8:19 AM	312-608-1410	28
10	2024-01-06	8:47 AM	847-439-2198	11
10	2024-01-06	9:56 AM	312-608-1410	2
10	2024-01-06	10:57 AM	847-439-2198	2
10	2024-01-06	11:52 AM	312-608-1410	2
10	2024-01-06	12:00 PM	312-608-1410	1
10	2024-01-06	12:04 PM	312-608-1410	9
10	2024-01-06	12:16 PM	847-439-2198	2

10	2024-01-06	12:21 PM	847-439-2198	8
10	2024-01-06	1:46 PM	312-608-1410	7
10	2024-01-06	2:32 PM	312-608-1410	7
10	2024-01-06	3:09 PM	312-608-1410	12
10	2024-01-06	3:20 PM	847-439-2198	1
10	2024-01-06	3:25 PM	847-439-2198	3
10	2024-01-06	3:33 PM	847-439-2198	12
10	2024-01-06	4:39 PM	312-608-1410	1
10	2024-01-06	4:42 PM	847-439-2198	1
10	2024-01-06	5:47 PM	847-439-2198	17
10	2024-01-06	8:20 PM	847-439-2198	2
10	2024-01-07	7:32 AM	847-439-2198	7
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10	2024-01-07	9:29 AM	847-439-2198	3
10	2024-01-07	9:31 AM	312-608-1410	20
10	2024-01-07	10:07 AM	847-439-2198	51
10	2024-01-07	11:08 AM	312-608-1410	14
10	2024-01-07	12:39 PM	847-439-2198	1
10	2024-01-07	12:40 PM	847-439-2198	3
10	2024-01-07	1:00 PM	312-608-1410	1
10	2024-01-07	1:03 PM	312-608-1410	3
10	2024-01-07	1:05 PM	847-439-2198	8
10	2024-01-07	1:35 PM	847-439-2198	4
10	2024-01-07	1:59 PM	847-439-2198	23
10	2024-01-07	4:12 PM	847-439-2198	7
10	2024-01-07	4:20 PM	312-608-1410	9
10	2024-01-07	4:29 PM	847-439-2198	2
10	2024-01-07	4:42 PM	847-439-2198	1
10	2024-01-07	5:32 PM	847-439-2198	1
10	2024-01-07	6:12 PM	847-439-2198	1
10	2024-01-07	6:13 PM	847-439-2198	13
11	2024-01-08	7:24 AM	847-439-2198	6
11	2024-01-08	9:25 AM	312-608-1410	36
11	2024-01-08	11:02 AM	312-608-1410	10
11	2024-01-08	11:36 AM	847-439-2198	6
11	2024-01-08	11:42 AM	312-608-1410	3
11	2024-01-08	11:45 AM	847-439-2198	48
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11	2024-01-08	1:08 PM	312-608-1410	18
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11	2024-01-08	1:34 PM	847-439-2198	28
11	2024-01-08	2:02 PM	312-608-1410	7
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11	2024-01-08	2:14 PM	847-439-2198	9
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11	2024-01-08	4:13 PM	312-608-1410	4
11	2024-01-08	4:17 PM	312-608-1410	1
11	2024-01-08	4:21 PM	847-439-2198	4
11	2024-01-08	4:25 PM	312-608-1410	7

11	2024-01-08	4:32 PM	847-439-2198	4
11	2024-01-08	4:41 PM	847-439-2198	4
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12	2024-01-08	8:48 PM	312-608-1410	1
12	2024-01-08	8:49 PM	847-439-2198	27
12	2024-01-08	9:15 PM	312-608-1410	1
12	2024-01-08	9:16 PM	847-439-2198	41
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12	2024-01-08	9:57 PM	847-439-2198	2
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12	2024-01-09	2:29 PM	847-439-2198	9
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12	2024-01-09	3:34 PM	847-439-2198	7
12	2024-01-09	4:46 PM	312-608-1410	19
12	2024-01-09	5:05 PM	312-608-1410	70
12	2024-01-10	8:03 AM	847-439-2198	1
12	2024-01-10	8:04 AM	847-439-2198	1
12	2024-01-10	9:04 AM	847-439-2198	7
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12	2024-01-11	9:54 AM	312-608-1410	7
12	2024-01-11	10:01 AM	847-439-2198	9
12	2024-01-11	2:59 PM	847-439-2198	6
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12	2024-01-11	4:05 PM	312-608-1410	1
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12	2024-01-12	2:33 PM	847-439-2198	14
13	2024-01-13	7:07 AM	847-439-2198	40
13	2024-01-13	7:52 AM	847-439-2198	9
13	2024-01-13	8:47 AM	847-439-2198	10
13	2024-01-13	9:24 AM	847-439-2198	8
13	2024-01-13	10:55 AM	847-439-2198	1
13	2024-01-14	7:26 AM	847-439-2198	5
13	2024-01-14	7:45 AM	847-439-2198	11
13	2024-01-14	9:39 AM	847-439-2198	1
13	2024-01-14	9:46 AM	847-439-2198	1
16	2024-01-14	9:47 AM	847-439-2198	1
13	2024-01-14	10:04 AM	847-439-2198	13
13	2024-01-14	3:06 PM	847-439-2198	10
13	2024-01-14	4:34 PM	847-439-2198	19
13	2024-01-15	7:59 AM	847-439-2198	16
13	2024-01-15	8:15 AM	847-439-2198	3
13	2024-01-15	11:36 AM	847-439-2198	8
13	2024-01-15	2:26 PM	847-439-2198	9
13	2024-01-16	7:38 AM	847-439-2198	1
13	2024-01-16	7:39 AM	847-439-2198	1
16	2024-01-16	7:40 AM	847-439-2198	1
13	2024-01-16	7:44 AM	847-439-2198	2
13	2024-01-16	9:03 AM	847-439-2198	5
13	2024-01-16	10:19 AM	847-439-2198	13
13	2024-01-16	10:51 AM	847-439-2198	5
13	2024-01-16	11:58 AM	847-439-2198	15
13	2024-01-16	12:17 PM	847-439-2198	2
13	2024-01-16	3:41 PM	847-439-2198	4
13	2024-01-16	3:51 PM	847-439-2198	18
13	2024-01-16	5:01 PM	847-439-2198	5
13	2024-01-17	7:29 AM	847-439-2198	4
13	2024-01-17	7:34 AM	847-439-2198	2
13	2024-01-17	7:43 AM	847-439-2198	9
13	2024-01-17	9:43 AM	847-439-2198	18
13	2024-01-18	7:49 AM	847-439-2198	9
13	2024-01-18	8:00 AM	847-439-2198	4
13	2024-01-18	8:15 AM	847-439-2198	13
13	2024-01-18	9:01 AM	847-439-2198	19
13	2024-01-18	10:30 AM	847-439-2198	7
13	2024-01-18	10:41 AM	847-439-2198	11
14	2024-01-18	2:01 PM	847-439-2198	5
14	2024-01-18	2:26 PM	847-439-2198	17
14	2024-01-18	4:03 PM	847-439-2198	7
14	2024-01-18	5:15 PM	847-439-2198	12
14	2024-01-19	8:59 AM	847-439-2198	19
14	2024-01-19	11:42 AM	847-439-2198	4
14	2024-01-19	12:43 PM	847-439-2198	2
14	2024-01-19	2:20 PM	847-439-2198	5
14	2024-01-19	2:38 PM	847-439-2198	23
14	2024-01-19	3:07 PM	847-439-2198	1
14	2024-01-19	4:58 PM	847-439-2198	16

14	2024-01-20	9:56 AM	847-439-2198	6
14	2024-01-20	10:05 AM	847-439-2198	3
14	2024-01-20	10:17 AM	847-439-2198	17
14	2024-01-20	11:59 AM	847-439-2198	1
14	2024-01-20	12:40 PM	847-439-2198	8
14	2024-01-20	5:50 PM	847-439-2198	1
14	2024-01-20	5:58 PM	847-439-2198	2
14	2024-01-20	6:33 PM	847-439-2198	10
14	2024-01-21	8:27 AM	847-439-2198	3
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14	2024-01-21	2:42 PM	847-439-2198	3
14	2024-01-22	7:44 AM	847-439-2198	10
14	2024-01-22	8:34 AM	847-439-2198	4
14	2024-01-22	9:04 AM	847-439-2198	1
14	2024-01-22	10:36 AM	847-439-2198	1
14	2024-01-22	11:14 AM	847-439-2198	1
14	2024-01-22	11:14 AM	847-439-2198	12
14	2024-01-22	11:56 AM	847-439-2198	2
14	2024-01-22	12:47 PM	847-439-2198	29
14	2024-01-22	1:38 PM	847-439-2198	4
14	2024-01-22	1:46 PM	847-439-2198	2
14	2024-01-22	4:38 PM	847-439-2198	6
14	2024-01-23	8:34 AM	847-439-2198	15
15	2024-01-23	11:14 AM	847-439-2198	2
15	2024-01-24	8:48 AM	847-439-2198	11
15	2024-01-24	9:31 AM	847-439-2198	6
15	2024-01-24	12:33 PM	847-439-2198	30
15	2024-01-24	1:45 PM	847-439-2198	7
15	2024-01-24	5:38 PM	847-439-2198	1
15	2024-01-25	6:58 AM	847-439-2198	40
15	2024-01-25	7:55 AM	847-439-2198	10
15	2024-01-25	9:42 AM	847-439-2198	3
15	2024-01-25	10:08 AM	847-439-2198	6
15	2024-01-25	10:51 AM	847-439-2198	8
15	2024-01-25	12:01 PM	847-439-2198	13

Date : 1/6/2024 11:52:32 AM
From : "Alphonse Talarico"
To : "Paul Dulberg" , "Paul Dulberg" , "T Kost"
Subject : Preamble

Gentlemen,

Please use the word "Preamble".

PREAMBLE: Much of the matter that follows can be characterized as fraud by officers of the court. Currently there are nine (9) related ARDC investigations pending (#2023INO2517, #2023INO2518, #2023INO3135, #2023INO3136, #2023INO3894-R, #2023INO, 2023INO3898-R, #2023INO3897-R, 2023INO3895-R, #2023 INO3896-R), two (2) submitted Judicial Inquiry Board "Complaints against a Judge," and one (1) Judiciary Inquiry Board "Complaint against a Judge" that was unable to be processed because the individual named is no longer an active Illinois state court judge.

The events of this matter occurred over a period of time in excess of 14 years and the Record on Appeal , with at least two known dates missing from the file, is currently equal to or greater than two thousand six hundred and sixty pages (2660).

This matter was hampered not only by the fraud by officers of the court but also by the traumatic life events that befell Plaintiff/Appellant Paul Dulberg but also his attorney as follows:

1. the unexpected death of key witness, lifelong friend and live-in caretaker Michael Mc Artor;
2. the disappearance of, false arrest and medieval interrogations , imprisonment and, by law, lack of the ability to consult with an attorney, nor contact anyone of Plaintiff/Appellant's attorney Alphonse A. Talarico's fiancé during a scheduled stopover in Tokyo, Japan on the way to O'Hare International Airport, Illinois.

The Appellate Court was made aware of each traumatic life event through motions for extension of time and other related and consequential motion practice but culminated in the order that ended this matter before the Appellate Court. (A)

The history of this matter are as follows:

Date : 1/6/2024 11:52:35 AM
From : "Alphonse Talarico"
To : "Paul Dulberg" , "Paul Dulberg" , "T Kost"
Subject : Preamble

Gentlemen,

Please use the word "Preamble".

PREAMBLE: Much of the matter that follows can be characterized as fraud by officers of the court. Currently there are nine (9) related ARDC investigations pending (#2023INO2517, #2023INO2518, #2023INO3135, #2023INO3136, #2023INO3894-R, #2023INO, 2023INO3898-R, #2023INO3897-R, 2023INO3895-R, #2023 INO3896-R), two (2) submitted Judicial Inquiry Board "Complaints against a Judge," and one (1) Judiciary Inquiry Board "Complaint against a Judge" that was unable to be processed because the individual named is no longer an active Illinois state court judge.

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2. the disappearance of, false arrest and medieval interrogations , imprisonment and, by law, lack of the ability to consult with an attorney, nor contact anyone of Plaintiff/Appellant's attorney Alphonse A. Talarico's fiancé during a scheduled stopover in Tokyo, Japan on the way to O'Hare International Airport, Illinois.

The Appellate Court was made aware of each traumatic life event through motions for extension of time and other related and consequential motion practice but culminated in the order that ended this matter before the Appellate Court. (A)

The history of this matter are as follows:

Date : 1/8/2024 10:51:44 AM
From : "Alphonse Talarico"
To : "Paul Dulberg" , "Paul Dulberg" , "T Kost"
Subject : Illinois Supreme Court Rule 315(c)(3) continued

2. Article XI Illinois Code of Judicial Conduct was violated:
Rule 1.2 Promoting Confidence in the Judiciary;
Rule 2.2 Impartiality and fairness;
Rule 2.3 Bias, Prejudice and Harassment;
Rule 2.11 Disqualification.

Group Exhibit 50 - Part 13 of 13

Page 8307

For email attachments go to:

[https://www.fraudonthecourt.net/exhibits/Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/](https://www.fraudonthecourt.net/exhibits/Group%20Exhibit%2050_Dulberg-Talarico%20communication%20from%20October,%202020%20onward/)

GROUP EXHIBIT 50 - PART 13 OF 13

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EXHIBIT EQ-3

Page 3 of 22

Date : 1/8/2024 4:40:44 PM
From : "Paul Dulberg"
To : "Alphonse Talarico" , "Tom Kost"
BCc : "Paul Dulberg"
Subject : Draft B5
Attachment : Draft B5 of Petition for leave to appeal - Supreme Court.indd; ATT00002.txt;
Draft B5 of Petition for leave to appeal - Supreme Court.pdf; ATT00004.txt;

Mr Talarico, See attached PDF of B5 for latest version. Pay no attention to the indd file.

Tom, see attached INDD file. you have master for hyperlinks to appendix. Mr Talarico said we have till midnight for electronic filing and he is finding the 7-25-2023 proposed order for us.

Date : 1/9/2024 1:37:16 PM**From : "Alphonse Talarico"****To : "Paul Dulberg" , "Paul Dulberg" , "T. Kost"****Subject : Fw: Filing Returned for Envelope Number: 25884372 in Case: 25884372, for filing Petitions - PLA Filed**

----- Forwarded Message -----

From: no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>**To:** "alphonsetalarico@yahoo.com" <alphonsetalarico@yahoo.com>**Sent:** Tuesday, January 9, 2024 at 09:38:37 AM CST**Subject:** Filing Returned for Envelope Number: 25884372 in Case: 25884372, for filing Petitions - PLA Filed

Filing Returned

Envelope Number: 25884372

Case Number: 25884372

Case Style:

The filing below has been reviewed and has been returned for the reasons outlined below. Please, contact the appropriate court help center for further information.

Return Reason(s) from Clerk's Office	
Court	File & Serve
Returned Reason	Transaction rejected
Returned Comments	Your document cannot be filed in its current format. Please correct the following deficiencies and resubmit: (1) Pursuant to Supreme Court Rule 341(c), a certificate of compliance must state that your petition is ___ number of pages OR words (Limited to 20 pages or 6,000 words); (2) You must include the Appellate Court order with your petition for leave to appeal. (3) Your appendix should not be listed within your petition for leave to appeal. Further, it does not appear that any of your documents listed in your appendix were attached to your petition for leave to appeal. (4) Since you are representing Mr. Paul R. Dulberg, your signature must be on all documents. Mr. Dulberg's signature is not required. (5) Further, since your petition was due on January 8, 2024, you must now submit for filing a "motion for leave to file petition for leave to appeal instanter". The compliant petition must be provided as an "Exhibit" to the motion, and the motion with

Group Exhibit 50 - Part 13 of 13

Page 8329

For email attachments go to:

[https://www.fraudonthecourt.net/exhibits/Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/](https://www.fraudonthecourt.net/exhibits/Group%20Exhibit%2050_Dulberg-Talarico%20communication%20from%20October,%202020%20onward/)
GROUP EXHIBIT 50 - PART 13 OF 13**Page 8329 of 8515****EXHIBIT EQ-3****Page 5 of 22**

	petition must be uploaded as ONE pdf document. Thank you.
--	---

Document Details	
Case Number	25884372
Case Style	
Date/Time Submitted	1/8/2024 10:38 PM CST
Filing Type	EFileAndServe
Filing Description	Petition for Leave to Appeal
Activity Requested	Petitions - PLA Filed
Filed By	Alphonse Talarico
Filing Attorney	Alphonse Talarico

GROUP EXHIBIT 50 - PART 13 OF 13**Page 8330 of 8515****EXHIBIT EQ-3****Page 6 of 22**

Date : 1/9/2024 1:37:18 PM**From : "Alphonse Talarico"****To : "Paul Dulberg" , "Paul Dulberg" , "T. Kost"****Subject : Fw: Filing Returned for Envelope Number: 25884372 in Case: 25884372, for filing Petitions - PLA Filed**

----- Forwarded Message -----

From: no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>**To:** "alphonsetalarico@yahoo.com" <alphonsetalarico@yahoo.com>**Sent:** Tuesday, January 9, 2024 at 09:38:37 AM CST**Subject:** Filing Returned for Envelope Number: 25884372 in Case: 25884372, for filing Petitions - PLA Filed

Filing Returned

Envelope Number: 25884372

Case Number: 25884372

Case Style:

The filing below has been reviewed and has been returned for the reasons outlined below. Please, contact the appropriate court help center for further information.

Return Reason(s) from Clerk's Office	
Court	File & Serve
Returned Reason	Transaction rejected
Returned Comments	Your document cannot be filed in its current format. Please correct the following deficiencies and resubmit: (1) Pursuant to Supreme Court Rule 341(c), a certificate of compliance must state that your petition is ___ number of pages OR words (Limited to 20 pages or 6,000 words); (2) You must include the Appellate Court order with your petition for leave to appeal. (3) Your appendix should not be listed within your petition for leave to appeal. Further, it does not appear that any of your documents listed in your appendix were attached to your petition for leave to appeal. (4) Since you are representing Mr. Paul R. Dulberg, your signature must be on all documents. Mr. Dulberg's signature is not required. (5) Further, since your petition was due on January 8, 2024, you must now submit for filing a "motion for leave to file petition for leave to appeal instanter". The compliant petition must be provided as an "Exhibit" to the motion, and the motion with

Group Exhibit 50 - Part 13 of 13

Page 8331

For email attachments go to:

[https://www.fraudonthecourt.net/exhibits/Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/](https://www.fraudonthecourt.net/exhibits/Group%20Exhibit%2050_Dulberg-Talarico%20communication%20from%20October,%202020%20onward/)
GROUP EXHIBIT 50 - PART 13 OF 13**Page 8331 of 8515****EXHIBIT EQ-3****Page 7 of 22**

	petition must be uploaded as ONE pdf document. Thank you.
--	---

Document Details	
Case Number	25884372
Case Style	
Date/Time Submitted	1/8/2024 10:38 PM CST
Filing Type	EFileAndServe
Filing Description	Petition for Leave to Appeal
Activity Requested	Petitions - PLA Filed
Filed By	Alphonse Talarico
Filing Attorney	Alphonse Talarico

Group Exhibit 50 - Part 13 of 13

Page 8332

For email attachments go to:

[https://www.fraudonthecourt.net/exhibits/Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/](https://www.fraudonthecourt.net/exhibits/Group%20Exhibit%2050_Dulberg-Talarico%20communication%20from%20October,%202020%20onward/)
GROUP EXHIBIT 50 - PART 13 OF 13**Page 8332 of 8515****EXHIBIT EQ-3****Page 8 of 22**

Date : 1/9/2024 3:23:34 PM

From : "Paul Dulberg"

To : "Alphonse Talarico"

Cc : "Tom Kost"

BCc : "Paul Dulberg"

Subject : Re: Filing Returned for Envelope Number: 25884372 in Case: 25884372, for filing Petitions - PLA Filed

Attachment : Fix-1_2023-01-08_Petition for leave to appeal - Supreme Court.pdf; ATT00002.bin;

I am sending what I have changed in the petition per your instructions.

I moved the appendix list to the back and I am not sure if each appendix number should be a stand alone document or all combined into a single PDF with Bookmarks for A1, A2, A3 etc....

Currently there is a total of 4,615 pages but I have 1 more (A5) that we previously hyperlinked to that is a problem.

appendix A5 goes to Barbara G Smith's thumb drive containing zip files and the Mast deposition recording.

Not sure how to do a .wav file (mast recording) in an appendix made up of PDF's.

Call me and lets discuss...

Paul

FILED DATE: 9/2/2025 9:16 PM 2022L010905

Filing Description	Petition for Leave to Appeal
Activity Requested	Petitions - PLA Filed
Filed By	Alphonse Talarico
Filing Attorney	Alphonse Talarico

Paul Dulberg <Paul_Dulberg@comcast.net>
 To: Alphonse Talarico <alphonsetalarico@yahoo.com>
 Cc: Tom Kost <tkost999@gmail.com>

Tue, Jan 9, 2024 at 3:23 PM

I am sending what I have changed in the petition per your instructions.

I moved the appendix list to the back and I am not sure if each appendix number should be a stand alone document or all combined into a single PDF with Bookmarks for A1, A2, A3 etc....

Currently there is a total of 4,615 pages but I have 1 more (A5) that we previously hyperlinked to that is a problem.

appendix A5 goes to Barbara G Smith's thumb drive containing zip files and the Mast deposition recording.

Not sure how to do a .wav file (mast recording) in an appendix made up of PDF's.

Call me and lets discuss...

Paul

On Jan 9, 2024, at 1:37 PM, Alphonse Talarico <alphonsetalarico@yahoo.com> wrote:

----- Forwarded Message -----

From: no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>

To: "alphonsetalarico@yahoo.com" <alphonsetalarico@yahoo.com>

Sent: Tuesday, January 9, 2024 at 09:38:37 AM CST

Subject: Filing Returned for Envelope Number: 25884372 in Case: 25884372, for filing Petitions - PLA Filed



ODYSSEY
eFileLL™

Filing Returned

Envelope Number: 25884372

Case Number: 25884372

Case Style:

The filing below has been reviewed and has been returned for the reasons outlined below. Please, contact the appropriate court help center for further information.

Return Reason(s) from Clerk's Office	
Court	File & Serve
Returned Reason	Transaction rejected
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Group Exhibit 50 - Part 13 of 13

Page 8339

2 of 3

For email attachments go to:

[https://www.fraudonthecourt.net/exhibits/Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/](https://www.fraudonthecourt.net/exhibits/Group%20Exhibit%2050_Dulberg-Talarico%20communication%20from%20October,%202020%20onward/) 1/11/2024, 9:29 PM

GROUP EXHIBIT 50 - PART 13 OF 13

Page 8339 of 8515

EXHIBIT EQ-3

Page 10 of 22

Date : 1/10/2024 5:00:51 AM
From : "Paul Dulberg"
To : "Alphonse Talarico"
Cc : "Tom Kost"
BCc : "Paul Dulberg"
Subject : Test for Barbara G Smith's recording in PDF

Attachment available until Feb 9, 2024

Mr Talarico and Tom,

I constructed a single page multimedia rich PDF (attached) to test if I can get the Mast.wav file into a PDF.

Please open the attached zip file, extract the PDF, open and let me know if you get it to play the recorded deposition of Mast.

Thanks,
Paul

[Click to Download](#)

Mast deposition recording in PDF tests.pdf.zip
56.8 MB

Date : 1/10/2024 8:25:19 AM
From : "Alphonse Talarico"
To : "Paul Dulberg"
Cc : "Tom Kost"
Subject : Re: Test for Barbara G Smith's recording in PDF

I can play it.

From: Paul Dulberg <pdulberg@icloud.com>
Sent: Wednesday, January 10, 2024 5:00 AM
To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>
Cc: Tom Kost <tkost999@gmail.com>
Subject: Test for Barbara G Smith's recording in PDF

Attachment available until Feb 9, 2024

Mr Talarico and Tom,

I constructed a single page multimedia rich PDF (attached) to test if I can get the Mast.wav file into a PDF.

Please open the attached zip file, extract the PDF, open and let me know if you get it to play the recorded deposition of Mast.

Thanks,
Paul

[Click to Download](#)

Mast deposition recording in PDF tests.pdf.zip
56.8 MB

Date : 1/11/2024 3:16:50 PM
From : "Alphonse Talarico"
To : "Paul Dulberg"
Subject : Re: Fix 3

Dear Sir,

I don't understand what I have to say so that you will do as the Illinois Supreme Court clerk will accept the PFLTA.

No hyperlinks, no bookmarks that act as hyperlinks.

The actual documents must be in the Appendix.

if you do not believe me, please call the Clerk of the Supreme Court and ask them yourself.

I will file whatever you direct but i have given you the warning that i received.

Your ARDC complaint number are enough, as you have said, for the Supreme Court could see what they desire.

You are boxing me into a situation with a 95% rejection ration to blame me for any rejection based upon your often used "I told you so.

Tell me what you want filed.

I told you what the clerk said.

You are free to call yourself and discuss with the clerk.

From: Paul Dulberg <Paul_Dulberg@comcast.net>

Sent: Thursday, January 11, 2024 2:15 PM

To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

Subject: Fwd: Fix 3

Answer to question from ADR email about revision done

Latest version of the Supreme Court petition

We need to go over it together and figure out what needs to be scaled back to meet the clerks requirements in the message you sent me yesterday.

Call when your ready

Paul

Begin forwarded message:

From: Paul Dulberg <Paul_Dulberg@comcast.net>

Subject: Fix 3

Date: January 11, 2024 at 7:49:52 AM CST

To: Tom Kost <tkost999@gmail.com>

Date : 1/11/2024 3:29:02 PM
From : "Paul Dulberg"
To : "Law Office Of Alphonse Talarico"
Cc : "Tom Kost"
BCc : "Paul Dulberg"
Subject : Re: Fix 3
Alphonse,

I pay you a lot of money to author these documents in compliance with the courts rules.

You agreed you would author the petition. That got put one me, the client. I am trying to do your Job!

I only agreed to format what you authored.

I told you on the phone this morning that we need to go over this together line by line to fix it and provided you with my latest attempt to fix it before hearing the recording from the clerk.

You need to make the time to work with me on authoring this!

Paul

On Jan 11, 2024, at 3:16 PM, Alphonse Talarico
<contact@lawofficeofalphonsetalarico.com> wrote:

Dear Sir,

I don't understand what I have to say so that you will do as the Illinois Supreme Court clerk will accept the PFLTA.

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I told you what the clerk said.

You are free to call yourself and discuss with the clerk.

From: Paul Dulberg <Paul_Dulberg@comcast.net>

Sent: Thursday, January 11, 2024 2:15 PM

To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

Subject: Fwd: Fix 3



T Kost <tkost999@gmail.com>

Fix 3

2 messages

Paul Dulberg <Paul_Dulberg@comcast.net>
To: Tom Kost <tkost999@gmail.com>

Thu, Jan 11, 2024 at 7:49 AM



Fix-3_2023-01-08_Petition for leave to appeal - Supreme Court.pdf
302K

Paul Dulberg <Paul_Dulberg@comcast.net>
To: Law Office Of Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>
Cc: Tom Kost <tkost999@gmail.com>

Thu, Jan 11, 2024 at 3:29 PM

Alphonse,

I pay you a lot of money to author these documents in compliance with the courts rules.

You agreed you would author the petition. That got put one me, the client. I am trying to do your Job!

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You need to make the time to work with me on authoring this!

Paul

On Jan 11, 2024, at 3:16 PM, Alphonse Talarico <contact@lawofficeofalphonsetalarico.com> wrote:

Dear Sir,

I don't understand what I have to say so that you will do as the Illinois Supreme Court clerk will accept the PFLTA.

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Group Exhibit 50 - Part 13 of 13

Page 8375

1 of 2

For email attachments go to:

[https://www.fraudonthecourt.net/exhibits/Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/](https://www.fraudonthecourt.net/exhibits/Group%20Exhibit%2050_Dulberg-Talarico%20communication%20from%20October,%202020%20onward/) 1/11/2024, 9:41 PM**GROUP EXHIBIT 50 - PART 13 OF 13****Page 8375 of 8515****EXHIBIT EQ-3****Page 15 of 22**

Date : 1/12/2024 8:12:30 AM
From : "Alphonse Talarico"
To : "Paul Dulberg"
Subject : Re: Fix 4

Gentlemen,

As a professional, I will continue to work until I am fired or withdraw.

To set the record straight, and include what you always forget, that being the facts that don't fit in your version of life, I asked you to create the pro forma and have your brother Thomas Kost draft the "history section" Only"! because, as I stated, he could strip off the history from the web site and/ or the ARDC complaints already in existence.

You then took off and I acquiesced with your desire to author the PFLTA to give you another shot at telling the world about who damaged you.

You have conveniently forgotten that I discovered the fact that Judge Meyer had recused himself as a friend of Popovich (without my research skills you would never have known about all that was done) that I have been available 24/7 for your calls , that I have put your family's legal issues before my own health, and that by signing PFLTA and motion I will put a target on my back with the legal community in multiple counties.

You do not listen!

How dare you be offended by the truth!

I am done fighting with you.

I will accept verbal communication from Thomas Kost on any relevant legal matter, but you sir, can communicate only in writing.

The verbal abuse and snide comments are not acceptable, and surely not professional.

The instructions were clear, but you chose to disregard them.

You were informed that, through at least three conversations with April, an assistant Supreme Court Clerk, I investigated the use of hyperlinks and bookmarks and I told you CLEARLY what she said "no hyperlinks" "no bookmarks" "the appendix must contain the actual document" "the requirement for 13 paper copies of the PFLTA filed in Springfield Illinois and the Appendix makes your desired thousands of pages not acceptable"

What in those clear instructions don't you understand?

You don't have to be a lawyer to understand those words.

You always fall back with "I am not a lawyer" and "I am not an author" but you don't have to be a lawyer to understand plain English and I asked to have Thomas Kost, not you, author the history section.

Finally, since I kept telling you that you cannot include hyperlinks and bookmarks in the PFLTA I suggested you, as Client with your appearance on file, call April and ask her yourself?

Did you do that?

You just launched into another tirade about how much money you pay me.

As is typical, you are killing the messenger, instead of remembering all the lawyers, court personnel and judge who took advantage of you and the lawyers who were hired by you to clean up the mess, like the Baudins who got paid over \$100,000.00 for a few hours work and compare to all the hours I have worked, with detailed time sheets which we have referred to in

You were informed that, through at least three conversations with April, an assistant Supreme Court Clerk, I investigated the use of hyperlinks and bookmarks and I told you CLEARLY what she said "no hyperlinks" "no bookmarks" "the appendix must contain the actual document" "the requirement for 13 paper copies of the PFLTA filed in Springfield Illinois and the Appendix makes your desired thousands of pages not acceptable"

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P.S. I have blocked Mr. Dulberg's telephone calls to my cell phone as he has recently done to me. PUT IT IN WRITING!

Alphonse A. Talarico, Esquire
3128081410



From: Paul Dulberg <Paul_Dulberg@comcast.net>
Sent: Thursday, January 11, 2024 3:55 PM
To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>
Cc: Tom Kost <tkost999@gmail.com>
Subject: Fix 4

You were informed that, through at least three conversations with April, an assistant Supreme Court Clerk, I investigated the use of hyperlinks and bookmarks and I told you CLEARLY what she said "no hyperlinks" "no bookmarks" "the appendix must contain the actual document" "the requirement for 13 paper copies of the PFLTA filed in Springfield Illinois and the Appendix makes your desired thousands of pages not acceptable"

What in those clear instructions don't you understand?

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You always fall back with "I am not a lawyer" and "I am not an author" but you don't have to be a lawyer to understand plain English and I asked to have Thomas Kost, not you, author the history section.

Finally, since I kept telling you that you cannot include hyperlinks and bookmarks in the PFLTA I suggested you, as Client with your appearance on file, call April and ask her yourself?

Did you do that?

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As is typical, you are killing the messenger, instead of remembering all the lawyers, court personnel and judge who took advantage of you and the lawyers who were hired by you to clean up the mess, like the Baudins who got paid over \$100,000.00 for a few hours work and compare to all the hours I have worked, with detailed time sheets which we have referred to in the past to find out when an action was taken, and because you are having an extended anxiety attack, blame me for all the evils that have befallen you.

P.S. I have blocked Mr. Dulberg's telephone calls to my cell phone as he has recently done to me. PUT IT IN WRITING!

Alphonse A. Talarico, Esquire
3128081410



From: Paul Dulberg <Paul_Dulberg@comcast.net>

Sent: Thursday, January 11, 2024 3:55 PM

To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

Date : 1/12/2024 8:47:26 AM
From : "Alphonse Talarico"
To : "Paul Dulberg"
Subject : Re: Fix 4

Gentlemen,

My damned job is not to be your slave 24/7, listen to your irrational version of the truth or remind you that when we agree to the current attorney fee schedule, you first agreed to hire another attorney to help me in all your cases and then when you could not find an attorney to represent you, you promised that you and your brother Thomas Kost, will help in certain areas of your cases as my assistant.

Do your damned job, or is your word useless?

Remove all the hyperlinks and bookmarks, add all the Appendix documents, and don't try to sabotage this filing so you can add me to the lists of attorney you sue.

You have been working on this PFLTA for 4 or 5 days before it was initially filed on January 8, 2024 and rejected and every day since BUT YOU THINK YOU ARE THE LONE RANGER WHO WAS GIVEN INSTRUCTION ONLY YESTERDAY.

I have been working on this and answering your questions and researching with my Westlaw paid research assistants for days, which you knew about, and at the same time working on the Kost Appeal.

Alphonse A. Talarico, Esquire
3128081410

From: Paul Dulberg <Paul_Dulberg@comcast.net>
Sent: Thursday, January 11, 2024 4:20 PM
To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>
Cc: Tom Kost <tkost999@gmail.com>
Subject: Re: Fix 4

Or better yet, another option, DO YOUR DAMN JOB AND AUTHOR A NEW DOCUMENT THE WAY YOU WERE SUPPOSED TO, THE WAY YOU WANT IT and provide it to me for review before doing anything with it.

Its up to you, your choice, fix what I have or do your own.

On Jan 11, 2024, at 3:55 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

You say I didn't listen!
How dare you sir.
You were supposed to have authored the whole thing and STUCK IT ALL ON ME ONE DAY BEFORE IT WAS DUE.
Now you give vague instruction and blame me for not doing what you command.
If I am not following your lead it is clearly because I am not a lawyer and I don't understand.
So I ask for you to go over it with me line by line and your response is "if you had listened but you ask advice and then ignore it"
I am and have been asking for your help but you don't seem to hear it!
I am done fighting with you.

Group Exhibit 50 - Part 13 of 13

Page 8392

For email attachments go to:

[https://www.fraudonthecourt.net/exhibits/Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/](https://www.fraudonthecourt.net/exhibits/Group%20Exhibit%2050_Dulberg-Talarico%20communication%20from%20October,%202020%20onward/)

GROUP EXHIBIT 50 - PART 13 OF 13

Page 8392 of 8515

EXHIBIT EQ-3

Page 19 of 22

A REPORT (ROUGH OUTLINE) FROM PAUL DULBERG (FROM MEMORY) OF EVENTS THAT TOOK PLACE WHEN PREPARING THE SUPREME COURT PETITION. (Report was prepared on 2023-01-13 at around 9:00AM. More will be added in updated versions.)

PAUL DULBERG WROTE:

Below is a quick outline of what transpired – from memory since we already have a detailed outline – It will take considerable time for me to go over the timeline and match up my memory with the exact dates and times.

A day or two before the petition was due I found out by phone that Mr Talarico hadn't done any work authoring the petition.

Said all the time in the past 35 days was spent on the Tiff and the other cases.

I said we need to get this done.

We agreed he would author the document and I should do the formatting.

I told him I would need something to look at to build a template for the petition.

He did not have anything for me to see.

I went online and downloaded a petition that I found and asked if that would work as a template.

He said it should.

Over the next couple hours I created an INDD file using the form I found as a template, even threw in section headers and some wording as placeholders till he provided the copy.

I sent him it as a PDF and called him back and said I am ready to drop in the text that he was authoring. He said he had to do some research with Thompson Reuters west law.

He did provide a few things that I dropped in the template and said he was working another section and asked if I would have Tom do the history section.

I said I would call Tom and see. Tom agreed to help. I told Talarico that tom would help but needed an idea of what all it encompassed.

Mr Talarico provided what he called a preface and I dropped in the template.

-----Etc... (I would need more time to go over the emails to build exactly how we came to the next part)

When I inquired about how to do the appendix with so many documents referenced I was told by Talarico that we could use hyperlinks to the documents. Tom, you spent a whole day and stayed up all night in a marathon creating those hyperlinks.

Talarico filed the petition as is because time was up.

When I noticed the petition filed had the hyperlinks removed or disabled I contacted Talarico.

Talarico said he would contact the clerk.

The petition was rejected.

Talarico said that hyperlinks were not allowed and that all the documents had to be attached in the appendix.

A discussion was had over what the appendix had to look like and how the documents were to be

differentiated. Ex, like exhibit tags at the start of each document? Talarico said he didn't know

I attempted to amend the petition turning all the hyperlinked documents in an appendix without any clear idea of what it was to look like. I built in bookmarks in the PDF that acted as the identifier and as the separator – the sheer amount of pages took days

Talarico said he loved the bookmarks and said I should have an identifier on the first page of each document like an exhibit tag identifies each document.

I added A1, A2, etc in Large red font to the first page of each document.

Talarico said he was in communication with the clerk and they won't accept all those documents in the appendix and that they were not needed.

At this point I had been trying my best to follow Talarico's instruction and everything to date was done wrong and he blamed me for not following his instructions and things just got weird from this point forward.

FILED DATE: 9/2/2025 9:16 PM 2022L010905

I need some kind of detailed record of what the clerk said to you and what you said to the clerk. Do you have notes or anything in writing that I can see? I cannot find any clear set of directions that you provided to Paul Dulberg which he could follow in any of the communication linked above.

If you do not keep any notes of your many telephone exchanges with the clerk that you can provide us, this means we are completely dependent on your memory of what the clerk told you. Obviously we need those memories written down and sent to us so we can comply with the instructions of the clerk. Could you please write down everything that you remember from your telephone exchanges with the clerk so we can have this information, too?

Thanks

Please provide as soon as possible so I can see the clerk's instructions written out in detail.

On Sat, Jan 13, 2024 at 7:52 AM T Kost <tkost999@gmail.com> wrote:

----- Forwarded message -----

From: **Alphonse Talarico** <contact@lawofficeofalphonsetalarico.com>

Date: Sat, Jan 13, 2024 at 7:10 AM

Subject: Petition for Leave to Appeal to the Illinois Supreme Court.

To: T Kost <tkost999@gmail.com>

Sir,

Please see the attached Illinois Supreme Court Rule.

Thank you,

Alphonse A. Talarico, Esq.

Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>
To: T Kost <tkost999@gmail.com>

Sat, Jan 13, 2024 at 9:33 AM

As I told Mr. Dulberg many times, the clerk told me the following: no hyperlinks, no bookmarks, the actual documents must be in the appendix, thousands of pages will not work in the Appendix, 13 complete paper copies of the Petition and Appendix have to be served on the court in Springfield within 5 days of acceptance.

Mr. Dulberg, is a very street smart and learned individual who plays confused when it suits him. I told him many times that since he is not only the petitioner, but he has an appearance on file in this matter, he should call the clerk himself and ask any questions he desires, and now any questions you desire.

Sincerely,

Alphonse A. Talarico, Esq.

From: T Kost <tkost999@gmail.com>

Sent: Saturday, January 13, 2024 9:17 AM

To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

Subject: Re: Petition for Leave to Appeal to the Illinois Supreme Court.

Mr Talarico, I have asked Paul to write about the work the two of you have been doing together since January 8th (when the filing was due). He wrote me an outline of events that he remembers and interactions he had with you while preparing the Supreme Court Petition.

Group Exhibit 50 - Part 13 of 13

Page 8446

8 of 26

For email attachments go to:

[https://www.fraudonthecourt.net/exhibits/Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/](https://www.fraudonthecourt.net/exhibits/Group%20Exhibit%2050_Dulberg-Talarico%20communication%20from%20October,%202020%20onward/)14/2024, 12:17 AM

GROUP EXHIBIT 50 - PART 13 OF 13

Page 8446 of 8515

EXHIBIT EQ-3

Page 22 of 22

Date : 1/9/2024 1:37:16 PM**From : "Alphonse Talarico"****To : "Paul Dulberg" , "Paul Dulberg" , "T. Kost"****Subject : Fw: Filing Returned for Envelope Number: 25884372 in Case: 25884372, for filing Petitions - PLA Filed**

----- Forwarded Message -----

From: no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>**To:** "alphonsetalarico@yahoo.com" <alphonsetalarico@yahoo.com>**Sent:** Tuesday, January 9, 2024 at 09:38:37 AM CST**Subject:** Filing Returned for Envelope Number: 25884372 in Case: 25884372, for filing Petitions - PLA Filed

Filing Returned

Envelope Number: 25884372

Case Number: 25884372

Case Style:

The filing below has been reviewed and has been returned for the reasons outlined below. Please, contact the appropriate court help center for further information.

Return Reason(s) from Clerk's Office	
Court	File & Serve
Returned Reason	Transaction rejected
Returned Comments	Your document cannot be filed in its current format. Please correct the following deficiencies and resubmit: (1) Pursuant to Supreme Court Rule 341(c), a certificate of compliance must state that your petition is ___ number of pages OR words (Limited to 20 pages or 6,000 words); (2) You must include the Appellate Court order with your petition for leave to appeal. (3) Your appendix should not be listed within your petition for leave to appeal. Further, it does not appear that any of your documents listed in your appendix were attached to your petition for leave to appeal. (4) Since you are representing Mr. Paul R. Dulberg, your signature must be on all documents. Mr. Dulberg's signature is not required. (5) Further, since your petition was due on January 8, 2024, you must now submit for filing a "motion for leave to file petition for leave to appeal instanter". The compliant petition must be provided as an "Exhibit" to the motion, and the motion with

Group Exhibit 50 - Part 13 of 13

Page 8329

For email attachments go to:

[https://www.fraudonthecourt.net/exhibits/Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/](https://www.fraudonthecourt.net/exhibits/Group%20Exhibit%2050_Dulberg-Talarico%20communication%20from%20October,%202020%20onward/)
GROUP EXHIBIT 50 - PART 13 OF 13**Page 8329 of 8515****EXHIBIT EQ-4****Page 1 of 4**

	petition must be uploaded as ONE pdf document. Thank you.
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Document Details	
Case Number	25884372
Case Style	
Date/Time Submitted	1/8/2024 10:38 PM CST
Filing Type	EFileAndServe
Filing Description	Petition for Leave to Appeal
Activity Requested	Petitions - PLA Filed
Filed By	Alphonse Talarico
Filing Attorney	Alphonse Talarico

Group Exhibit 50 - Part 13 of 13

Page 8330

For email attachments go to:

[https://www.fraudonthecourt.net/exhibits/Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/](https://www.fraudonthecourt.net/exhibits/Group%20Exhibit%2050_Dulberg-Talarico%20communication%20from%20October,%202020%20onward/)**GROUP EXHIBIT 50 - PART 13 OF 13****Page 8330 of 8515****EXHIBIT EQ-4****Page 2 of 4**

Date : 1/9/2024 1:37:18 PM**From : "Alphonse Talarico"****To : "Paul Dulberg" , "Paul Dulberg" , "T. Kost"****Subject : Fw: Filing Returned for Envelope Number: 25884372 in Case: 25884372, for filing Petitions - PLA Filed**

----- Forwarded Message -----

From: no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>**To:** "alphonsetalarico@yahoo.com" <alphonsetalarico@yahoo.com>**Sent:** Tuesday, January 9, 2024 at 09:38:37 AM CST**Subject:** Filing Returned for Envelope Number: 25884372 in Case: 25884372, for filing Petitions - PLA Filed

Filing Returned

Envelope Number: 25884372

Case Number: 25884372

Case Style:

The filing below has been reviewed and has been returned for the reasons outlined below. Please, contact the appropriate court help center for further information.

Return Reason(s) from Clerk's Office	
Court	File & Serve
Returned Reason	Transaction rejected
Returned Comments	Your document cannot be filed in its current format. Please correct the following deficiencies and resubmit: (1) Pursuant to Supreme Court Rule 341(c), a certificate of compliance must state that your petition is ___ number of pages OR words (Limited to 20 pages or 6,000 words); (2) You must include the Appellate Court order with your petition for leave to appeal. (3) Your appendix should not be listed within your petition for leave to appeal. Further, it does not appear that any of your documents listed in your appendix were attached to your petition for leave to appeal. (4) Since you are representing Mr. Paul R. Dulberg, your signature must be on all documents. Mr. Dulberg's signature is not required. (5) Further, since your petition was due on January 8, 2024, you must now submit for filing a "motion for leave to file petition for leave to appeal instanter". The compliant petition must be provided as an "Exhibit" to the motion, and the motion with

Group Exhibit 50 - Part 13 of 13

Page 8331

For email attachments go to:

[https://www.fraudonthecourt.net/exhibits/Group Exhibit 50_Dulberg-Talarico communication from October, 2020 onward/](https://www.fraudonthecourt.net/exhibits/Group%20Exhibit%2050_Dulberg-Talarico%20communication%20from%20October,%202020%20onward/)

GROUP EXHIBIT 50 - PART 13 OF 13

Page 8331 of 8515**EXHIBIT EQ-4****Page 3 of 4**

	petition must be uploaded as ONE pdf document. Thank you.
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Document Details	
Case Number	25884372
Case Style	
Date/Time Submitted	1/8/2024 10:38 PM CST
Filing Type	EFileAndServe
Filing Description	Petition for Leave to Appeal
Activity Requested	Petitions - PLA Filed
Filed By	Alphonse Talarico
Filing Attorney	Alphonse Talarico

Group Exhibit 50 - Part 13 of 13

Page 8332

For email attachments go to:

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GROUP EXHIBIT 50 - PART 13 OF 13**Page 8332 of 8515****EXHIBIT EQ-4****Page 4 of 4**

Timeline: Appeal / Supreme Court PLA Work (2-23-0072) + Call-Volume Corroboration

Source: redacted Verizon call-log excerpts (Talarico 312-608-1410; Kost 847-439-2198) + key email/PDF exhibits.

Date	Key event (high-level)	Calls with Talarico (312-608-1410)	Calls with Kost (847-439-2198)
2023-12-04	IL App (2d) 2-23-0072: appeal dismissed for failure to file opening brief; order states final/mandate (Exh DR-6 / Notice of Order).		
2023-12-07	Email thread forwarding 12/4/23 order and urging emergency action (Talarico as counsel of record).		
2024-01-06	Talarico email 'Preamble' re Supreme Court PLA drafting (Exh BJ).	10 calls / 70 min	10 calls / 59 min
2024-01-07	315(c) rule/briefing emails; prep continues.	5 calls / 47 min	15 calls / 131 min
2024-01-08	PLA due date: Petition for Leave to Appeal sent (Exh DL).	20 calls / 185 min	29 calls / 352 min
2024-01-09	Filing returned / transaction rejected; clerk comments instruct motion for leave instanter & single PDF (Group Ex 50 Pt 13 pp.146-149).	4 calls / 113 min	4 calls / 29 min
2024-01-11	Talarico email: 'No hyperlinks, no bookmarks that act as hyperlinks' (Group Ex 50 Pt 13 p.177).	2 calls / 8 min	7 calls / 57 min
2024-01-14	Talarico resignation/withdrawal email thread (Exh AY).		8 calls / 61 min
2025-12-04	25LA360 complaint filed (file-stamped cover page).		

Note: Call logs corroborate timing and intensity of communications but do not capture call content. Email exhibits and clerk/e-filing notices supply the content record (e.g., filing-return reasons and hyperlink instructions).

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.
18
19
20
21
22
23
24

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 brought -- 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. Serшон want to say anything
19 or is she being --

20 THE COURT: Well, I'll make sure the record is
21 clear. Ms. Serшон, 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
16
17
18
19
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21
22
23

24 Dated this 4th day of August, 2026

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

FILED

AUG - 7 2026

KATHERINE M. KESFE
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. Dulberg¹ ("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 ("McGuire").

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. (1st) 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 (1st) 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.

Gooch Defendants' Motion to Dismiss

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.

2-615 Arguments

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.

Clinton Defendants' Motion to Dismiss

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.

2-619 Arguments

Statute of Limitations

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. Schrock, ¶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

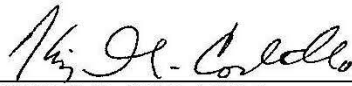
Defendant Flynn has requested Illinois Supreme Court Rule 304(a) language be included herein. It is appropriate to consider that request as the Court is not dismissing all defendants in this Order. However, this request is premature given the Court's determination as to the amount of sanctions to be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