

**ILLINOIS APPELLATE COURT
SECOND DISTRICT**

**55 SYMPHONY WAY
ELGIN, IL 60120
(847) 695-3750**

November 9, 2023

Alphonse A. Talarico
Law office of Alphonse Talarico
707 Skokie Blvd., #600
Northbrook, IL 60062

RE: Dulberg, Paul R., v. Mast, Hans, et al.
Appeal No.: 2-23-0072
County: McHenry County
Trial Court No.: 17LA377

The court has this day, November 09, 2023, entered the following order in the above entitled case:

Appellant's "emergency" motion is denied pursuant to appellees' response. In the interest of justice, however, appellant's opening brief is due November 22, 2023. This date is absolutely final and will not be extended under any circumstances. Appellees' response brief is due December 27, 2023. Appellant's reply brief is due January 10, 2024.

Jeffrey H. Kaplan
Clerk of the Court

cc: George Kenneth Flynn
Michelle Marie Blum

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

3 IN THE TWENTY-SECOND JUDICIAL CIRCUIT
 MCHENRY COUNTY, ILLINOIS

4 PAUL DULBERG,)

5 Plaintiff,)

6 vs.)

No. 17 LA 377

7 THE LAW OFFICES OF THOMAS)

8 J. POPOVICH, P.C., and)

9 HANS MAST,)

Defendants.)

10
 11
 12 ELECTRONICALLY RECORDED Report of
 13 Proceedings had in the above-entitled cause before
 14 The Honorable Thomas A. Meyer, Judge of the Circuit
 15 Court of McHenry County, Illinois, on the 10th day of
 16 January, 2018, in the Michael J. Sullivan Judicial
 17 Center, Woodstock, Illinois.

18 APPEARANCES:

19 THE GOOCH FIRM, by:
 MS. SABINA WALCZYK,

20 on behalf of the Plaintiff;

21
 22 CLAUSEN MILLER, PC, by:
 MR. GEORGE K. FLYNN,

23 on behalf of the Defendants.
 24

1 THE COURT: Are you on Dulberg?

2 MR. FLYNN: Yes, No. 11.

3 THE COURT: Okay.

4 MS. WALCZYK: Good morning, again, Sabina Walczyk on
5 behalf of Dulberg.

6 MR. FLYNN: Good morning. George Flynn on behalf of
7 defendants.

8 THE COURT: Okay.

9 MR. FLYNN: We have an agreed motion for extension
10 up to February 7 and I've indicated in the order that
11 the February 27 status stands.

12 THE COURT: Okay.

13 MR. FLYNN: Thank you, Your Honor.

14 THE COURT: Thank you very much.

15 MS. WALCZYK: Thank you.

16 (Which was and is all of the evidence
17 offered at the hearing of said cause
18 this date.)
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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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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF MCHENRY)

4 IN THE TWENTY-SECOND JUDICIAL CIRCUIT
5 MCHENRY COUNTY, ILLINOIS

6 PAUL DULBERG,)

7 Plaintiff,)

8 vs.)

9 No. 17 LA 377

10 THE LAW OFFICES OF THOMAS)

11 J. POPOVICH, P.C., and)

12 HANS MAST,)

13 Defendants.)

14 ELECTRONICALLY RECORDED Report of
15 Proceedings had in the above-entitled cause before
16 The Honorable Thomas A. Meyer, Judge of the Circuit
17 Court of McHenry County, Illinois, on the 27th day of
18 February, 2018, in the Michael J. Sullivan Judicial
19 Center, Woodstock, Illinois.

20 APPEARANCES:

21 CLAUSEN MILLER, PC, by:
22 MR. GEORGE K. FLYNN,

23 on behalf of the Defendants.
24

1 MR. FLYNN: Dulberg versus Popovich. George Flynn
2 on behalf of defendants.

3 THE COURT: I'm sorry, Dulberg?

4 MR. FLYNN: Dulberg.

5 THE COURT: Okay.

6 MR. FLYNN: It's set for status and my motion to
7 dismiss.

8 THE COURT: Okay.

9 MR. FLYNN: Mr. Gooch contacted me and indicated he
10 couldn't be here today and asked me to enter a briefing
11 schedule, 28 days for response. If I take 14, that
12 takes us to April 10. I just drafted in the order for
13 courtesy copies to be delivered by April 17 and a
14 hearing on April 30th, if that works.

15 THE COURT: No, can't do it April 30th. That would
16 be a real bad week. Give me a date -- I could do it
17 May 1st. I have a two-week trial starting the day
18 before, which means if that really goes, I'm going to
19 kick your hearing.

20 MR. FLYNN: Okay.

21 THE COURT: It might be safer to aim for the
22 following week, May 7th, because if you want to go later
23 in the week, odds are good the trial will be over, and
24 if it doesn't go --

1 MR. FLYNN: Works for me.

2 THE COURT: That would be the 8th, 9th or 10th.

3 MR. FLYNN: If we can go May 10th.

4 THE COURT: All right. That will be at 10:00
5 o'clock.

6 MR. FLYNN: For hearing.

7 THE COURT: For hearing, yeah.

8 MR. FLYNN: Thank you, Your Honor.

9 THE COURT: Thank you.

10 (Which was and is all of the evidence
11 offered at the hearing of said cause
12 this date.)
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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF MCHENRY)
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9 quality of the recording of all the proceedings heard on
10 the electronic recording system in the above-entitled
11 cause.

12 
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14 Stacey A. Collins, CSR
15 Official Court Reporter
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Thomas A. Meyer

as of 11/19/2023 12:49:10 PM

Full Licensed Name Thomas A. Meyer

Registered Address Not available

Registered Phone Not available

Registered Email Not available

Date Admitted	November 16, 1984
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Illinois Registration Status	Active and authorized to practice law
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Malpractice Insurance	In annual registration, the attorney reported that the attorney, or the attorney's firm, does not maintain malpractice insurance. (Some attorneys, such as judges, government lawyers, and in-house corporate lawyers, may not carry coverage due to the nature of their practice setting.)
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Public Record of Discipline and Pending Proceedings

None

Check carefully to be sure that you have selected the correct lawyer. At times, lawyers have similar names. Disciplinary results displayed above, if any, include information relating to any and all public discipline, court-ordered disability inactive status, reinstatement and restoration dispositions, and pending public proceedings. Investigations are confidential and information relating to the existence or status of any investigation is not available. For additional information regarding data on this website, please contact ARDC at (312) 565-2600 or, from within Illinois, at (800) 826-8625.

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

Interrante
Plaintiff

Circuit Clerk Use Only	
_____	ORD
_____	ORDJ
_____	ORDDWP

vs
Offices of Thos. Popovich
Defendant

Case Number _____

18LA370

FILED
McHenry County, Illinois

FEB - 7 2023

KATHERINE M. KEEFE
Clerk of the Circuit Court

ORDER

- ☒ Plaintiff(s) appear in person/by attorney _____
- ☒ Defendant(s) appear in person/by attorney _____
- ☐ Summons not served; alias summons to issue; return date _____, 20____
- ☐ Summons has been properly served on Defendant(s) _____
- ☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ Case set for ☐ trial ☐ arbitration on _____, 20____ at _____m. in Courtroom _____
- ☐ Defendant(s) shall file an Appearance within _____ days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.

- ☐ Defendant(s) shall file an answer or other pleading within _____ days of today's date.
- ☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☐ By Agreement; ☒ Court; to Mar. 6, 2023 at 11:00 a.m. for motion to reconsider
- ☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.
- ☐ Case dismissed with/without prejudice on Plaintiff's motion.
- ☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).

☒ COURT FURTHER ORDERS: hearing will be before Judge Meyer in CR 1102

Date: 2/7/23

Judge

IN THE TWENTY-SECOND JUDICIAL CIRCUIT

McHENRY COUNTY, ILLINOIS

PAUL DULBERG,)
Plaintiff,)
vs.) No. 12 LA 178
DAVID GAGNON, Individually, and)
as Agent of CAROLINE McGUIRE)
and BILL McGUIRE, and CAROLINE)
McGUIRE and BILL McGUIRE,)
Individually,)
Defendants.)

ELECTRONIC REPORT OF PROCEEDINGS had in the
above-entitled cause before the Honorable THOMAS A.
MEYER, Judge of said Court of McHenry County,
Illinois, on the 22nd day of January, 2014, at the
McHenry County Government Center, Woodstock,
Illinois.

APPEARANCES:

LAW OFFICES OF THOMAS J. POPOVICH

BY: MR. THOMAS J. POPOVICH,

On behalf of the Plaintiff;

CICERO FRANCE BARCH & ALEXANDER

BY: MR. RONALD BARCH,

On behalf of Certain Defendants.

1 MR. POPOVICH: Dulberg vs. Gagnon, Page 1,
2 Line 1, Judge. Tom Popovich on behalf of the
3 plaintiff.

4 MR. BARCH: Ron Barch on behalf of Caroline and
5 Bill McGuire, Your Honor.

6 THE COURT: All right.

7 MR. BARCH: It comes before the Court today on
8 our motion for good-faith finding. We've reached a
9 settlement agreement with the plaintiff that would
10 leave one defendant, David Gagnon, behind.

11 THE COURT: Are -- are they agreeing to the
12 entry of the order, or do we not know?

13 MR. BARCH: I believe we may, but --

14 THE COURT: I'm sorry?

15 MR. BARCH: I haven't heard from Mr. Acardo. I
16 haven't seen --

17 THE COURT: Okay. Well, let's -- let's pass.

18 MR. BARCH: Okay.

19 (Whereupon, other matters were
20 heard and the afore-captioned
21 cause was recalled.)

22 THE COURT: Dulberg vs. Gagnon.

23 MR. POPOVICH: Tom Popovich on behalf of the
24 plaintiff.

1 MR. BARCH: Good morning, again, Your Honor.
2 Ron Barch on behalf of Caroline and Bill McGuire.

3 THE COURT: Okay. It's your motion for
4 good-faith finding?

5 MR. BARCH: It is, Your Honor.

6 THE COURT: No objections?

7 MR. BARCH: As far as --

8 MR. POPOVICH: Not from me.

9 THE COURT: Okay.

10 MR. BARCH: So I have an order for the
11 good-faith finding and dismissal of the -- my two
12 clients. Formerly, I did speak to Mr. Acardo awhile
13 ago. He understands the deal, so I wouldn't
14 anticipate any objection from him.

15 THE COURT: All right. I will --

16 MR. POPOVICH: And who are --

17 MR. BARCH: Perry Acardo.

18 MR. POPOVICH: Oh, yeah. Okay.

19 THE COURT: We already have a March 4th status
20 date, so I could just leave that.

21 MR. BARCH: Thank you.

22 THE COURT: Any others that you --

23 MR. POPOVICH: My only thought, Judge, as long
24 as we're here --

1 THE COURT: Yeah.

2 MR. POPOVICH: -- can we change that -- well,
3 maybe it was for the other lawyer, so...

4 THE COURT: It's March 4th.

5 MR. POPOVICH: I have that as a Tuesday.

6 THE COURT: You must be looking at the wrong
7 year.

8 MR. POPOVICH: March of 2014?

9 THE COURT: 2014, yeah. March 4th, my calendar
10 says Friday.

11 MR. POPOVICH: I swear to goodness, it --
12 Judge, March -- I'm just saying.

13 THE COURT: That might be the 20- -- does it
14 really?

15 MR. POPOVICH: I swear.

16 THE COURT: Okay.

17 MR. POPOVICH: March 4th.

18 THE COURT: We have --

19 MR. POPOVICH: On this calendar here, on that
20 one, too, Judge.

21 THE COURT: No. You're looking at the wrong
22 year. Yeah, we don't -- we don't even need 2013
23 anymore.

24 MR. POPOVICH: Judge --

1 THE COURT: On the right side.

2 MR. POPOVICH: -- two, three, four.

3 THE CLERK: That's -- yeah, that's a -- that's a
4 Tuesday.

5 MR. POPOVICH: April.

6 THE CLERK: That's April.

7 THE COURT: I'm sorry. That's the date I have.

8 MR. POPOVICH: You said March.

9 THE COURT: Oh, I said March? Okay. March 4th
10 is not a --

11 MR. POPOVICH: It's a Tuesday.

12 THE COURT: Okay. Is a -- is a Friday. It
13 is -- not March 4th, April 4th. God. April.

14 MR. POPOVICH: Not much (indiscernible) today.

15 THE COURT: Yeah. I would -- I would -- yeah,
16 April 4th. God, I'm looking at it, and I'm still
17 saying March 4th. April 4th is a Friday.

18 MR. POPOVICH: Okay.

19 THE COURT: That's interesting. That's scary.

20 MR. POPOVICH: All right. Yes. Okay. So we're
21 fine on that.

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

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STATE OF ILLINOIS)
) SS:
COUNTY OF McHENRY)

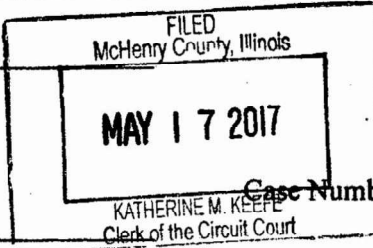
I, MAUREEN S. URBANSKI, an Official Court Reporter for the Circuit Court of McHenry County, Twenty-Second Judicial Circuit of Illinois, transcribed the electronic recording of the proceeding in the above-entitled cause to the best of my ability and based on the quality of the recording, and I hereby certify the foregoing to be a true and accurate transcript of said electronic recording.

Maureen S. Urbanski
Certified Shorthand Reporter
License No. 084-003308

APPELLANT'S EXHIBIT 9

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

STATE
Plaintiff



Circuit Clerk Use Only	
_____	ORD
_____	ORDJ
_____	ORDDWP

vs
Popovich
Defendant

Case Number 16 CV 265

ORDER

- ☒ Plaintiff(s) appear in person/by attorney ASA PORTER
- ☒ Defendant(s) appear in person/by attorney PRO SE + R. WILSON
- ☐ Summons not served; alias summons to issue; return date _____, 20__
- ☐ Summons has been properly served on Defendant(s) _____
- ☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ Case set for ☐ trial ☐ arbitration on _____, 20__ at _____ m. in Courtroom _____
- ☐ Defendant(s) shall file an Appearance within _____ days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.

- ☐ Defendant(s) shall file an answer or other pleading within _____ days of today's date.
- ☐ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☐ By Agreement; ☐ Court; to _____, 20__ at _____ m. for _____.
- ☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.
- ☐ Case dismissed with/without prejudice on Plaintiff's motion.
- ☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☒ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).
- ☐ COURT FURTHER ORDERS: _____

Date: MAY 17, 2016

Judge

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

FILED

SEP 15 2015

KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

KIMBERLY POPOVICH
vs
ZUKOWSKI, ROGERS, FLOOD
and McARDLE, ET AL

Case No. 15LA78

ORDER OF RECUSAL OR ORDER FOR SUBSTITUTION OF JUDGE

Reason for Reassignment:

☐ Motion for Substitution of Judge: ☐ by Right ☐ for Cause

☒ Recusal/Judicial Conflict (Reason): _____

☐ Other: _____

IT IS ORDERED: that the above entitled case is referred to the office of the Chief Judge for reassignment.

Dated: 9/15/15


JUDGE

ORDER OF REASSIGNMENT

This cause being referred to the office of the Chief Judge for random selection of a judge; IT IS HEREBY ORDERED that pursuant to assignment by the office of the Chief Judge this cause is reassigned for

☐ Assigned to the _____ Division, Courtroom _____

(Judge _____, currently assigned to that division/courtroom)

☒ Assigned to the Honorable Mary H. Vade

☐ Case transferred to the Chief Judge for reassignment of a judge outside of McHenry County.

Dated: 9/15/15


Michael J. Sullivan, Chief Judge

Proof of Service

The undersigned certifies that a copy of the forgoing document was served upon all parties of record by way of mail, fax or hand delivery on:

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

KIMBERLY POPOVICH
vs
ZUKOWSKI, ROGERS, FLOOD
and McARDLE, ET AL

Case No. 15LA78

FILED

SEP 15 2015

KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

ORDER OF RECUSAL OR ORDER FOR SUBSTITUTION OF JUDGE

Reason for Reassignment:

☐ Motion for Substitution of Judge: ☐ by Right ☐ for Cause

☒ Recusal/Judicial Conflict (Reason): Judge's former firm is a party

☐ Other: _____

IT IS ORDERED: that the above entitled case is referred to the office of the Chief Judge for reassignment.

Dated: 9/16/15

Kim D. Corbett
JUDGE

ORDER OF REASSIGNMENT

This cause being referred to the office of the Chief Judge for random selection of a judge; IT IS HEREBY ORDERED that pursuant to assignment by the office of the Chief Judge this cause is reassigned for

☐ Assigned to the _____ Division, Courtroom _____

(Judge _____ currently assigned to that division/courtroom)

☒ Assigned to the Honorable Joel D. Berg

☐ Case transferred to the Chief Judge for reassignment of a judge outside of McHenry County.

Dated: 9/16/15

Michael J. Sullivan
Michael J. Sullivan, Chief Judge

Proof of Service
The undersigned certifies that a copy of
the forgoing document was served upon all
parties of record by way of mail, fax or
hand delivery on: