

ARDC COMPLAINT AGAINST ILLINOIS ATTORNEY ALPHONSE TALARICO ARDC #6184530, PART 1

We have submitted 9 ARDC Complaints to date:

Edward X. Clinton No. 2023IN02517 (submitted on July 27, 2023)
Julia C. Williams No. 2023IN02518 (submitted on July 27, 2023)
Thomas J. Popovich No. 2023IN03135 (submitted on September 15, 2023)
Hans Mast No. 2023IN03136 (submitted on September 15, 2023)
Brad J. Balke No. 2023IN03894-R (submitted on November 8, 2023)
Kelly Baudin No. 2023IN03898-R (submitted on November 8, 2023)
William Randall Baudin II No. 2023IN03897-R (submitted on November 8, 2023)
Thomas W. Gooch No. 2023IN03895-R (submitted on November 8, 2023)
Sabina Walczyk-Sershon No. 2023IN03896-R (submitted on November 8, 2023)

We've also produced the following 5 documents which describe basically the same things as the ARDC complaints and have full hyperlink features to all exhibits:

[Evidence of Fraud on the Court in 12LA178 During Popovich-Mast Representation](#)
[Evidence of Fraud on the Court in 12LA178 During Balke Representation](#)
[Evidence of Fraud on the Court in 12LA178 During Baudins Representation](#)
[Evidence of Fraud on the Court in 17LA377 During Gooch-Walczyk Representation](#)
[Evidence of Fraud on the Court in 17LA377 During Clinton-Williams Representation](#)

All 5 documents linked above have exhibits placed in a [shared single folder](#).

What happened to Dulberg can be seen as a systematic violation of the Himmel rule. It is a mutual agreement among a group of Illinois attorneys to violate the Himmel rule together that allows a network like this to function.

Unfortunately, evidence points to our recent attorney following the same general pattern and practice as the ones listed above. Alphonse Talarico (who abruptly resigned as counsel under quite strange circumstances just after he was asked whether he was in violation of the Himmel Rule in [this email thread](#) and continued in [this email thread](#)) was also working in violation of the Himmel Rule to jeopardize his client's cases against the attorneys listed above. Over more than 15 months it has (unfortunately) become apparent to us that our attorney was doing all he could to keep the knowledge of the Clinton-Williams document and information suppression system (described in the [ARDC Complaint Against Edward X. Clinton and Julia C. Williams](#)) away from any presiding Judge and away from the ARDC. We recently discovered that our attorney Alphonse Talarico has been violating the Himmel Rule for some time. This is *the 6th consecutive Illinois law firm* to work to sabotage the just claims of their own permanently disabled client.

TABLE 2¹ below compares strategies and methods used by 5 consecutive law firms retained by Dulberg

ATTORNEY	STRATEGY	METHODS
Popovich & Mast Personal Injury Case	Plaintiff's attorney intentionally weakens or sabotages plaintiff's case	Destruction and concealment of evidence Forged signatures Staged depositions (depositions with no actual court reporter present) Knew defendant Gagnon already admitted negligence for Dulberg's injury Worked in violation of federal bankruptcy court automatic stay to force a settlement against client's wishes Represented a client when they knew client had no standing as plaintiff in court Tried to put a cap of \$50,000 on the remaining case (Described in "Evidence of Fraud on the Court in 12LA178")
Balke Personal Injury Case	Plaintiff's attorney intentionally weakens or sabotages plaintiff's case	Knew defendant Gagnon already admitted negligence for Dulberg's injury Worked in violation of federal bankruptcy court automatic stay to force a settlement against client's wishes Represented client when they knew client had no standing as plaintiff in court Tried to put a cap of \$50,000 on the remaining case
The Baudins Personal Injury Case	Plaintiff's attorney intentionally weakens or sabotages plaintiff's case	Forgery Knew defendant Gagnon already admitted negligence for Dulberg's injury Worked in violation of federal bankruptcy court automatic stay to force a settlement against client's wishes Represented client when they knew client had no standing as plaintiff in court Placed a cap of \$300,000 on the remaining case
Gooch Legal Malpractice Case	Plaintiff's attorney intentionally weakens or sabotages plaintiff's case	Said he would file lawsuit in 7 days but actually filed more than 11 months later Gooch law office did not even scan client's files into digital form for 6 months Knew defendant Gagnon already admitted negligence for Dulberg's injury Suppression of information on bankruptcy, Baudin and Popovich negligence Filed 2 complaints which intentionally included a 'trap door' to allow defendants to get out of the case on 2-619 and 2-615 summary judgment (Described in "Evidence of Fraud on the Court in 17LA377 During Gooch Representation")
Clinton & Williams Legal Malpractice Case	Plaintiff's attorney intentionally weakens or sabotages plaintiff's case	Massive and sophisticated suppression of key evidence and information during pleadings and discovery document disclosure process Knew defendant Gagnon already admitted negligence for Dulberg's injury (Described in this document)

All successive attorneys to the same (fully disabled) client used the same overall strategy: **To intentionally weaken or sabotage their own client's case**. All three personal injury attorneys retained by Dulberg **acted in violation of the automatic stay**. All three personal injury attorneys continued to appear in the 22nd Judicial Circuit Court (which operated for approximately 25 months in violation of the automatic stay) claiming to represent Dulberg (who had no standing as plaintiff). All 3 personal injury attorneys made efforts (in orange font) to **place a cap on the remaining case without having any authority from the Bankruptcy Court to do so**.

¹ TABLE 2 was provided in the following documents already submitted to the ARDC:

[ARDC Complaint Against Julia C. Williams and Edward X. Clinton](#), Chapter 3, page 141 and
[ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk](#), page 3

Both legal malpractice attorneys suppressed all information of the actions of all 3 PI law firms (in colored font in Table 2) from Dulberg, from the 17LA377 Common Law Record and from 17LA377 Reports of Proceedings

All five law firms (3 personal injury law firms and 2 legal malpractice law firms) knew or could have easily discovered that the personal injury defendant (who was operating the chainsaw that injured Dulberg) **Gagnon effectively admitted negligence for Dulberg's injury** as of early March, 2013. None of the attorneys of the 5 law firms ever informed Dulberg of this. The original defendant and operator of the chainsaw, Gagnon, admitted to being negligent for Dulberg's injury:

about 10 months before Dulberg was fraudulently coerced with forged documents into settling with the McGuires, principals for their agent Gagnon.

about 21 months before Dulberg declared bankruptcy.

about 39 months before any binding mediation agreement with Gagnon was mentioned.

about 40 months before any cap was placed on any binding mediation award from Gagnon.

There was no reason for any of these activities to take place if the defendant who operated the chainsaw already admitted to being negligent.

Alphonse Talarico, Dulberg's current attorney, became *the 6th successive Illinois law firm* to attempt to sabotage Dulberg's cases (to benefit everyone listed in Table 2 among others). Table 2 is now incomplete unless it is updated to include Talarico in the row just after 'Clinton & Williams'. Talarico also acted to benefit opposing counsel Flynn by never raising the issue to the ARDC that Flynn was caught in the act of collaborating with opposing counsel.

- a) Did Alphonse Talarico violate the Himmel Rule? **Yes**
- b) Did Alphonse Talarico violate the Himmel Rule to benefit his own client? **No**
- c) Did Alphonse Talarico violate the Himmel Rule to benefit opposing parties? **Yes**
- d) Did Mr Talarico violate the Himmel Rule knowingly? **Yes**
- e) Did Mr Talarico violate the Himmel Rule accidentally? **No**
- f) Did Talarico receive payment from his client while violating the Himmel Rule to benefit opposing parties? **Yes. Hundreds of thousands of dollars in payment**

The main beneficiaries of Alphonse Talarico violating the Himmel Rule are:

Hans Mast

Thomas J. Popovich

Kelly Baudin

William Randall Baudin II

Thomas W. Gooch

Sabina Walczyk-Sershon

Edward X. Clinton

Julia C. Williams

George Flynn

(These are most all the same people against whom we filed ARDC complaints but were being benefited by our own attorney.)

In the case of Himmel, he acted in a way which ultimately benefited his client and Himmel did not accept payment from the client for his work. Yet Himmel received a 1 year suspension of his license. Talarico received hundreds of thousands of dollars from his client while Talarico's violations of the Himmel Rule benefited all those who did harm to his client Dulberg.

DULBERG'S FIRST DISCOVERY THAT HIS CURRENT ATTORNEY HAS VIOLATED THE HIMMEL RULE TO BENEFIT OPPOSING PARTIES

On January 5, 2024 Dulberg submitted the following document to the ARDC:

[Supplemental to 9 ARDC complaints Dulberg's efforts to raise issue of Clinton-Gooch-Popovich fraud on court to presiding judge.pdf](#)

Our experiences from January 5, 2024 to the time this complaint was submitted to the ARDC on January 22, 2024 confirmed the suspicions expressed on the document linked above. We now have a large body of evidence that our recent attorney, Alphonse Talarico, is indeed ***the 6th consecutive Illinois law firm*** retained by Dulberg to collaborate with opposing counsel to sabotage Dulberg's claims. The evidence is presented in this complaint (part 1) and in parts 2 and 3 of this complaint which will be submitted to the ARDC soon.

On January 8, 2024 Dulberg prepared and submitted a [Supreme Court Petition](#) to the Illinois Supreme Court.

On January 9, 2024 the [Supreme Court Petition](#) was rejected and Alphonse Talarico notified Dulberg that the clerk needed a few things changed before the clerk could accept the petition.

On January 14, 2024 Alphonse Talarico abruptly resigned as Dulberg's counsel.

The following online folder contains a detailed timeline of when Dulberg first became aware of the sophisticated system of document and information suppression Clinton and Williams were using to sabotage Dulberg's case:

[Group Exhibit 49 Dulberg's discovery and efforts to notify Judges of Clinton-Gooch-Popovich fraud on court/](#)

The following Visual Aid helps see groups of key events that took place in the timeline and it helps see the relation of each of these events to the others:

[Visual Aid 24 - Timeline of discovery and raising issue of fraud during litigation.png](#)

When Talarico [was repeatedly asked to provide detailed notes and records](#) of the clerk's instructions, Talarico provided only a single short email and a voicemail from the clerk which Talarico implied contained the entire detailed summary of the clerk's instructions to him.

At the time Talarico abruptly resigned as counsel on January 14, 2024, Talarico never provided any explanation of why Talarico himself did not simply follow the instructions in his short email and successfully resubmit the petition to the Supreme Court by himself.

In [previous documents submitted to the ARDC](#) we described a simple approach that could be taken to sabotage the case of a permanently disabled client following these simple steps:

- 1) 'Bury key evidence'
- 2) 'Bury fraud'
- 3) 'Bury troublesome issues'
- 4) 'Set up 2 year SoL escape hatch for opposing counsel'
- 5) to 12) 'Choke client'
- 13) 'Run for cover stories'

The fraudulent concealment used against Dulberg was so pervasive and was done by so many officers of the court that we have compiled lists of tables to help keep track of it all: [linked here](#).

The following linked Tables shows that the same patterns and practices are central to all of Dulberg's cases: [Fraud Chart by case](#) and [Fraud Chart by attorney](#)

Note how in the column labeled '1' ('bury key evidence') Talarico became the newest attorney retained by Dulberg who 'buried key evidence' to sabotage Dulberg's claims. Talarico did this by violating the Himmel Rule to knowingly allow fraud on the court to take place while never raising the evidence of fraud on the court with any presiding Judge ('bury fraud'). At the same time Talarico did not report the evidence of fraud on the court to the ARDC until he had to much later (in October, 2023, about 1 year after he was given detailed information about Clinton and Williams collaborating with opposing counsel Flynn).

Note that in the column labeled '13' ('run for cover stories') Talarico is the newest attorney to use the same 'cover story' or 'alibi' of blaming his own permanently disabled client Dulberg.

[This Visual Aid](#) shows how Talarico ‘set up 2 year SoL escape hatches’ for defendants by violating the Himmel Rule and keeping the information of fraud on the court and collaboration between opposing counsels away from any presiding Judge and out of the ROP and Common Law Record. The Visual Aid shows how defendant after defendant was let out of their respective cases (marked in red) due to the claim that the 2 year statutes of limitations had expired (in red) while Talarico kept the information of how Clinton and Williams collaborated with opposing counsel and used a sophisticated system of document and information suppression to sabotage Dulberg’s claims (marked in green) away from any presiding Judge and away from the ARDC.

Talarico repeatedly ‘choked client’ by not following his client’s instructions to raise the issues marked in green (as demonstrated in [the Timeline](#) and described in more detail later).

As the [Fraud Chart](#) reveals, techniques of ‘bury key evidence’ and ‘bury fraud’ and ‘bury troublesome issues’ and ‘set up escape hatch for defendants’ followed by ‘choke client’ and finished with ‘run for cover stories’ kept repeating over and over different cases and with different attorneys. Dulberg found that, in order to have any possibility of using the court system successfully, it is very important to understand this repeating pattern that is shown in the Fraud Chart and in [the animated Visual Aid linked here](#) and to learn how to defend oneself against the many ways a targeted victim can be attacked by their own attorney(s).

According to the pattern shown in [the animated Visual Aid](#), fraud may never end because the next law firm retained can use the same overall techniques (shown in the [Fraud Chart](#)) as the ones before. There is no escape for the targeted victim and they will remain encircled and confused and subject to gaslighting and ‘hoaxes’ until their case is finally destroyed.

From Dulberg’s personal experience this is apparently how the game is played. In order to have **any chance** to use the court system successfully, Dulberg has to be constantly vigilant and Dulberg needs to be able to quickly defend himself against all these types of attacks by any attorney retained by him at any time.

As far as Dulberg could have known, Mr Talarico was sincerely trying to help Dulberg with his claims against other members of the Illinois Bar. But, as the [Visual Aid](#) shows, in this climate of repeating ‘hoaxes’ and ‘mind games’ played on the victim, Dulberg can never know when a member of the Illinois Bar will unsheath a dagger from beneath their cloak and join in with the ‘stone-walling’ and ‘gaslighting’ to help defend all the other attorneys retained by Dulberg that did the same thing earlier (as shown in Table 2). Dulberg can never truly know if or when any retained attorney, at any moment, will turn on him or steal from him. Dulberg has learned from bitter experience as the [Visual Aid](#) shows that ‘bury fraud’ and ‘choke client’ can come from anyone at any time. In this system, firing one attorney and retaining another won’t help since ‘bury key evidence’ and ‘bury fraud’ can reappear in a different form through a different Illinois law firm at any time. ‘2 year Sol escape hatches’ can be set up for the defendants by ones own attorney at any time without the client ever noticing.

Even with an honest attorney it will be very difficult to ever get to a jury trial under such one-

sided and fraudulent conditions. But Dulberg's situation is even worse than this, because at any moment Dulberg's own attorney can 'switch sides' and Dulberg's chances of ever receiving a jury trial then become close to zero. Using the analogy of American football, the same principle is shown in [the animated Visual Aid linked here](#). This is how the game is apparently played according to Dulberg's direct experience (and as shown in our mappings and Tables already provided to the ARDC).

HIMMEL RULE VIOLATIONS REVEAL WHEN Talarico BEGAN TO COLLABORATE WITH OPPOSING COUNSEL TO SABOTAGE DULBERG'S CASES

[This document](#) was submitted to the ARDC on January 5, 2024.¹ At the time we did not know whether Talarico violated the Himmel rule or not, but we were being cautious and we felt the information needed to be (a) presented clearly and unambiguously to the proper authorities and (b) placed in a public setting.

As [this email exchange](#) demonstrates, we showed the contents of the same document to Talarico in the final email that triggered his abrupt resignation.

[The Timeline](#) shows that on November 9, 2022 Talarico [was sent an email](#) with the following folder of detailed information of exactly how Clinton and Williams suppressed documents and information in collaboration with opposing counsel attached: [document suppression smoking gun/](#)

[The Timeline](#) contains evidence of the many, many times Talarico was told to act on this information. The client provided detailed drafts of ARDC Complaints against Clinton and Williams and urged Talarico to use the information over many months.

[The Timeline](#) shows that we moved to file our own [ARDC Complaint against Clinton and Williams](#) (marked in purple in [this Visual Aid](#)) because we grew frustrated by Talarico not doing anything with the information about the evidence of collaboration between opposing counsels to sabotage Dulberg's case that we provided to him (marked in green).

[The Timeline](#) shows the many, many efforts we made to try to get Talarico to enter the evidence of collaboration between opposing counsels into a court record.

[The Timeline](#) shows that Talarico never provided Dulberg with any valid legal theory for why Dulberg should not inform a presiding Judge that Dulberg (and Talarico) has detailed evidence of collaboration between opposing counsels and evidence of the use of a sophisticated system of document and information suppression being used to sabotage Dulberg's cases.

On September 1, 2023 Talarico received [a string of about 14 emails](#) from Thomas Kost that

¹ [2024-01-05 Gmail - Supplemental to 2023IN02517, 2023IN02518, 2023IN03135, 2023IN03136, 2023IN03894-R, 2023IN03898-R, 2023IN03897-R, 2023IN03895-R, 2023IN03896-R.pdf](#)

explained that the legal strategy Talarico was using is suicidal.

Talarico asked Dulberg for \$10,000 as a retainer for future cases which address the issues Thomas Kost raised in [the string of emails](#).

Mr Talarico received a \$10,000 retainer so that he could move on the new issues raised in [the string of emails](#). Thomas Kost expected the issues raised in [the string of emails](#) could be addressed once the \$10,000 retainer was received by Talarico. After paying the money, Thomas Kost prepared for and waited for a meeting on these issues.

[The Timeline](#) shows that there is no communication at all after the retainer was paid until Talarico resigned which addressed any of the issues raised in [the string of emails](#). Talarico never once discussed any of the issues raised in [the string of emails](#) after receiving the \$10,000.

Talarico never discussed legal strategy of how to raise the issue of the Clinton-Williams sophisticated system of document and information suppression or their collaboration with opposing counsel Flynn to sabotage Dulberg's claims to any presiding Judge. The following Visual Aid helps see how Talarico approached the issue of raising fraud on the court in practice:

[Visual Aid 21 - Talarico's Legal Strategy as a way to permanently choke his permanently disabled client.png](#)

According to Talarico, an attorney cannot raise the issue of fraud taking place on the mechanism of the court in the current cases if an ARDC Complaint has not been filed. But after an ARDC complaint has been filed on the issue, Talarico informed his clients that a presiding Judge still cannot be told about evidence of fraud on the court which strongly influences the court. So, as the [Visual Aid](#) shows, if one uses Talarico's approach there is no time that a presiding Judge ***can ever be informed*** about a fraud on the court mechanism which effects events in their courtroom.

This legal strategy effectively 'chokes' the client permanently. The client can have fraud conducted against them, they can have clear evidence of the fraud being conducted, but they cannot inform any Judge the fraud is happening. The client becomes forever 'choked' in fraud and they can't do anything about it (if using Talarico's approach). Following Talarico's legal advice results in the client being trapped in litigation, but never being able to tell any presiding Judge about the fraud and collusion that the client knows is happening as sketched out here:

[Visual Aid 15 - Talarico kept evidence of fraud and farce from court by violating Himmel Rule.png](#)

The client is never able to get past the thick barrier to inform any presiding Judge of the fraud and farce they know is taking place in court proceedings. The client is effectively ***frozen in fraud and farce*** while following Talarico's legal advice.

[The Timeline](#) shows that in September, 2023, we grew so frustrated with how the information given to Talarico as early as November 9, 2022 was never acted upon that we created our own

[public website](#) to try to get the information out to where people can see it (shown in purple in [this Visual Aid](#)). Talarico informed us that he filed a complaint with the ARDC on these issues for the first time in October, 2023 (after the website was already online and about 1 year after the green region in [the Visual Aid](#)).

TIMELINE OF HOW TALARICO ‘STONE-WALLED’ THROUGH THE DRAFTING AND SUBMISSION OF DULBERG’S SUPREME COURT PETITION

Thomas Kost and Dulberg needed write the large majority of the [Supreme Court Petition](#) themselves because they had the suspicion that Talarico was going to delay until just before the document was due and then try to put it together in a ‘last-minute frenzy’. The record of the work product contained in the following folder demonstrates that the clients produced most all the work themselves and Talarico (their retained attorney) contributed very little to the crafting of [the Supreme Court Petition](#):

[Group Exhibit 52 All work product drafts of Supreme Court Petition](#)

The following Visual Aid helps see how the work product folder is grouped:

[Visual Aid 22 - All work product drafts of Supreme Court Petition.png](#)

As Dulberg had anticipated, Talarico did ‘drag his feet’ and Talarico contributed very little to the drafting of [the Supreme Court Petition](#) (which was originally filed on time despite Talarico ‘sand-bagging’ and contributing little to editing).

The strange email exchanges between Talarico and Dulberg leading up to when Talarico abruptly resigned as Dulberg’s counsel are recorded at the end of [the Timeline](#). The following Visual Aid helps to see what is happening in the email exchanges:

[Visual Aid 23 - Communication during preparation of Supreme Court Petition.png](#)

The quantity of work Talarico kept asking Dulberg to do from the morning of January 9, 2024 is truly staggering (marked in the orange box in the Visual Aid). The yellow region in the Visual Aid covers the communication while preparing [the Supreme Court Petition](#) (where the client did the large majority of the work). The orange box marks the work that Talarico had Dulberg do alone after the Supreme Court Petition was first filed (on time on the evening of January 8, 2024).

In the exchanges at the end of [the Timeline](#) it is as if Talarico is treating Dulberg as an ‘employee paralegal’ and Dulberg is somehow solely responsible for crafting the final version of [the Supreme Court Petition](#). As can be verified in the emails marked in orange in [this Visual Aid](#), Talarico had Dulberg do a huge amount of work. The date and time on each email proves that Dulberg worked the entire time with very little sleep. It is never clear why Talarico *simply assumes* that these tasks are to be given to his permanently disabled client and it is not clear what Talarico himself is doing during this time. It is never clear why Talarico *simply assumes* that Talarico has no responsibility

for doing this work himself (as Dulberg's retained attorney).

When this strange 'employer-employee' behavior was later pointed out to Talarico by Thomas Kost, Talarico inexplicably replied, "Mr. Dulberg, is a very street smart and learned individual who plays confused when it suits him."

Talarico knows that the [ARDC Complaint Against Edward X. Clinton and Julia C. Williams](#) documents example after example (in Chapter 2, Sections 2A through 2L) of Clinton and Williams successfully fooling, confusing, playing 'hoaxes' on, and tricking Dulberg repeatedly. Talarico has evidence of what happened to Dulberg in every ARDC Complaint we have submitted. [Every ARDC Complaint we have submitted](#) documents many examples of Dulberg being repeatedly tricked and fooled by his own attorneys. This is why Thomas Kost understood Talarico's comment to be erratic and nonsensical (and potentially hostile).

Inexplicably, we can find no written evidence or any reason why Talarico, as Dulberg's retained attorney, didn't simply follow the clerk's instructions and finish the work himself. This may be the strangest part of the last communications between Talarico and Dulberg. Talarico appears *to simply assume* it is Dulberg's job to finish the document alone. Talarico also seems *to simply assume* that it is Talarico's job (as Dulberg's retained attorney) to simply convey vague messages to Dulberg (which Talarico claims to pass on from the clerk) and then to expect Dulberg to execute the vague messages.

HOW TALARICO 'BURIED FRAUD' COMPARED TO HOW CLINTON-WILLIAMS 'BURIED FRAUD'

The parallels between what Dulberg experienced with Clinton and Williams from July 8, 2019 to the deposition of Hans Mast and beyond almost 1 year later are very similar with what Dulberg experienced with Talarico from November 9, 2022 to the current Supreme Court Petition.

TABLE 11¹ below shows the number of times Dulberg informed his legal malpractice attorneys (Gooch-Walczyk and Clinton-Williams) about "overwhelming evidence" of intentional tort or fraud since first discovering evidence in the first week of July, 2019:

When Informed		How Informed
2019-07-08	after first receiving defendants document disclosure	email linked attached folder: To Julia documents: READ ME.txt timeline of mcguire settlement.txt questions for mast.txt
2019-07-22	reminding Williams	email linked attached folder: To Julia documents: READ ME.txt timeline of mcguire settlement.txt questions for mast.txt

¹ TABLE 11 was previously submitted to the ARDC on page 12 of this document::
[Dulberg Response to Popovich Reply ARDC 2023IN03135.pdf](#)

2019-11-19	reminding Williams again	email linked attached document: 2109-11-19 updated timeline of mcguire settlement.txt
2020-02-06	preparing for Mast deposition	email linked attached documents: questions for mast.txt timeline of mcguire settlement.txt
2020-02-08	preparing for Mast deposition	email linked attached documents: 2109-11-19 updated timeline of mcguire settlement.txt questions for mast.txt
2020-06-18	preparing for Mast deposition	email linked attached document: evidence list.txt questions for mast.txt
2020-06-24	preparing for Mast deposition	email sent at 1:56AM linked attached documents: 2020-06-23 updated timeline of mcguire settlement.txt email sent at 10:05AM linked attached documents: 2020-06-23 updated timeline of mcguire settlement.txt
2020-06-24	meeting before Mast deposition	At meeting Thomas Kost (after waiting about 1 year for meeting) explained to Clinton and Williams that there is “overwhelming evidence” that Popovich and Mast committed fraud and intentional tort.

From July 8, 2019 onward Dulberg told Clinton and Williams that he had “overwhelming evidence” that Popovich and Mast intentionally committed fraud. Dulberg claimed to have a ‘smoking gun’ document he found that proved intentional tort. Dulberg tried to set up a meeting with Clinton and Williams for about 1 year to discuss the consequences of the new discovery of fraud on the case.

At the June 24, 2020 meeting Thomas Kost (after waiting about 1 year to do so) explained to Clinton and Williams that there is “overwhelming evidence” that Mast and Popovich committed intentional tort and fraud. Thomas Kost explained that the 6 points listed in the document [evidence_list.txt](#) provides “overwhelming evidence” that Mast and Popovich committed intentional tort and fraud. Clinton made no comment after Thomas Kost explained this.

This information was suppressed and ignored by Clinton and Williams since July 8, 2019 to the present.

As is shown in [ARDC Complaint Against Edward X. Clinton and Julia C. Williams](#), Chapter 2, Sections 2K and 2C, Clinton and Williams intentionally created an ‘artificial crisis’ during the deposition of Hans Mast around the key evidence of the certified slip copy of the Tilschner v Spangler decision.

[The Timeline](#) shows that Talarico was given detailed documents on exactly how Clinton and Williams collaborated with opposing counsel and that Talarico was given pre-drafted ARDC complaints to file continually since around November 9, 2022 by his client. If the number of times Talarico was informed in [the Timeline](#) was assembled into a Table, the Table would be much, much longer than Table 11 above.

HOW TALARICO INSTIGATED AN ‘ARTIFICIAL CRISIS’

As is documented in [ARDC Complaint Against Edward X. Clinton and Julia C. Williams](#), Chapter 2, Section 2K, Clinton and Williams intentionally sabotaged the Hans Mast deposition to favor the defendants. Talarico appeared to be using what are basically the same techniques of ‘bury key evidence’ and ‘bury fraud’ as Clinton-Williams, intentionally attempting to create an ‘artificial crisis’ around the filing of the Supreme Court Petition:

- Talarico treated the Supreme Court Petition similar to the way Clinton and Williams treated the deposition of Hans Mast¹.
- The ‘smoking gun’ that Dulberg sent to Williams on July 8, 2019 is just like the ‘smoking gun’ that Dulberg sent to Talarico on October 9, 2022.
- Just as Clinton-Williams completely ignored the ‘smoking gun’ proof given to them by Thomas Kost in the folder [To Julia](#), so Alphonse Talarico completely ignored the ‘smoking gun’ proof given to him by Thomas Kost in the folder [document suppression smoking gun](#) and violated the Himmel Rule as a result.
- Just as Clinton-Williams ignored the ‘smoking gun’ issue and only met with Dulberg the day before the Deposition of Mast, (and then intentionally omitted key evidence during the deposition of Mast), so Alphonse Talarico ignored the ‘smoking gun’ issue, ‘dragged his feet’ up to when the Supreme Court petition was due, and resigned as attorney before the Supreme Court Petition was successfully submitted.

Talarico seems to have violated the Himmel Rule for the last 15 months to keep the record of a sophisticated system of document and information suppression Clinton-Williams and opposing counsel Flynn used against Dulberg from being reported to the proper authorities.

Talarico then needed some ‘artificial crisis’ to somehow jeopardize the filing of the document with the Supreme Court. It was then that a ‘crisis’ somehow arose between what the clerk told Talarico to alter in the Supreme Court Petition and the Supreme Court Petition itself.

Talarico proceeded to give Dulberg a series of instructions rather than do the work himself, and Dulberg worked according to Talarico’s instructions very hard for the next 3 days doing what Talarico asked him to do (marked in an orange box in the following Visual Aid):

[Visual Aid 23 - Communication during preparation of Supreme Court Petition.png](#)

Talarico kept Dulberg working continuously from January 9, 2024 to January 11, 2024. Dulberg informed Talarico he hadn’t even taken a shower for days because he had been so busy following Talarico’s instructions day and night. After 3 days of the same behavior Dulberg grew frustrated and sent [this linked email](#) to Talarico, telling him to do work himself rather than simply relay instructions from the clerk to Dulberg and have Dulberg do all the work.

¹ The deposition of Hans Mast is described in:

[ARDC Complaint Against Edward X. Clinton and Julia C. Williams](#), Chapter 2, Section 2K

Thomas Kost was not aware there was any ‘crisis’ emerging until some ‘event’ took place on January 11, 2024 between Talarico and Dulberg (which is described in their email exchanges and in [Dulberg’s notes](#) of what transpired between them).

Once it was clear that some kind of ‘artificial crisis’ was being triggered and Talarico claimed that Dulberg ‘blocked his calls’, Dulberg sent all necessary work product to Talarico and asked Thomas Kost to interact with Talarico to resolve any ‘crisis’.

Thomas Kost informed Talarico that all communication between them should be in writing by email. All remaining interactions between Talarico and Thomas Kost are in 2 email threads [linked here](#) and [linked here](#). Thomas Kost was very aware of how an attorney may try to create some sort of ‘artificial crisis’ as a ‘cover story’ as they basically try to ‘cut ones throat’ at a critical moment. For this reason Thomas Kost was very careful to not give Talarico the ‘artificial crisis’ Talarico appeared to be trying to make. Talarico then abruptly resigned just after Thomas Kost [asked Talarico a series of questions](#) about possible violations of the Himmel Rule by Talarico.

Williams did something very similar just after the deposition of Hans Mast. Williams had Dulberg work continuously on thousands of documents between June 26, 2020 (the day after Mast’s deposition) until July 1, 2020, the day before Flynn filed a supplemental discovery on Dulberg. This work required Dulberg to individually scan documents for days. The following links are to emails between Williams and Dulberg from June 26, 2020 and July 1, 2020 (note that the total size of the email attachments requested by Williams is more than 2 gigabytes):

[2020-06-26 0942 AM RECV Dulberg v Popovich Documents/](#)
[2020-06-26 1323 PM RECV Dulberg v Popovich Documents/](#)
[2020-07-01 1131 AM SENT Dulberg v Popovich Documents/](#)
[2020-07-01 1134 AM SENT-1 Dulberg v Popovich Documents/](#)
[2020-07-01 1134 AM SENT-2 Dulberg v Popovich Documents/](#)
[2020-07-01 1145 AM SENT Carolyn McGuire deposition with notespdf/](#)
[2020-07-01 1228 PM SENT Resending new pdfs of depositions with notes/](#)
[2020-07-01 1241 PM SENT-1 Dulberg deposition with notespdf/](#)
[2020-07-01 1241 PM SENT-2 William McGuire deposition with notespdf/](#)
[2020-07-01 1241 PM SENT-3 McArtor deposition with notespdf/](#)
[2020-07-01 1241 PM SENT-4 Gagnon Deposition with notespdf/](#)
[2020-07-01 1242 PM SENT Dulberg deposition with notespdf/](#)

After Williams had Dulberg prepare all these documents, she never used the thousands of pages of documents she had Dulberg individually scan for her and she resigned as counsel less than 4 weeks later.

What Williams did to Dulberg (described above) is similar to what Talarico did to Dulberg from January 9, 2024 to January 11, 2024. [This Visual Aid](#) helps see the amount of work (in the orange box) Talarico had Dulberg do alone beginning the morning after the Supreme Court Petition was submitted and the emails in which Talarico instructed Dulberg to do this work and can be viewed in [the Timeline](#).

The Mast Deposition by Clinton-Williams and the Supreme Court Petition by Talarico have the following features in common:

- Foot-dragging leading up to the moment of ‘artificial crisis’
- Suppression of key evidence leading into ‘crisis’
- Creation of ‘artificial crisis’ which keeps key evidence ‘buried’
- The ‘artificial crisis’ is to give the offending attorney a ‘cover story’
- The client is given an extraordinary amount of work to do to either keep them distracted (like Clinton-Williams) or to blame them for something (like Talarico)
- The ‘cover story’ and ‘artificial crisis’ is used to abandon the client at the critical moment that the client tries once again to enter ‘key evidence’ into the court records.
- The client will be blamed for the ‘problems’ which were intentionally created by the attorney(s).

Table 13 below compares the deposition of Hans Mast and the Supreme Court Petition in more detail.

TABLE 13: Intentionally Creating an ‘Artificial Crisis’ to Sabotage Client’s Claims: Clinton-Williams Deposition of Mast and Talarico Supreme Court Petition compared

	Clinton-Williams Treatment of Mast Deposition	Talarico Treatment of Supreme Court Petition
Possession of key evidence of fraud	sent folder: To Julia/ on July 8, 2019	sent folder: document suppression smoking gun/ on October 9, 2022
Time leading up to ‘artificial crisis’	about 1 year	about 15 months
Number of times client continued to send direct evidence of fraud	listed in Table 11	too many times to list in a table. The entire record is contained in the Timeline

	Clinton-Williams Treatment of Mast Deposition	Talarico Treatment of Supreme Court Petition
Just before ‘artificial crisis’	ignored proof of fraud and ‘foot-drag’ until just before the ‘artificial crisis’. The day before the Mast deposition is the first time Clinton-Williams conferred with Dulberg and Thomas Kost (even though Dulberg had been asking for a meeting for about 1 year since July 8, 2019). At the meeting Thomas Kost explained to Clinton and Williams once again that we were in possession of “overwhelming evidence” that Popovich and Mast intentionally committed fraud. Everything Thomas Kost explained at the meeting was ignored by Williams the next day during the deposition	ignored proof of fraud and ‘foot-drag’ until just before the ‘artificial crisis’
During ‘artificial crisis’	intentionally engineered ‘accidental technical problems’ during Mast Deposition and key evidence went missing	Described in detail in this document. We somehow did not successfully submit the Supreme Court Petition
During ‘artificial crisis’	put permanently disabled client to work shuffling through and arranging thousands of pages of documents	put permanently disabled client to work shuffling through and arranging thousands of pages of documents
The ‘artificial crisis’ allows for the continued suppression of key evidence and fraud	true	true
‘Cover story’ that blames permanently disabled client for causing the ‘artificial crisis’	Dulberg is to blame. See Fraud Chart , column labelled “13” for complete summary of ‘cover stories’	Dulberg is to blame. See Fraud Chart , column labelled “13” for complete summary of ‘cover stories’

As shown in Table 13 above, Clinton-Williams and Talarico both invented an ‘artificial crisis’ to blame their permanently disabled client and both abandoned their permanently disabled client

with an intentionally engineered mess.¹ As shown in the [Fraud Chart](#) in the column labeled ‘13’, all 6 law firms used and still use the same or very similar ‘cover stories’.

After this single email Dulberg sent to Talarico, the written record demonstrates there is a complete ‘Dr Jekyll-Mr Hyde’ transformation in Talarico:

- [The Timeline](#) proves there is not a single negative email by Dulberg or Thomas Kost toward Talarico before or after this single email written by Dulberg.
- In fact, there is not a single negative sentence or comment in any written communication between Dulberg and Talarico or between Thomas Kost and Talarico since first meeting in November, 2020.²
- Therefore, over a period of around 39 months, Talarico cannot produce a single written exchange with Dulberg or with Thomas Kost in which Talarico can find a single sentence where he was insulted by Dulberg or Thomas Kost.
- The first and only email which Talarico can claim was personally insulting to him was written on January 11, 2024, 3 days after Dulberg’s Supreme Court Petition was due and after Dulberg alone was assigned by Talarico to all the work shown in the emails marked in the orange box in [this Visual Aid](#).
- In this same period Talarico received hundreds of thousands of dollars from Dulberg.

As demonstrated in [the Timeline](#) and as will be demonstrated in the compiled written history of communication between Dulberg and Talarico and between Thomas Kost and Talarico (to be released soon), there is no evidence that Talarico ever acted or expressed himself to Paul Dulberg or Thomas Kost in the way he did after receiving the email from Dulberg. From that moment onward, there is a change in Talarico’s personality that is so completely opposite to how Talarico behaved from November, 2020 up to that moment that the reference to a “Dr Jekyll-Mr Hyde transformation” is warranted.

TALARICO’S ‘COVER STORY’ FOR RESIGNING COMPARED TO THE ‘COVER STORY’ GOOCH USED WHILE BEING FIRED

The way Gooch was fired and the way Talarico abruptly resigned are amazingly similar. A rough outline of the events that led to the firing of Gooch follows:³

[This text document](#) attached to an email sent from Dulberg to Gooch included instructions to list the liabilities of McGuires and the liabilities of Mast in a clear and explicit way in the complaint.

¹ The intentionally engineered mess Clinton-Williams left for Dulberg is described in: [ARDC Complaint Against Edward X. Clinton and Julia C. Williams, Chapter 1](#)

² Compiled attorney-client communication to be released soon

³ Described in [ARDC Complaint Against Thomas W. Gooch and Sabina Walczyk](#) beginning paragraph 93

On 10/2/2018 1:06 PM Thomas Gooch replied to Dulberg by email stating:¹

“>

> Mr. Duhlberg;

>

> I have your attachment and am deeply offended by it.

>

> I more upset over being ordered to call you today. I am preparing for trial and frankly don't have time to read or comment on your attempts to educate me on what legal malpractice is all about, I particularly don't have time to read outdated cases on the elements of a legal malpractice case, nor do I have any intention of quoting the law you sent to me.

>

> You understand full well I'm sure that I have been doing this for a very long time, if I need help on understanding the law I will get from someone who knows how to do legal research, you and your brother don't.

>

> If I have anymore of this authoritative comments or instructions I will have to give particular thought to withdrawing my appearance and letting you represent your self or find someone else, understand this is not an empty threat, I will tolerate any more of this. If I need a factual question answered and I'm sure I will in the course of this litigation then I will ask you but kindly stop with rudimentary research. The Google searches of you and your brother are not replacements for my law license.

>

> I generally don't have a problem with relatives helping out and being involved just so long as the client understands that the relatives involvement may waive the attorney client privilege. However at this point your brother has become more the problem then helpful. While I can not prevent him from injecting himself into your case through you, I am no longer willing to have him present at conferences or communicate directly with me.

>

> At this point with everything I have going and the attitude you are displaying I have serious doubts as continuing to represent you. Kindly do not communicate with my staff on the telephone in the manner you chose today

>

> Sincerely

>

¹ [Exhibit 122_2018-08-31_Dulberg vs Law Offices of Thomas J Popovich PC et a.pdf](#)

> Thomas W Gooch”

As described in [Evidence of Fraud on the Court in 17LA377 During Clinton - Williams Representation](#) Clinton and Williams appear to mock their own fully disabled client by repeatedly mis-typing his name as “Duhlborg” (as can be seen in “Visual Aid 11 - Mocking client”)¹. Note that Gooch begins the letter by writing “Mr. Duhlberg”. This appears to be a shared inside joke between Popovich, Mast, Gooch and Clinton and Williams. They all mis-spelled Dulberg’s name the same way.

Dulberg responded by email stating²,

“Hello Tom and Sabina, I didn’t understand the last email I received so I need some clarification. I was never rude or not courteous to you staff and your staff was always courteous to me. Yesterday I talked with Nikki briefly just to confirm that the office received the email. She was friendly and courteous. I said nothing rude or offensive.

I never ordered you or anyone to call me yesterday. I honestly don’t know why you believe I did. I was not aware there was anything offensive in the attachment I sent. As I read it again I still can’t see anything offensive in it.

As you know I have a permanent disability. You may not know I am on medication to control pain and spasms and this medication does not allow me to focus on complex subjects to a prolonged time. Since I do not understand your last email and I don’t have much time before appearing in court I need to know where I stand.

Are you thinking of not continuing to represent me in this case?

Are you going to submit a second amended complaint on October 10 and appear in court?

Will I be given enough time to review the complaint before it is submitted?

May I comment on it or request changes to it or ask questions about it?

I do not want to offend anyone, so I need to know what I can comment on or ask questions about.

I have no memory of any inappropriate behavior when talking to Nikki yesterday. Please let me know how I can communicate with your staff or what I can include in an email in the future so you are not offended again.

Sorry if I did anything wrong. Sincerely, Paul Dulberg ”

On October 3, 2018 Gooch replied to Dulberg’s email point by point. Gooch responses are in red font. The email³ is reproduced:

“From: Thomas W. Gooch III gooch@goochfirm.com

1 [Exhibit 124_Visual Aid 11 - Mocking client.png](#)

2 [Exhibit 122_2018-08-31_Dulberg vs Law Offices of Thomas J Popovich PC et a.pdf](#)

3 [Exhibit 122_2018-08-31_Dulberg vs Law Offices of Thomas J Popovich PC et a.pdf](#)

Subject: RE: from tom

Date: October 3, 2018 at 12:56 PM

To: Paul Dulberg pdulberg@comcast.net

As you know I have a permanent disability. You may not know I am on medication to control pain and spasms and this medication does not allow me to focus on complex subjects for a prolonged time. Since I do not understand your last email and I don't have much time before appearing in court I need to know where I stand.

You seem to have been very focused when you delivered to me your research notes on the elements of legal malpractice, not that I need the written lecture on what legal malpractice consists of

Are you thinking of not continuing to represent me in this case?

Yes I am considering withdrawing on your behalf. I need no research from you on legal malpractice answering my questions on facts is helpful when I ask. I want no more involvement from your brother, Obviously he can talk to you all you want, I can't prevent that but if I perceive further interference from him then I will have to re-evaluate my continued ability to competently represent you. I will not allow him to be here in my office for any purpose. "

Are you going to submit a second amended complaint on October 10 and appear in court?

We may seek an extension, we appear on court dates as a general rule always. You do not and have not had any court dates that require your appearance.

Will I be given enough time to review the complaint before it is submitted?

When I determine the complaint is in my opinion legally sufficient it gets filed, naturally you will get a copy of it for your records.

May I comment on it or request changes to it or ask questions about it?

You, not your brother, can ask all the questions you wish. I generally do not ask a client if a complaint is legally sufficient, nor do I want a client drafting a complaint that I have to sign. Most clients do not know the difference between pleading conclusions of law or fact, pleading evidence or the correct pleading of ultimate material factual allegations. In as much as you have advised you are on pain medicine unable to "focus on complex subjects I question how much you could help in any event. I can get a lot done when I don't have to answer emails like this one.

I do not want to offend anyone, so I need to know what I can comment on or ask questions about.

Making demands and lecturing me on the law are great ways to be offensive, likewise demanding to know when you will be called and comments about caring about anyone else we represent or other cases is not conducive to not offending us. gooch"

In the case of Talarico there was a similar strange effort to provoke Dulberg into some kind of ‘argument’ so Talarico could ‘take offense’ and blame Dulberg for Talarico resigning as counsel. Just like with Gooch, Talarico refused to reply to or take seriously the rational information his client was presenting to him. Both Gooch and Talarico completely avoided any rational discussion by ‘taking offense’. Both attorneys feign emotional reactions of being ‘hurt’ or ‘offended’ by their permanently disabled client to completely back out of answering any of their client’s valid questions or concerns.

Both attorneys ‘run for cover stories’ in a very similar way to avoid any direct, well-formulated and rational questions their client poses to them about their strategy or legal theory. ***They feign being hurt and as a way to never be confronted on the issues of their own deception.***

They then blame their permanently disabled client for any confusion (just like every other law firm retained by Dulberg has done as shown in the [Fraud Chart](#), the column labeled, ‘13: ‘run for cover stories’’.)

In the letter Gooch claimed, “I more upset over being ordered to call you today.” This is an invention by Gooch that never took place. Likewise, Dulberg was never rude to a secretary. This is a made up story so Gooch can blame Dulberg for something.

Talarico accused Dulberg of ‘blocking his calls’ and therefore Talarico claimed to block Dulberg’s calls ‘in response’. This is a made up story in that phone records easily prove Talarico never made a call that was blocked. Talarico also mentions in his final emails that he has brought up the idea of payment a few times and Talarico seems to imply that Thoms Kost is avoiding the issue. But Talarico knows that payment is made on the 15th of every month and Talarico resigned on the 14th of January (the day before payment was due). This is another ‘make-believe’ reason he tried to place in the written record. Just as with Gooch, a ‘make-believe’ reason is invented by Talarico to give some ‘alibi’ or ‘cover story’ to accuse their own permanently disabled client of something they did not do.

WE ARE DESPERATELY TRYING TO BRING TO YOUR ATTENTION THE FACT THAT OUR SUPREME COURT PETITION IS POSSIBLY BEING SABOTAGED BY OUR RECENT ATTORNEY AT THIS VERY MOMENT!!

What Talarico is effectively attempting to do is to cut the throat of his permanently disabled client on the front steps of the Illinois Supreme Court and let his victim bleed out slowly and die.

What is truly shocking in how Talarico ‘sand-bagged’ to benefit the defendants and undermined his own client’s cases is the sheer audacity of the effort. [The Timeline](#), as [this Visual Aid](#) helps see, contains a long and detailed record of Talarico ‘dragging his feet’ the whole time while his clients for the most part were left to write Dulberg’s Supreme Court Petition by themselves (in the yellow box). Talarico then strangely assigned Dulberg to do all the work in the orange box of the [Visual Aid](#). Talarico got a single email from Dulberg that Talarico could interpret as negative and personal, which came at the end of all the activity in the orange box. Then Talarico used that

single email as a reason to ‘foot-drag’ some more and resigned as counsel 2 days later. Alphonse Talarico *already had* a detailed record of how 5 consecutive Illinois law firms brutally attacked their own permanently disabled client (Dulberg). Talarico *already knew* a detailed record of the fraud was posted on a [public website](#). Yet Talarico apparently *still felt free enough (and protected enough)* to try to cut the throat of his own client on the steps of the Illinois Supreme Court (and Talarico must feel he can get away with it). None of the attorneys that acted against Dulberg over the last 13 years seemed to fear any consequences, no matter how visible or audacious their actions became. *These are not the actions of people who seem to fear repercussions for ethical violations.*

THE MAPPINGS REVEAL A PROBLEM WITH THE ILLINOIS BAR

We believe it is important to recognize that what Dulberg is documenting and mapping is a problem with the Illinois Bar. It is not the fault of Dulberg. It is the inability for the Illinois Bar to take care of an issue which is caused by the Illinois Bar and that is the cause of what is happening to Dulberg. Dulberg suffers the result but the problem lies in the inability of the Illinois Bar to enforce a culture where violations of the Himmel Rule are not treated as a joke.

It is the inability for the Illinois Bar and Illinois Courts to enforce a working system of self-policing. The people who did this and continue to do this to Dulberg seem to operate with impunity in an atmosphere in which such *horrific treatment of a permanently disabled person is treated as if it is the norm.*

We expect to submit **ARDC Complaint Against Alphonse Talarico PART 2:** which will map Talarico Violations of Himmel Rule Throughout the various cases and ways Talarico played ‘hoaxes’ and ‘planted time-bombs’ to sabotage the case of his permanently disabled client (Dulberg’s) case. Talarico did this to benefit the people listed in Table 2, among others.

We also expect to submit **ARDC Complaint Against Alphonse Talarico PART 3:** which will map and compare the methods used by Talarico to try to sabotage all 3 times Dulberg has filed appeals in the Illinois Appellate Courts and the Illinois Supreme Court.