

1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF MCHENRY )  
4  
5 IN THE TWENTY-SECOND JUDICIAL CIRCUIT  
6 MCHENRY COUNTY, ILLINOIS  
7  
8 PAUL DULBERG, )  
9 )  
10 Plaintiff, )  
11 )  
12 vs. )  
13 ) No. 17 LA 377  
14 THE LAW OFFICES OF THOMAS )  
15 J. POPOVICH, P.C., and )  
16 HANS MAST, )  
17 )  
18 Defendants. )  
19  
20 ELECTRONICALLY RECORDED Report of  
21 Proceedings had in the above-entitled cause before  
22 The Honorable Thomas A. Meyer, Judge of the Circuit  
23 Court of McHenry County, Illinois, on the 10th day of  
24 February, 2020, in the Michel J. Sullivan Judicial  
Center, Woodstock, Illinois.  
APPEARANCES:  
LAW OFFICE OF ALPHONSE A. TALARICO, by:  
MR. ALPHONSE A. TALARICO,  
Appearing via videoconference,  
on behalf of the Plaintiff,  
KARBAL COHEN ECONOMOU SILK & DUNNE, LLC, by:  
MR. GEORGE K. FLYNN,  
Appearing via videoconference,  
on behalf of the Defendants.

1 THE COURT: Do we have everybody on Dulberg?

2 A VOICE: (Inaudible), Your Honor.

3 MR. FLYNN: I think we do, Your Honor. George Flynn  
4 for the defendants, moving.

5 THE COURT: Okay. And for the plaintiff?

6 MR. TALARICO: Alphonse Talarico, Your Honor. Good  
7 morning. Good morning, Mr. Flynn.

8 MR. FLYNN: Good morning, counsel.

9 THE COURT: And here in court we've got --

10 MR. DULBERG: Mr. Dulberg.

11 THE COURT: Mr. Dulberg's here.

12 And we're here on defendants' motion; am I  
13 correct?

14 MR. FLYNN: That's correct, Your Honor.

15 THE COURT: All right. In a nutshell, defense  
16 counsel, can you explain your position.

17 MR. FLYNN: Sure. Thank you, Your Honor.

18 Mr. Dulberg has placed his communications with  
19 his prior lawyer, Thomas Gooch, at issue in this case.  
20 Plaintiff has admitted that it filed its complaint --  
21 I'm sorry, plaintiff has filed its complaint more than  
22 two years after my clients, his former lawyers, the  
23 Popovich firm, withdrew or were terminated from his  
24 representation. That's not at issue.

1           He has placed the discovery rule at issue in  
2 his complaint and his amended complaints. However, he  
3 has failed to answer initial discovery, he has failed to  
4 respond -- or answer properly questions at his  
5 deposition regarding discovery of his malpractice and  
6 his understanding of damages related to the Popovich's  
7 alleged malpractice. We served supplemental discovery,  
8 which is somewhat duplicative of what was previously  
9 served, and that was on July 2nd after his deposition.  
10 He hasn't even answered it.

11           The response does nothing to address those  
12 issues or object to the discovery that's been  
13 propounded, so I would request that he be forced at a  
14 minimum to answer this discovery, that any objection be  
15 overruled, and essentially that the communications  
16 between Dulberg and Mr. Gooch be produced in whatever  
17 form. And to the extent that a subpoena to The Gooch  
18 Firm would be necessary at a later date, I would rather  
19 take it one step at a time and analyze whatever it is  
20 that Mr. Dulberg produce. So, in a nutshell, that's the  
21 motion.

22           I didn't know that we'd have to have a hearing.  
23 I thought that these would be responded to or at least  
24 objected to, but here we are.

1 THE COURT: Okay. Plaintiff's counsel?

2 MR. TALARICO: Let's see, Your Honor,  
3 (indiscernible) to start with, I think this is a  
4 two-step analysis. I hope the court sees it the same  
5 way. I think it should be looked upon as a 2-619 motion  
6 and at the same time a -- the question of whether there  
7 was a waiver of the attorney-client privilege under Rule  
8 of Evidence 502.

9 I believe that if the 2-619 is decided -- I'm  
10 sorry. Yeah, the 2-619 motion is dismissed and decided  
11 against the defendants, then the matter -- the second  
12 step would be the waiver of attorney-client privilege  
13 which I think my client did not do under either 502(a)  
14 or 502(b).

15 THE COURT: When you -- are you saying that their  
16 statute of limitations motion, if I deny that, only in  
17 that instance do we get to the issue of the -- of the  
18 letter?

19 MR. TALARICO: No. I think what we're -- what I'm  
20 saying is that that clarifies part of the 502(a) section  
21 of the argument, what I perceive as 502(a).

22 THE COURT: Okay. Defense counsel?

23 MR. TALARICO: If I might --

24 THE COURT: Go ahead, plaintiff.

1 MR. TALARICO: -- expound a little bit. I wasn't  
2 aware that a 2-619 motion had been up. It was denied by  
3 this court, but denied with the ability to get -- to  
4 bring it again. All I've seen when I came into the case  
5 was a decision saying, you know, denied, so at that  
6 point in time I did not, let's say, approach the issues  
7 of the statute of limitations or the statute of repose.  
8 I think those two issues help clarify the 502 argument.

9 The 502 argument is what -- what information  
10 can be gathered, and I think my responses to that would  
11 simply be 502(b) and 502(a) have been complied with.

12 THE COURT: Defense counsel?

13 MR. FLYNN: I'm a little confused, Judge. There is  
14 no pending 619 motion. That was ruled upon years ago.  
15 This is simply a motion to compel and, you know, again,  
16 looking back, I didn't attach every discovery answer  
17 that Mr. Dulberg provided because there were many and  
18 there were issues with signature pages throughout  
19 written discovery. But here, the overarching  
20 supplemental request, Exhibit E, I believe it is, that  
21 was served on July 2 has not been answered. It's not  
22 been objected to. It's untimely at this point, and,  
23 again, it's clear that the discovery of the malpractice  
24 and damages has been placed at issue. So we're entitled

1 to explore that discovery.

2 The testimony of Mr. Dulberg at his deposition  
3 makes it clear that the only basis to toll any statute  
4 of limitations was the December 2016 communications with  
5 Tom Gooch and if he's not going to produce those, he has  
6 no other basis to toll the statute and, as such, the  
7 case should be dismissed. We'll bring the appropriate  
8 motion. But you can't have it both ways using the  
9 privilege as a sword and a shield.

10 THE COURT: Plaintiff's counsel, with respect to the  
11 latter, your comment?

12 MR. TALARICO: I guess I'm not clear on what counsel  
13 was saying. I respectfully say that we have complied  
14 with the -- the 502(b) was inadvertent within the  
15 deposition and the attorney at the time, who was -- I  
16 think her name was Williams, Julia Williams, objected  
17 and objected on a continuing basis for any of the  
18 questions regarding that information. Counsel has not  
19 brought a motion to have this court decide whether or  
20 not that was appropriate, but he had answered under the  
21 continuing objection by Miss Williams that this was a  
22 protected attorney-client discussion.

23 As to the 502(a), the intentional disclosure,  
24 that was, in my estimation -- and I hope the court

1 agrees -- that was done in the pleadings, in the  
2 complaint, but it was done in the -- I wouldn't say in  
3 the alternative. I would say it's additional  
4 information.

5 THE COURT: What specifically are you referring to  
6 when you say it's additional information? What was  
7 additional information?

8 MR. TALARICO: The continued comments about when --  
9 when he was aware of -- and when the statute would begin  
10 to run, the two-year statute of limitations, as to the  
11 filing of a complaint for malpractice. Within that  
12 section, I have each one numbered, but at first the  
13 comments -- the situation was when the arbitration, the  
14 binding arbitration, matter was decided, and it was  
15 decided in such a way that my client lost close to over  
16 \$200,000 because the only other person that was in the  
17 lawsuit had a maximum insurance policy of \$300,000. At  
18 that point in time -- And he alleged that in the  
19 complaint, in the first amended complaint, and the  
20 second amended complaint, all of which I wasn't party  
21 to, but the words are in there, the allegations are in  
22 there. I believe that's when the statute of limitations  
23 begins to run. Further --

24 THE COURT: He references -- he references in his

1 complaint -- I assume we're talking about the  
2 allegations in the complaint.

3 MR. TALARICO: Yes.

4 THE COURT: And he references in the complaint  
5 learning information from the expert, if I've read this  
6 correctly. Is that a fair statement?

7 MR. TALARICO: That is one of the allegations, yes.

8 THE COURT: So why can't -- why isn't that report or  
9 communication going to be turned over?

10 MR. DULBERG: It is. It already is.

11 MR. TALARICO: Judge, it's my position that that is  
12 not relevant to the question. The question is, when did  
13 -- when did he become aware, when does the statute start  
14 running. And the answer I believe under Illinois law is  
15 it begins running when he knows of his injury, and the  
16 injury took place with the binding arbitration award;  
17 not before, not after. So I'm saying --

18 THE COURT: And I guess I -- you're losing me  
19 because I -- I don't understand how a binding  
20 arbitration award is going to disclose to anybody  
21 whether or not malpractice had been -- had taken place.

22 The -- your client -- I don't know if you can  
23 see him. He keeps raising his hand. I'm ignoring him  
24 because he has an attorney. I'm going to -- I'm going



1 to focus on you.

2 But whether or not there was an award for X  
3 dollars or no dollars, that doesn't tell me anything  
4 about whether -- whether he knew or should have known at  
5 that point. That just told him what those people --

6 MR. DULBERG: May I clarify on the record.

7 THE COURT: Mr. Dulberg, you have an attorney.  
8 You've elected to have your attorney speak for you.

9 MR. DULBERG: He's not not lead attorney  
10 (indiscernible).

11 THE COURT: I'm going to limit it to it. I  
12 recommend that you limit your conversation or comments  
13 to him out of fear that you may say something that could  
14 be harmful to your case.

15 MR. DULBERG: I understand.

16 THE COURT: In any event, the complaint identified  
17 something the expert said as establishing knowledge on  
18 behalf of Mr. Dulberg for the first time of the alleged  
19 malpractice. So the complaint by its very language  
20 tells me that that communication is relevant to the  
21 issue of the discovery rule. I don't have a problem  
22 with doing an in camera inspection of that particular  
23 communication, but I don't see how we avoid it being  
24 relevant.

1 MR. TALARICO: Judge, I think in all three -- the  
2 original complaint, the first amended complaint and the  
3 second amended complaint, all three plead the injury  
4 happening with the -- I can't think of the word -- but  
5 with the binding arbitration statement.

6 It thereafter talks about other matters and  
7 each time the drafter of that complaint, the first --  
8 I'm sorry, the original, the first and the second, adds  
9 in different aspects which I believe are really  
10 irrelevant. I think the focus is on when the injury  
11 occurred. The injury I believe occurred when the  
12 binding arbitration award was granted and I think that's  
13 when the statute of limitations should run.

14 THE COURT: But he's entitled to discovery on that.  
15 If you're claiming a particular communication  
16 established knowledge for the first time, he gets to --  
17 defense gets to see that, because you've linked it to a  
18 unique event and he gets to challenge whether that's  
19 plausible, so you don't get -- you don't get to make  
20 that decision for him.

21 MR. DULBERG: If I may, I'm going -- I'm going to  
22 clarify here.

23 THE COURT: Mr. Dulberg, you have an attorney.

24 MR. DULBERG: Yes, I do. And I'm going to clarify.

1 THE COURT: I'm not asking you to clarify.

2 MR. DULBERG: The event -- the event, okay, was a  
3 series of events --

4 THE COURT: Counsel, --

5 MR. FLYNN: Judge, I'm going to object to this as  
6 well.

7 MR. DULBERG: -- (continuing) prior to meeting  
8 Mr. Gooch.

9 THE COURT: I'm ignoring what's being said.

10 Mr. Talarico, do you have a comment?

11 MR. TALARICO: Yes, we -- Mr. Dulberg, I believe,  
12 and our position is, the statute of limitations begins  
13 to run on the date of the arbitration -- the binding  
14 arbitration, award.

15 THE COURT: And you could be right, but the  
16 discovery rule involves facts and the issue becomes  
17 whether you knew or should have known. You, by the  
18 complaint you've inherited, established that knowledge  
19 came as a result of a particular event and I think it --  
20 by virtue of that allegation, you've made the facts  
21 surrounding that event relevant to the investigation of  
22 your claim of the discovery rule, its application, that  
23 I can't separate that out. If you say that  
24 communication gave you knowledge for the first time,

1 then the defendant gets to explore that.

2 MR. DULBERG: That's not what it said.

3 THE COURT: Your subjective interpretations aren't  
4 going to be controlling.

5 MR. TALARICO: Judge, I'm not relying on that. All  
6 I'm saying is that, with all due respect, that is when  
7 he had the knowledge, that is when the statute of  
8 limitations begins to run, and that information has been  
9 part of the court file long before it became part of  
10 this matter.

11 THE COURT: My reading of the complaint referenced  
12 something regarding an expert report and perhaps a  
13 letter from former counsel.

14 MR. FLYNN: Judge, may I clarify that.

15 THE COURT: Go ahead. Yeah.

16 MR. FLYNN: Thank you.

17 You know, the plaintiff has attempted I think  
18 to use both, a report that he received from a chainsaw  
19 -- so-called chainsaw expert, so a liability expert,  
20 relative to the underlying case. There's been some  
21 confusion with respect to his pleading and reliance on  
22 that report. However, what I clarified at his  
23 deposition is that he relied on a legal opinion to toll  
24 the statute of limitations in this case. It's that

1 legal opinion in December of 2016 which informed him of  
2 the malpractice.

3           Again, he wasn't very specific. I tried to  
4 question him about each and every violation of the  
5 standard of care, breach of the standard of care, and  
6 when he found out about it; and you can read the whole  
7 deposition, but his answers are evasive. They've been  
8 evasive in his original interrogatory answers. We've  
9 covered the waterfront with every possible question and  
10 interrogatory and production request we could, but it's  
11 clear that he is relying on a legal opinion.

12           Now, he's not very specific about what that  
13 legal opinion is, and maybe there isn't anything in  
14 Gooch's records or in the emails and whatnot to and from  
15 Gooch and Dulberg, but, in any event, that's what he  
16 testified to, and so it's our position we should be  
17 entitled to those legal opinions, whatever they are.

18           THE COURT: I thought -- and obviously I didn't read  
19 the entire deposition. I thought there was one letter  
20 that really covered it, based on what I read. Is that a  
21 fair statement?

22           MR. FLYNN: I'm not sure if that's accurate, Judge.  
23 I think that -- I think he's pinpointed the time period  
24 to December of 2016, but I think he also testified that

1 there was regular email communication between Dulberg  
2 and Gooch, you know, --

3 THE COURT: In any event, I am going to direct  
4 production of all those communications on which the  
5 plaintiff is basing his claim of the applicability of  
6 the discovery rule; and that's a little broader than I  
7 first intended, but given the nature of this discussion,  
8 it sounds like it's more than just a couple of  
9 documents. It might be several of them.

10 I will also have those items produced to me for  
11 an in camera inspection so that I can determine to what  
12 extent that they are disclosing information relevant to  
13 our investigation into the discovery rule, because while  
14 I agree the defendant should be allowed to investigate  
15 that issue, that doesn't mean he gets the benefit of  
16 prior counsel's work product outside of the discovery  
17 rule issue.

18 Does that make sense?

19 MR. FLYNN: So I do understand your ruling. I would  
20 just ask that it be specified also, though, to the  
21 communications with Mr. Gooch because in anticipation of  
22 how this may be produced to Your Honor, if all they  
23 produce is this chainsaw expert report, then we haven't  
24 made any progress.

1 THE COURT: There is definitely something from  
2 Mr. Gooch, and if I'm not given something from  
3 Mr. Gooch, that will be a red flag.

4 MR. TALARICO: Judge, if I might.

5 THE COURT: I'm sorry?

6 MR. TALARICO: If I might speak.

7 THE COURT: Yeah.

8 MR. TALARICO: Judge, my position is that the  
9 binding arbitration award document which has been part  
10 of the court file, we believe long before I was in this  
11 case, is the day that my client knew that he had an  
12 action and, before that, it was premature by Illinois  
13 law. At the time when the award was given, and the --

14 THE COURT: I'm not buying that. The arbitrator's  
15 award gave you insight as to the value. Where you lose  
16 me is -- Well, let me rephrase that. It gave you their  
17 insight as to what they perceived the value of the case  
18 to be. It did not tell you whether or not you could  
19 have known that there was a viable cause of action  
20 against another defendant --

21 MR. DULBERG: (Indiscernible) that.

22 THE COURT: -- because, again, it's you knew or  
23 should have known whether --

24 MR. TALARICO: Of the injury, --

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THE COURT: -- there was another cause of action  
against that --

MR. TALARICO: -- a financial injury.

THE COURT: And I fail to understand how an  
arbitrator's award would explain that because I can't  
imagine -- I certainly don't -- I'm not an arbitrator, I  
don't know what they put in their decisions, but I would  
be surprised if they spend a lot of time telling you  
about people you could have sued but for malpractice, so  
the issue for me is knew or should have known, and I am  
going to direct production of those documents.

MR. TALARICO: Judge, my one comment?

THE COURT: Yeah.

MR. TALARICO: So it's Illinois law on that matter  
and a very recent case talked about specifically when  
the statute begins to run, but I will -- It's called  
Suburban Real Estate Services, Inc., versus Barus -- I'm  
sorry, and Barus versus William Carlson. The cite --

THE COURT: But that's a different argument. That's  
a rule -- that's an argument related to the  
applicability of -- or, in my analysis, of how the rule  
applies to the circumstances that we have. It doesn't  
address the issue of whether you should have known of



1 the existence of the cause of action, and the  
2 information I have is that you did not and could not  
3 have known about the cause of action until the  
4 disclosure from the expert or from Mr. Gooch, and if  
5 we're going to explore that issue, you've got to produce  
6 that. You've put those items into evidence or at issue,  
7 so defense has a right to see them.

8 MR. DULBERG: May I.

9 THE COURT: Anything else?

10 MR. DULBERG: Yeah, yeah. I'd like to comment.  
11 You're not going to let me comment?

12 THE COURT: Mr. Dulberg is attempting to speak. I'm  
13 not -- I'm neither listening nor inviting him to speak.

14 MR. DULBERG: I will speak on the record.

15 THE COURT: So I will --

16 MR. DULBERG: It's not about when we knew or should  
17 have known of the cause of action.

18 THE COURT: Sir, --

19 MR. DULBERG: We certainly knew or should have  
20 known --

21 THE COURT: Sir, --

22 MR. DULBERG: -- of the injury.

23 THE COURT: Mr. Dulberg, do not presume to tell me  
24 what the law is. All right? You understand your place.

1 MR. DULBERG: Yes.

2 THE COURT: Do not tell me what the law is. I will  
3 make that decision. I've instructed you numerous times  
4 not to talk, and yet you feel the need to express  
5 yourself. You have an attorney. Your attorney has ably  
6 represented you, but I get to make a decision regardless  
7 of what your personal thoughts are. So we will go back  
8 to my discussion. Forgive the outburst, but I have  
9 invited him not to speak and that wasn't acceptable to  
10 him.

11 So, in any event, how long, Mr. Talarico, do  
12 you need to produce this information?

13 MR. TALARICO: Judge, I'm not absolutely sure.  
14 Whatever the court says I produce I'll produce within  
15 28 days.

16 THE COURT: Okay. Twenty-eight days is fine with  
17 me.

18 Mr. Flynn?

19 MR. FLYNN: Twenty-eight days is fine, Your Honor.  
20 I would also request that, in addition to the documents  
21 being produced, that the actual discovery request be  
22 responded to and any interrogatories be amended --

23 THE COURT: You need a privilege log certainly as to  
24 the documents, and so I'm going to direct that you be

1 given a privilege log because they are claiming  
2 privilege as to these items. I assume there hasn't  
3 previously been one. Is that true?

4 MR. FLYNN: That is true.

5 THE COURT: All right. So you're entitled to the  
6 privilege log.

7 As far as the other interrogatories are  
8 concerned, Mr. Talarico -- How many interrogatories do  
9 we have outstanding?

10 MR. FLYNN: The -- I think what we have is some  
11 interrogatories that weren't completely answered in the  
12 first place. It's probably a handful, Judge, but then  
13 there are seven or eight requests for production that  
14 simply weren't responded to. Those are the subject of  
15 this motion.

16 THE COURT: And are they covered by the privilege  
17 log, do you think?

18 MR. FLYNN: Well, I think that first we need to know  
19 whether there are responsive documents. They haven't  
20 even answered that, and then if they are withholding any  
21 and submitting them to the court, then the privilege log  
22 comes next, I guess, would be my request.

23 THE COURT: Okay. Mr. Talarico, can you provide a  
24 response in 28 days?

1 MR. TALARICO: Yes, Your Honor. I will respond.

2 THE COURT: All right. And if you don't have  
3 documents, you don't have documents. Just tell him. If  
4 you're claiming a privilege, identify -- provide some  
5 sort of an identification of the document and the  
6 privilege you're claiming.

7 With respect to the interrogatories, which  
8 ones?

9 MR. FLYNN: These were the interrogatories  
10 propounded by Hans Mast, my other client, and that was  
11 Exhibit D, I believe, to the motion. I did not attach  
12 his answers, but Hans Mast's interrogatories which were  
13 propounded back on March 22 of 2019 -- one, two,  
14 three -- just four interrogatories.

15 I do believe that we have a response, but it's  
16 incomplete. It doesn't -- it doesn't identify these  
17 communications with Mr. Gooch or the legal opinion that  
18 has been alleged in the complaint and placed at issue.

19 THE COURT: Yeah, and I -- my concern is -- and the  
20 answer, direct answer, to those is going to require my  
21 review of the documents, so I'm going to enter and  
22 continue that part of the motion until I make a decision  
23 with respect to the documents.

24 Is there anything else?

1 MR. FLYNN: I think that covers it, Your Honor.

2 THE COURT: Okay. All right. So, Mr. Flynn, I'm  
3 going to direct you to send me an order -- Do you have  
4 our email address? You can take a picture if you like.

5 MR. FLYNN: I believe so. Okay.

6 THE COURT: Okay? And the order -- we'll pick a new  
7 date in a moment. The order will provide that the  
8 plaintiff will provide you with a privilege log for  
9 those -- provide you answers to the production request  
10 as well as a privilege log with respect to any documents  
11 that are withheld, and I'm entering and continuing your  
12 motion with respect to the interrogatories.

13 Plaintiff will provide me with the documents  
14 withheld and identified in the privilege log within  
15 28 days and then we'll come back perhaps two weeks after  
16 that. Twenty-eight days is March 10th; two weeks after  
17 that would be around March 24th, and I can provide you  
18 with my ruling then. So how's March 24th at 1:30?

19 MR. FLYNN: Judge, I actually have a deposition at  
20 1:00 o'clock that day.

21 THE COURT: How about the 25th? Thursday.

22 MR. FLYNN: 25th works. 25th at 1:00 o'clock?

23 THE COURT: Yeah.

24 Mr. Talarico?

1 MR. TALARICO: One second, Your Honor.

2 THE COURT: Okay.

3 MR. TALARICO: Fine.

4 THE COURT: Do we have agreement on the date or are  
5 we waiting?

6 MR. TALARICO: I said it was fine, Your Honor.

7 THE COURT: Oh, okay. I'm sorry, I missed that. So  
8 1:30. Is there anything else we need covered in the  
9 order?

10 MR. FLYNN: Just may I be clear that the motion is  
11 granted in part as stated on the record.

12 THE COURT: Yes.

13 MR. FLYNN: And I would like to just include  
14 Mr. Gooch's name in the written order, that those be  
15 included in the production if they exist.

16 THE COURT: Yeah, I don't -- I don't want -- What I  
17 want to -- I guess -- And thank you for bringing that  
18 up.

19 My impression from reading the motion was it  
20 boiled down to -- I got the idea that it was a single  
21 document or a single communication that conveyed the  
22 information at issue. And you're indicating that it was  
23 more, it was a number of emails. Are you able to put a  
24 timeframe on it?

1 MR. FLYNN: Well, I think, again, the allegations in  
2 the various complaints, complaint and amended  
3 complaints, and the testimony, (indiscernible) to  
4 December of 2016, so --

5 THE COURT: Yeah. Say the communications of  
6 December of 2016, because I don't want it read as  
7 requiring that all communications from Mr. Gooch be  
8 produced.

9 MR. FLYNN: Okay.

10 THE COURT: Mr. Talarico, any questions or comments  
11 about that?

12 MR. TALARICO: No, Your Honor. I'll follow the  
13 court's order.

14 THE COURT: All right. Anything else then?

15 MR. FLYNN: No, Your Honor. I will send a draft of  
16 that order to Mr. Talarico for his review and then we  
17 will send it to your email address, Your Honor.

18 THE COURT: Okay. I'll wait to see that. I'll sign  
19 it as soon as it's in. Thank you.

20 MR. FLYNN: Thank you.

21 THE COURT: See you in March.

MR. FLYNN: Thank you, counsel.

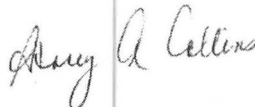
22 THE COURT: All right. Bye.

MR. TALARICO: Thank you, Judge. Thank you,  
23 counsel.

24 (Which was and is all of the evidence  
offered at the hearing of said cause  
this date.)

1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF MCHENRY )  
4

5 I, Stacey A. Collins, an Official Court  
6 Reporter of the 22nd Judicial Circuit of Illinois, do  
7 hereby certify the foregoing to be a true and accurate  
8 transcription to the best of my ability and based on the  
9 quality of the recording of all the proceedings heard on  
10 the electronic recording system in the above-entitled  
11 cause.

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14 Stacey A. Collins, CSR  
15 Official Court Reporter  
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