From: **Paul Dulberg** Paul_Dulberg@comcast.net
Subject: Re: Fix 4
Date: January 12, 2024 at 10:13 AM
To: Law Office Of Alphonse Talarico contact@lawofficeofalphonsetalarico.com, Tom Kost tkost999@gmail.com

PD

Tom, Mr Talarico,

Attached is the Fix-4 master file converted to a Microsoft word document (docx) so whatever you guys decide to do with the petition both of you have an editable file now.

Hope this helps.

Paul

Fix-4_2023-01-08_Pet...rt.docx
69 KB

> On Jan 12, 2024, at 8:51 AM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:
>
> Tom,
>
> I know your not available today but you should get this tonight, this unexpected move just delayed getting the petition out by at minimum 1 day plus however long it takes you to get up to speed.
>
> Notice you were not included in the email below sent this morning but it references you and makes it clear you are the only contact he will deal with by phone so I am turning this over to you.
>
> He does not make any reference if he is building his own document or still wants to edit ours.
>
> So, here is the indd file for the petition. You have the master and the link.
>
> Sorry he put this on you now but we need it done so it is what it is.
>
> Good luck with this one.
>
> Paul
>
> <Fix-4_2023-01-08_Petition for leave to appeal - Supreme Court.indd>
> <Title.pdf>

> > On Jan 12, 2024, at 8:12 AM, Alphonse Talarico <contact@lawofficeofalphonsetalarico.com> wrote:
> >
> > Gentlemen,
> >
> > As a professional, I will continue to work until I am fired or withdraw.
> >
> > To set the record straight, and include what you always forget, that being the facts that don't fit in your version of life, I asked you to create the pro forma and have your brother Thomas K because, as I stated, he could strip off the history from the web site and/ or the ARDC complaints already in existence.
> > You then took off and I acquiesced with your desire to author the PFLTA to give you another shot at telling the world about who damaged you.
> > You have conveniently forgotten that I discovered the fact that Judge Meyer had recused himself as a friend of Popovich (without my research skills you would never have known about all available 24/7 for your calls , that I have put your family's legal issues before my own health, and that by signing PFLTA and motion I will put a target on my back with the legal community
> >
> > You do not listen!
> >
> > How dare you be offended by the truth!
> >
> > I am done fighting with you.
> >
> > I will accept verbal communication from Thomas Kost on any relevant legal matter, but you sir, can communicate only in writing.
> >
> > The verbal abuse and snide comments are not acceptable, and surely not professional.
> >
> > The instructions were clear, but you chose to disregard them.
> >
> > You were informed that, through at least three conversations with April, an assistant Supreme Court Clerk, I investigated the use of hyperlinks and bookmarks and I told you CLEARLY wha bookmarks" "the appendix must contain the actual document" " the requirement for 13 paper copies of the PFLTA filed in Springfield Illinois and the Appendix makes your desired thousa
> >
> > What in those clear instructions don't you understand?
> >
> > You don't have to be a lawyer to understand those words.
> >
> > You always fall back with "I am not a lawyer" and "I am not an author" but you don't have to be a lawyer to understand plain English and I asked to have Thomas Kost, not you, author the
> >
> > Finally, since I kept telling you that you cannot include hyperlinks and bookmarks in the PFLTA I suggested you, as Client with your appearance on file, call April and ask her yourself?
> >
> > Did you do that?
> >
> > You just launched into another tirade about how much money you pay me.
> >
> > As is typical, you are killing the messenger, instead of remembering all the lawyers, court personnel and judge who took advantage of you and the lawyers who were hired by you to clean got paid over $100,000.00 for a few hours work and compare to all the hours I have worked, with detailed time sheets which we have referred to in the past to find out when an action wa an extended anxiety attack, blame me for all the evils that have befallen you.
> >
> > P.S. I have blocked Mr. Dulberg's telephone calls to my cell phone as he has recently done to me. PUT IT IN WRITING!
> >
> > Alphonse A. Talarico, Esquire
> > 3128081410
> >
> > ---
> >
> > **From:** Paul Dulberg <Paul_Dulberg@comcast.net>
> > **Sent:** Thursday, January 11, 2024 3:55 PM
> > **To:** Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>
> > **Cc:** Tom Kost <tkost999@gmail.com>
> > **Subject:** Fix 4
> >
> > You say I didn't listen!
> >
> > How dare you sir.

You were supposed to have authored the whole thing and STUCK IT ALL ON ME ONE DAY BEFORE IT WAS DUE.

Now you give vague instruction and blame me for not doing what you command.

If I am not following your lead it is clearly because I am not a lawyer and I don't understand.

So I ask for you to go over it with me line by line and your response is "if you had listened but you ask advice and then ignore it"

I am and have been asking for your help but you don't seem to hear it!

I am done fighting with you.

I have attached the changes I call fix 4 that I made since fix 3.

In this fix I concentrated on rewording parts on pages 8-16.

I am continuing to make the text I had to author better.

Please take the evening and review the attached document, mark up what you think needs to be edited and lets go over it line by line so I can understand and get it done since you are obviously unwilling to author the petition.

On Jan 11, 2024, at 3:41 PM, Alphonse Talarico <contact@lawofficeofalphonsetalarico.com> wrote:

These would have been done if you had listened but you ask advice and then ignore it.

you
pay me lots of money, yes but that does not entitle you to insult me and treat me as a slave.

I will not allow you to cause a stroke or heart attack.

You already revealed your strategy about me being 75 and unhealthy.

when this deal was made because you wanted to expand your matters into the ARDC you said you would hire another attorney to help and later you said you would help with drafti

You can call if you want to talk but I a going for a walk.

i will continue to work on the Dulberg and Kost matters until I am fired, but in no case will I allow you to continue to snipe, critizize and tell me about the money you pay me.

From: Paul Dulberg <Paul_Dulberg@comcast.net>
Sent: Thursday, January 11, 2024 2:15 PM
To: Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>
Subject: Fwd: Fix 3

Answer to question from ADR email about revision done

Latest version of the Supreme Court petition

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

Call when your ready

Paul

Begin forwarded message:

From: Paul Dulberg <Paul_Dulberg@comcast.net>
Subject: Fix 3
Date: January 11, 2024 at 7:49:52 AM CST
To: Tom Kost <tkost999@gmail.com>

No.

In the Supreme Court of Illinois

PAUL R. DULBERG, Plaintiff-Appellant, v. **HANS MAST and the LAW OFFICES OF THOMAS J. POPOVICH, P.C.** Defendants-Appellees	On Petition for Leave to Appeal from the Illinois Appellate Court, Second Judicial District, Case No. 2-23-0072 There on Appeal from the Circuit Court of McHenry County, Illinois, Law Division, 17LA377 Hon. Joel D. Berg, *Judge Presiding*

PAUL R. DULBERG'S PETITION FOR LEAVE TO APPEAL

Alphonse A. Talarico (ARDC # 6184530)
The Law Office of ALPHONSE A. TALARICO
707 Skokie Boulevard #600, Northbrook, Illinois 60062, United States
(312) 808-1410
contact@lawofficeofalphonsetalarico.com
Counsel for Plaintiff-Petitioner

GEORGE K. FLYNN (ARDC # 6239349)
MICHELLE M. BLUM (ARDC # N/A)
KARBAL COHEN ECONOMOU SILK DUNNE, LLC
200 S. Wacker Drive, Suite 2550
Chicago, IL 60606
Tel: (312) 431-3700
Fax: (312) 431-3670
gflynn@karballaw.com
mblum@karballaw.com
Counsel for Defendants-Appellees

Dated: January 08, 2024

Oral Argument Requested

PREAMBLE:

Much of the matter that follows can be characterized as a snowballing effect caused by fraud committed by officers of the court. Currently there are nine (9) related ARDC investigations pending (#2023INO2517[1], #2023INO2518[2], #2023INO3135[3], #2023INO3136[4], #2023INO3894-R[5], 2023INO3898-R[6], #2023INO3897-R[7], 2023INO3895-R[8], #2023INO3896-R[9])**(A2)**[10], one (1) submitted Judicial Inquiry Board "Complaints against a Judge," (Associate Judge Joel D. Berg) and one (1) Judiciary Inquiry Board "Complaint against a Judge" that was unable to be processed because the individual named (former Associate Judge Thomas A. Meyer) is no longer an active Illinois state court judge.

The events of this matter occurred over a period of time in excess of 13 years and the Record on Appeal[11], with at least two known dates of ROPs missing from the file, is currently equal to or greater than two thousand six hundred and sixty pages (2660).

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

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

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

PRAYER FOR LEAVE TO APPEAL

Pursuant to Illinois Supreme Court Rule 315(c)(1)

Paul R. Dulberg petitions for leave to appeal the judgment of the Illinois Appellate Court for the Second District in *PAUL R. DULBERG v. HANS MAST and the LAW OFFICES OF THOMAS J. POPOVICH, P.C.* 2023 IL App (2nd) 2-23-0072.

STATEMENT OF THE DATE UPON WHICH THE JUDGMENT WAS ENTERED

Pursuant to Supreme Court Rule 315(c)(2)

The Date the Judgment was entered is December 4, 2023. There was no petition for rehearing filed. **(A1)**[12]

STATEMENT OF THE POINTS RELIED UPON IN ASKING THE SUPREME COURT TO REVIEW THE JUDGMENT OF THE APPELLATE COURT

Pursuant to Illinois Supreme Court Rule 315(c)(3)

1. There are 9 ARDC COMPLAINTS filed and a submitted Judicial Inquiry Board "Complaints against a Judge," in relation to this case. **(A2)**[13]

- **a.** Due to the nature and severity of the ARDC complaints there is the need for the exercise of the Supreme Court's supervisory authority in this case.
- **b.** Dulberg was targeted by his own attorneys (in collaboration with opposing counsel) by a sophisticated system of document and information suppression to sabotage his case against the Defendant/Appellees.
- **c.** Dulberg was subject to fraud perpetrated by officers of the court so that the judicial machinery could not perform in the usual manner its impartial task of adjudicating cases.

2. APPELLATE COURT ORDERS DENIED DULBERG THE ABILITY TO SUPPLEMENT THE RECORD WITH RELATED CASES.

- **a.** Recusal ORDERS of Associate Judge Thomas A. Meyer in cases with Defendants-Appellees **(A4)**[14]

b. Motion to fix 17LA377 clerks file (problems with clerks file described in next section)

c. Motion to add Barbara G. Smith thumbdrive. **(A5)**[15] Also described in Clinton-Williams ARDC Section 2K and Section 2C (#2023INO2517[16], #2023INO2518[17]) **(A2)**[18]

d. Motion to add related cases **(A6)**[19]. Significance of cases also described in ARDC complaint Popovich-Mast, Balke, Baudins, Gooch-Walczyk (#2023INO3135[20], #2023INO3136[21], #2023INO3894-R[22], 2023INO3898-R[23], #2023INO3897-R[24], 2023INO3895-R[25], #2023INO3896-R[26]) **(A2)**[27]

e. Supreme Court Rule 329 gives us the right to supplement or correct the record through the appellate court.

f. Law never requires doing a useless thing. At this point it was impossible for us to return to the 22nd Judicial Circuit Court for the request. **(A7)**[28]

3. APPELLATE COURT ORDER DENIED DULBERG'S REQUEST FOR AUDIT (concerning missing and altered documents in Clerks file)

a. The Record on Appeal was filed on April 24, 2023.

b. Common Law Record Volume 1, Common Law Record Volume 2 and Reports of proceedings all have a submission date of April 24, 2023 from 10:00 AM to 10:03 AM. **(A8-1)**[29]**, (A8-2)**[30]**, (A8-3)**[31]**, (A8-4)**[32]

c. The Record on Appeal was made available for download on April 25, 2023 at 8:48 AM **(A9)**[33]

d. Common Law Volume 1 has a creation date of April 24, 2023 at 9:31 AM. Common Law Volume 2 has a creation date of April 24, 2023 at 9:28 AM. The Reports of proceedings has a creation date of April 25, 2023 at 8:06 AM and is missing ROPs from two different dates. Note creation date is AFTER submission date. **(A10)**[34]

e. The creation dates show that the CLR vol 1 and 2 were treated differently than the

ROP. They followed a different pathway in the digital system.

f. There are missing ROPs, mismatched sections and broken hyperlinks.

g. Hyperlinks are broken in a way that only defendants motion-to-dismiss and after are working. Hyperlinks are broken in a way which favors the defendants

4. APPELLATE COURT ISSUED ORDERS WITHOUT JUDGES NAMES

a. The following orders were issued by the 2nd Appellate Court, none of which were signed by any Judges and were signed only by the clerk:

5-26-2023 granted (A12)[35]

7-25-2023 granted (A13)[36]

10-10-2023 denied (A14)[37]

11-09-2023 denied (A15)[38]

b. All motions had Illinois Supreme Court approved proposed order forms submitted with them that were tossed aside and disregarded by the Second District Appellate Court:

5-24-2023 proposed order (A16)[39]

7-24-2023 proposed order (A17)[40]

10-01-2023 proposed order (A18)[41]

11-03-2023 proposed order (A19)[42]

c. Dulberg contacted the Appellate Court clerk to ask for the actual order signed by a Judge and not just what appeared to be the clerk's notice. He was informed that the one signed by the clerk was the court order. (A20)[43]

d. The only appellate court order showing some of the Judges names is the final dismissal order on 12-04-2023 and was only signed by the clerk (A21)[44]

e. The final dismissal order on 12-04-2023 is when Dulberg first saw Hutchinson's name typed on an order signed by the clerk. (A22)[45] Dulberg lost his statutory right (735 ILCS 5/2-1001(a)(2)) to substitute the Judge because he was not informed which

judges were assigned to his case. Dulberg and his attorney believed these rulings came from the clerk's office alone since that is all they were shown.

f. Dulberg can find no local rule in the appellate court allowing the clerk to create and sign their own ORDER while tossing aside and disregard the Illinois Supreme Court approved proposed order form properly filed with each motion.

5. Judge Hutchinson previously presided over a 1990 case involving Dulberg in McHenry County Illinois that was a was a high profile case and heavily covered in the local press.

a. In a 1990 case Dulberg had filed a series of motions all to be heard at the same time based on witness testimony previously given before Judge Hutchinson.

b. Before the motions were to be heard, Dulberg remembers that Judge Hutchinson asked the parties to approach the bench and explained to Dulberg's attorney and the states attorney why she was splitting the motions up. Judge Hutchinson would hear the motions for reconsideration and was having the motion to quash assigned to another judge.

c. Judge Hutchinson explained that she had to hear the motions for reconsideration because she made the prior rulings but the motion to quash was new and since she felt the states witnesses were less than honest when testifying before her on the issues now raised in the motion to quash she was concerned with the political implications of her possible ruling and how it would be played in the local press due to her running for the position she currently holds in the Appellate court.

d. During the 1990 case Judge Hutchinson did cause a split of the series of motions filed at the same time, she did hear the motions to reconsider and had the motion to quash assigned to another Judge that was not present for the live testimony.

e. Judge Hutchinson had placed her political aspirations to become an appellate court judge above the case before her because she feared the local press coverage and possible political ramifications if she were to rule in favor of Dulberg.

f. Hutchinson was then reassigned to less publicized cases for the duration of her campaign for appellate Court Judge.

g. The 1990 case was a high profile case for Hutchinson and widely publicized by the local newspaper covering McHenry County. During Dulberg's case Hutchinson decided to run in the election for Appellate Court.

If Dulberg knew Judge Hutchinson was assigned to this appeal more than 30 years after his prior 1990 case he would have asked for a substitution of Judge by right.

6. MOTION TO RULE WAS ACCEPTED DECEMBER 3, IGNORED BEFORE FINAL RULING ON DEC 4, AND SENT BACK ON DEC 5

(this is a retroactive use of dismissal order on motions timely and properly filed before the dismissal)

a. On December 3, 2023 Dulberg filed a Motion for Ruling on his November 21, 2023 Motion to Reconsider. (A23)[46]

b. On December 4, 2023 Dulberg received a final ORDER, dismissing the case for not filing a brief, The ORDER was signed only by the clerk with a few of the Judges names appearing for first time in print on the ORDER. (A21)[47]

c. On December 5, 2023 the Motion for Ruling filed on December 03, 2023 was sent back because the case was dismissed on December 04, 2023 after the proper and timely filing of the motion prior to dismissal. (A24)[48] It is as if the later dismissal of the case can be applied retroactively to motions timely and properly filed before the case was actually dismissed.

7. ORDER DENIED OVER EXTENSION OF TIME TO FILE

Previous motions for extension of time were based on serious family emergencies.

8. Contrary to the precise ruling contained in Suburban Real Estate Services, Inc. v. Carlson, 2022 Il 126935, 193 N.E.3d 1187, 456 Ill.Dec.779 (Ill.2022) the trial court was not clear and error-ed. Associate Judge Joel D. Berg, being a personal friend of the sole (at this time and 50%

with ex-wife previously) owner of the Defendant/Appellee's Law firm, was not clear in his ruling and failed to take into account or recognize the principal/agent relationship between the co-defendants in the underlying case (12LA178). Associate Judge Joel D. Berg erroneously set the date that Plaintiff/Appellant knew or should have known of the pecuniary injury back to the time of the alleged wrongdoing as sometime on or before the Defendant's/Appellee's withdrawal from the underlying case (12LA178) on March 13, 2015. Associate Judge Joel D. Berg did not take into account the fact that without the coerced settlement the principal would remain vicariously liable for anything the agent could not pay if found negligent (which did occur on December 12, 2016, the only time the pecuniary injury could be calculated since anything prior would be purely speculative).

9. Article XI Illinois Code of Judicial Conduct was violated:

Rule 1.2 Promoting Confidence in the Judiciary;

Rule 2.2 Impartiality and fairness;

Rule 2.3 Bias, Prejudice and Harassment;

Rule 2.11 Disqualification.

A FAIR AND ACCURATE STATEMENT OF THE FACTS, WHICH CONTAINS THE FACTS NECESSARY TO AN UNDERSTANDING OF THE CASE

Pursuant to Illinois Supreme Court Rule 315(c)(4)

I. WHAT HAPPENED IN THE TWENTY SECOND JUDICIAL CIRCUIT COURT OF MCHENRY COUNTY:

1. 12LA178 was filed On May 15, 2012 and is the underlying case to 17LA377.

a. The case records from 12LA178 were motioned to be added to the record on appeal but the motion denied by the Appellate Court so it cannot be referenced in the record on appeal.

b. It is not possible to give a fair and accurate statement of the facts necessary to understand the case without referencing 12LA178.

c. A statement of the facts of 12LA178 was already provided to the Supreme Court in the following 5 ARDC complaints: #2023INO3135[49], #2023INO3136[50], #2023INO3894-R[51], #2023INO3897-R[52], #2023INO3898-R[53]. **(A2)**[54]

d. In 2011 Plaintiff/Appellant Paul R. Dulberg was permanently injured by a chainsaw owned by Caroline and William McGuire (principles) but operated by their chosen agent David Gagnon.

e. The permanently debilitating injuries caused Dulberg to seek out a law firm (Law Offices of Thomas J. Popovich, P.C.) who filed a cause of action against David Gagnon, individually, and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, individually for negligence in the Twenty Second Judicial Circuit Court of McHenry County, case number 12LA178. The negligence claim was for both the chainsaw owners or principals (McGuires) under vicarious liability and their chosen operator or agent (Gagnon).

f. The Trial Court Judge for the original matter (12LA178) was then Associate Judge Thomas A. Meyer. Thomas A. Meyer is a close personal friend of Thomas J. Popovich, owner of the Law offices of Thomas J. Popovich, P.C.. Associate Judge Thomas A. Meyer did not disclose his personal friendship with Thomas J. Popovich nor did he recuse himself from the underlying case 12LA178.

g. The Law Offices of Thomas J. Popovich, P.C. systematically gaslighted and coerced a $5000 settlement out of the Plaintiff/Appellee Paul R. Dulberg. Below highlights a few of the points in how this was achieved. For a very detailed list of what The Law Offices of Thomas J. Popovich, P.C. did in preperation for the coerced settlement starting on December 1, 2011 see the ARDC complaints listed on page 1 of this petition.

- The Law offices of Thomas J. Popovich P.C. concealed from Dulberg that the agent (Gagnon) had effectively admitted all allegations as true when he did not

answer the counterclaim filed by the principals (McGuires) on February 1, 2013.

- The Law Offices of Thomas J. Popovich, P.C. concealed from Dulberg that The Law Offices of Thomas J. Popovich, P.C. submitted an unauthorized settlement offer of $7500.00 on October 22, 2013 to the attorney (Ronald Barch) representing the principles (McGuires).
- About the same time the Law Offices of Thomas J. Popovich, P.C. started to make false claims to Dulberg about issues with the treating medical providers even though the treating medical providers hadn't all been deposed yet and the Law Offices of Thomas J. Popovich, P.C. hadn't ordered up or provided Dulberg with any of the medical providers depositions as proof of these new claims even though Dulberg specifically requested copies of the depositions.
- On November 4, 2013 the Law Offices of Thomas J. Popovich, P.C. had a meeting with Dulberg. Dulberg brought his mother (Barbara Dulberg). At this meeting the Law Offices of Thomas J. Popovich, P.C. made many bizarre statements about how Dulberg couldn't win against an old lady and how the McGuires in the suite just complicated matters since Gagnon had plenty of insurance to cover all the damages. Starting at and following this meeting the Law Offices of Thomas J. Popovich, P.C. compounded the alleged medical provider issues with a sudden change in their legal opinion against the principles (McGuires) who were vicariously liable defendants for their agents actions and were purportedly deposed 8 months earlier on March 20, 2013.
- After the meeting the Law Offices of Thomas J. Popovich, P.C. stepped up the pressure by repeatedly telling Dulberg in emails and telephone conversations that case law doesn't support Dulberg's claim against the principals (McGuires) because they are only the owners of the property where accident happened and the work Gagnon was doing for the McGuires with the McGuires chainsaw didn't

matter.

- On November 18, 2013 the Law Offices of Thomas J. Popovich, P.C. received a counter offer from the principles (McGuires) attorney Ronald Barch and presented the counter offer to Dulberg as an original offer.
- After a couple of days arguing through email over the offer the Law Offices of Thomas J. Popovich, P.C. called Dulberg to a meeting on November 20, 2013.
- On November 20, 2013 Dulberg brought his sibling Thomas Kost to the meeting who took some handwritten notes on the main subjects discussed. The Law Offices of Thomas J. Popovich, P.C., now calling the agent (Gagnon) an independent contractor, explained the change in their legal opinion and claimed the case against the McGuires is a common law 318 case, not adopted by Illinois, simply because the McGuires owned the property and had no real control over how Gagnon used the McGuires chainsaw. When Dulberg questioned the facts and change in legal opinion, the Law Offices of Thomas J. Popovich, P.C. said it was based on the new facts discovered in the depositions taken and based on those facts the McGuires would get out for free at summary judgment if Dulberg didn't take the small offer soon. At this meeting the Law Offices of Thomas J. Popovich, P.C. provided Dulberg with a certified slip copy of Patricia TILSCHNER, Plaintiff–Appellant, v. Lowell SPANGLER and Ralph M. Ruppel, Defendants–Appellees. No. 2–10–0111.Decided: May 06, 2011 as their in meeting example and sent Dulberg home with two other common law 318 cases (Choi and LaJato) copied from law books to read as proof of their new legal opinion about the McGuires liability. The Law Offices of Thomas J. Popovich, P.C. also said they would provide Dulberg with the depositions to read for himself.
- After the meeting the Law Offices of Thomas J. Popovich, P.C. continuously pressured Dulberg almost daily in emails and phone calls to take the settlement

offer due to a pending summary judgment motion (which didn't actually exist) before Dulberg even had the depositions to read. The Law Offices of Thomas J. Popovich P.C. eventually did provide Dulberg with forged documents (purported depositions of David Gagnon, Caroline McGuire and Bill McGuire) for Dulberg to read and make a settlement decision concerning the principals only.

- Dulberg received the final (forged) deposition in the US Mail on the evening of December 17, 2013. Dulberg scanned through the (forged) deposition once before a call on December 18, 2016 from the Law Offices of Thomas J. Popovich, P.C..
- On December 18, 2013 the Law Offices of Thomas J. Popovich, P.C. called Dulberg and wouldn't discuss the details of the depositions with Dulberg but rather fed Dulberg a false narrative with a final ultimatum of take the small settlement right now or the McGuires are out for free tomorrow on summary judgment. After a long heated conversation, in the end Dulberg was faced with being given an ultimatum with a timeline of less than 12 hours till summary judgment and not yet fully digesting or putting into context what was in the nearly 550 pages of depositions he was given to read made the best decision he could based on limited knowledge derived from what he thought were legitimate documents (forged depositions), the change in the Law Offices of Thomas J. Popovich, P.C. legal opinion based on all three of the common law 318 cases provided to Dulberg and he was being told it is a fact that the McGuires would be out for free tomorrow morning in court on summary judgment, the only option at all was to take the small settlement offer or get nothing for suffering permanently debilitating injuries.
- Dulberg had no idea the Law Offices of Thomas J. Popovich P.C. was gas-lighting him.
- There was no chance for Dulberg to have any meaningful discussions, do any

research, get a second opinion or realize the Law Offices of Thomas J. Popovich, P.C. had created a false narrative using forged documents and case law that in reality had nothing to do with the case when making the decision.

- The settlement with the principles took place approximately three years prior to final adjudication of the matter with the chainsaw operator or agent (Gagnon).
- There is absolutely no way anyone can determine the exact amount of any pecuniary injury caused by the Law Offices of Thomas J. Popovich P.C. from the coerced settlement with the principal until the case was over with the agent on December 12, 2016.

h. As a direct result of the Law Office of Thomas J. Popovich P.C. acts of concealing that agent (Gagnon) effectively admitted negligence, coerced settlement and the constant gas-lighting about not being able to prove the agent (Gagnon) liable followed up with providing Plaintiff/Appellant Paul R. Dulberg with false and misleading information that the agent (Gagnon) only had $100,000.00 in insurance coverage, the remainder of the underlying case (12LA178) became an asset of a Federal Bankruptcy Estate, Bk No. 14-83578, in the Northern District of Illinois, Western Division on November 26, 2014 and was from that point onward under an automatic stay.

i. The Law Offices of Thomas J. Popovich P.C. proceeded to initiate and file motions attempting to settle with the remaining defendant (Gagnon) in the 22nd Judicial Circuit Court as if no stay was in place. Unsuccessful attempts to get Dulberg to settle with the remaining defendant in the Twenty Second Judicial Circuit Court and the constant probative questions by then bankruptcy Trustee Megan G Heeg to sign a contract with the estate, The Law Offices of Thomas J. Popovich withdrew on March 13, 2015.

j. Associate Judge Thomas A. Meyer continued in the Twenty Second Judicial Circuit

Court in violation of the automatic stay. Associate Judge Thomas A. Meyer instructed Plaintiff/Appellate Paul R. Dulberg that he would need to find new counsel, file a pro se appearance or face dismissal of the cause of action. Dulberg, having no standing but following Associate Judge Meyer's instructions, hired Brad J. Balke.

k. Brad J Balke operated in violation of the stay and under constant probative questions by then bankruptcy Trustee Megan G Heeg to sign a contract with the estate, Balke pressed forward in the Twenty Second Judicial Circuit Court attempting to get Plaintiff/Appellee Paul R. Dulberg to accept the same settlement deal the Law Offices of Thomas J. Popovich, P.C. set up and pursued. Plaintiff/Appellate Paul R. Dulberg fired Brad J. Balke, P.C. and was once again instructed by Associate Judge Thomas A. Meyer to find new counsel, file an appearance pro se or have his case dismissed. Dulberg, having no standing but following Associate Judge Meyers instructions, hired Baudin and Baudin an association of attorneys.

l. Attorneys Kelly Baudin and Randall W. Baudin II acting as Baudin and Baudin an association of attorneys operated in violation of the stay in the Twenty Second Judicial Circuit Court for about 16 months. Baudin and Baudin struck a deal with the remaining Defendants' (agent/Gagnon) insurance carrier Allstate to enter into a capped ADR agreement, reporting the deal to Associate Judge Thomas A. Meyer on August 10, 2016 against Plaintiff/Appellant Paul R. Dulberg's desires and in violation of the stay.

m. Bankruptcy Trustee Megan G Heeg retired and Trustee Jospeh D Olsen was appointed on September 1, 2016.

n. Attorneys Kelly Baudin and Randall W. Baudin II (now acting under the name Baudin Law Group) then made contact with a newly appointed bankruptcy estate Trustee (Attorney Joseph D Olsen) sometime after September 1, 2016 and were approved to be hired by the bankruptcy court on October 31, 2016, providing falsified affidavits

containing contracts for legal services with Baudin and Baudin an association of attorneys as affidavits while actually being approved and hired as Baudin Law Group. The bankruptcy Trustee then made misrepresentations of Dulberg's desires to the bankruptcy court claiming Dulberg wanted the capped ADR agreement.

o. After the ADR award (issued on December 12, 2016) Dulberg could finally calculate and realize a pecuniary injury (loss) from the wrong doing or bad acts committed by the Law Offices of Thomas J. Popovich, P.C. back in 2013-14 for coercing a settlement with the principle (the McGuires).

p. On December 16, 2016 Plaintiff/Appellant Paul R. Dulberg, now able to calculate and realize a pecuniary injury, met with and hired Thomas W. Gooch III of Gauthier and Gooch and filed a legal malpractice suit in the Twenty Second Judicial Circuit Court of McHenry County, case number 17LA377 on November 28, 2017.

2. 17LA377 was filed on November 28, 2017 and is the underlying case to 2-23-0072 Appeal filed in the Illinois Appellate Court Second District. **(A12)**[55]

a. A statement of the facts of 17LA377 was already provided to the Supreme Court in the following 4 ARDC complaints: #2023INO3895-R[56], #2023INO3896-R[57], #2023INO2517[58], #2023INO2518[59] **(A2)**[60]

b. Associate Judge Thomas A. Meyer was assigned to 17LA377 in the Twenty Second Judicial Circuit Court of McHenry County and did not self recuse (even though he was personal friends with the defendants and possibly a witness in the instant case, since he presided over the underlying case 12LA178).

c. Defendant/Appellee moved for Summary Judgment, Judge Meyer set the hearing date and was replaced by Associate Judge Joel D. Berg.

d. Associate Judge Joel D. Berg did not self recuse and is also an admitted close personal friend of Thomas J. Popovich and also has self recused from cases where Thomas J. Popovich is a defendant. This was discovered in documents filed in other

cases but not allowed to be part of the record on appeal.

e. Associate Judge Joel D. Berg entered Judgment in favor of the defendants.

f. Associate Judge Joel D. Berg set the date that Plaintiff/Appellant knew or should have known of the pecuniary injury back to when the Defendant/Appellee committed the wrong doing (before Defendant/Appellee withdrew in March of 2015 even though Dulberg pled the discovery of the pecuniary injury came after the final award was issued against the principles agent on December 12, 2016).

II. WHAT HAPPENED IN THE ILLINOIS APPELLATE COURT SECOND DISTRICT:

1. Appeal 2-23-0072 was filed on March 3, 2023.

A. There were 2 previous extensions of time granted for Motions filed on May 24, 2023 and July 24, 2023 based on:

a. The unexpected death of key witness, lifelong friend and live-in caretaker Michael McArtor;

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

c. Incomplete Appeal Package

B. On October 2, 2023 Dulberg filed a Motion which asked for:

a. Extension of time to file

b. Amend docking statement to include related cases

c. 22nd Judicial Circuit clerk amended record to include missing documents

d. Allow appellant to request record on appeal for related cases

e. Allow appellant to file brief in excess of prescribed page limit

C. All 5 were denied with no explanation, with no judges names on the ORDERs and only the clerk signing the Court Orders (filed motions contained Supreme Court

approved court proposed order forms that must be used by all courts in the state when submitted).

D. On November 3, 2023 Dulberg filed an Emergency Motion which asked (a) to Supplement record on Meyer Recusal ORDERs, (b) for the thumbdrive of Barbara G. Smith and (c) For an audit of the 17LA377 clerks documents, the emergency motion being based on:

- **a.** Newly discovered Associate Judge Thomas A. Meyer recusal issues with Defendant/Appellee.
- **b.** Associate Judge Thomas A. Meyer was the same judge in underlying case 12LA178 in violation of recusal issues with Defendant/Appellee and Associate Judge Thomas A. Meyer would be a potential witness in the current case 17LA377.
- **c.** Meyer refused to enter a subpoenaed thumb drive from Barbara G. Smith into the record that put the entirety of the Mast deposition issues in full context.
- **d.** Discovered missing or materially altered documents and requesting an independent audit of clerks files for the missing documents.

E. All 4 were denied with no explanation, with no judges names on the ORDERs and only the clerk signing the Court Orders (filed motions contained Supreme Court approved court proposed order forms that must be used by all courts in the state when submitted).

F. On November 21, 2023 Dulberg filed a Motion to Reconsider based on:

- **a.** Previous motions for extension of time were based on serious family emergencies
- **b.** Supreme Court Rule 329 gives us the right to supplement or correct the record through the Appellate Court
- **c.** Law never requires doing a useless thing. At this time it was impossible for Dulberg to return to the 22nd Judicial Circuit Court for the request

G. Dulberg's Motion to Reconsider was denied on December 4, 2023 and the case was dismissed.

A SHORT ARGUMENT STATING WHY REVIEW BY THE SUPREME COURT IS WARRANTED AND WHY THE DECISION OF THE APPELLATE COURT SHOULD BE REVERSED OR MODIFIED

Pursuant to Illinois Supreme Court Rule 315(c)(5)

I. The Illinois Supreme Court should review this matter because the trial court summary judgment ruling disregarded the Supreme Court's clear statement in Suburban Real Estate Services, Inc. v. Carlson, 2022 Il 126935, 193 N.E.3d 1187, 456 Ill.Dec.779 (Ill.2022) that in a legal malpractice case the Statute of Limitations does not begin to run until a pecuniary loss is incurred.

1. In this matter the pecuniary loss was first experienced on December 12, 2016. Dulberg filed his Legal Malpractice action on November 28, 2017 within 2 years of the December 12, 2016 date.

2. Furthermore, the Constitution of the State of Illinois, Article VI (The Judiciary) Section 16 states:

SECTION 16. ADMINISTRATION

> General administrative and supervisory authority over all courts is vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules. The Supreme Court shall appoint an administrative director and staff, who shall serve at its pleasure, to assist the Chief Justice in his duties. The Supreme Court may assign a Judge temporarily to any court and an Associate Judge to serve temporarily as an Associate Judge on any Circuit Court. The Supreme Court shall provide by rule for expeditious and

inexpensive appeals.

(Source: Illinois Constitution.)

II. A major issue that was discovered subsequent to the trial court granting summary judgment to the Defendants/Appellees is that one trial court judge was the judge for the underlying case and the current case, a matter of over (10) years, and the second judge who replaced the aforementioned judge for the hearing on Defendants/Appellees Motion for Summary Judgment had, for all times relevant herein each recused themselves for all cases assigned to them other than this case, based upon the fact that they were personal friends of the owner of Defendant/ Appelees law firm.

III. The decision of the Appellate Court should be modified to allow the requested relief of supplementing the Record on Appeal to include the underlying case, the recusals of the two judges who regularly recused themselves as personal friends of the Owner of the Defendant/ Appellee Law firm and the auditing by the suggested (in the motion) Expert attorney who had previously filed an audit report that was not allowed to be used to supplement the Record on Appeal indicated two missing Report of Proceedings.

IV. Due to the nature and severity of the ARDC complaints there is the need for the exercise of the Supreme Court's supervisory authority in this case. **(A2)**[61]

Needs ask for relief from all previous orders denied etc...

CONCLUSION

For the foregoing reasons, Paul R. Dulberg respectfully requests that this Court grant this Petition and reverse the Second District's December 4, 2023 ruling.

Dated: January 8, 2024

Respectfully submitted by:

/s/ Alphonse A Talarico
Attorney for Plaintiff-Appellant
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Needs new copy

CERTIFICATE OF COMPLIANCE

~~I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(c) certificate of compliance, the certificate of service, and the Appendix, is # pages.~~

/s/ Alphonse A. Talarico

VERIFICATION BY CERTIFICATION PURSUANT TO SECTION 1-109

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

keep or delete??

/s/ Paul R. Dulberg

CERTIFICATE OF SERVICE

The undersigned certifies under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, that on January 8, 2024, a copy of the foregoing Paul R. DULBERG's Petition for Leave to Appeal and the attached Paul R. Dulberg's Appendix to Petition for Leave to Appeal were filed and served upon the Clerk of the Illinois Supreme Court via the efileIL system through an approved electronic filing service provider and was served on counsel of record below in the manner indicated:

Via Email and approved efiling system

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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

/s/ Alphonse A. Talarico

Alternatives to (A1-A24) - Copy/Paste links to Online Documents

1 http://www.fraudonthecourt.net/ardc/2023-07-24_ARDC%20Complaint%20Clinton-Williams.pdf
2 http://www.fraudonthecourt.net/ardc/2023-07-24_ARDC%20Complaint%20Clinton-Williams.pdf
3 http://www.fraudonthecourt.net/ardc/2023-08-28_ARDC%20Complaint%20Popovich-Mast.pdf
4 http://www.fraudonthecourt.net/ardc/2023-08-28_ARDC%20Complaint%20Popovich-Mast.pdf
5 http://www.fraudonthecourt.net/ardc/2023-10-31_ARDC%20Complaint_BRAD%20J%20BALKE.pdf
6 http://www.fraudonthecourt.net/ardc/2023-10-31_ARDC%20Complaint_KELLY%20N%20BAUDIN-WILLIAM%20RANDAL%20BAUDIN%20II.pdf
7 http://www.fraudonthecourt.net/ardc/2023-10-31_ARDC%20Complaint_KELLY%20N%20BAUDIN-WILLIAM%20RANDAL%20BAUDIN%20II.pdf
8 http://www.fraudonthecourt.net/ardc/2023-10-31_ARDC%20Complaint_THOMAS%20W%20GOOCH-SABINA%20WALCZYK.pdf
9 http://www.fraudonthecourt.net/ardc/2023-10-31_ARDC%20Complaint_THOMAS%20W%20GOOCH-SABINA%20WALCZYK.pdf
10 http://www.fraudonthecourt.net/ardc/
11 http://www.fraudonthecourt.net/exhibits/Group%20Exhibit%2041_Appeal%20Package%20for%2017LA377/
12 http://www.fraudonthecourt.net/17LA377%20appeal/2023-12-04_Notice%20of%20the%20Order%20-%202nd-1.pdf
13 http://www.fraudonthecourt.net/ardc/
14 http://www.fraudonthecourt.net/exhibits/Group%20Exhibit%2048-Recusals%20and%20related%20cases/2023-12-29_MEYER%20BERG%20RECUSALS%20COMBINED-reassignment%20of%20a%20judge%20outside%20of%20McHenry%20County.pdf
15 http://www.fraudonthecourt.net/exhibits/Key%20Clinton%20Folder%2014-Barbara%20G%20Smith%20Subpoena%20Responsive%20Thumbdrive/
16 http://www.fraudonthecourt.net/ardc/2023-07-24_ARDC%20Complaint%20Clinton-Williams.pdf
17 http://www.fraudonthecourt.net/ardc/2023-07-24_ARDC%20Complaint%20Clinton-Williams.pdf
18 http://www.fraudonthecourt.net/ardc/
19 http://www.fraudonthecourt.net/17LA377%20appeal/2023-10-02_FILED%203RD%20Amended%20Motion%20for%20Extension%20of%20Time%20and%20AMN%203rd%20MOT%20EXT.pdf
20 http://www.fraudonthecourt.net/ardc/2023-08-28_ARDC%20Complaint%20Popovich-Mast.pdf
21 http://www.fraudonthecourt.net/ardc/2023-08-28_ARDC%20Complaint%20Popovich-Mast.pdf
22 http://www.fraudonthecourt.net/ardc/2023-10-31_ARDC%20Complaint_BRAD%20J%20BALKE.pdf
23 http://www.fraudonthecourt.net/ardc/2023-10-31_ARDC%20Complaint_KELLY%20N%20BAUDIN-WILLIAM%20RANDAL%20BAUDIN%20II.pdf
24 http://www.fraudonthecourt.net/ardc/2023-10-31_ARDC%20Complaint_KELLY%20N%20BAUDIN-WILLIAM%20RANDAL%20BAUDIN%20II.pdf
25 http://www.fraudonthecourt.net/ardc/2023-10-31_ARDC%20Complaint_THOMAS%20W%20GOOCH-SABINA%20WALCZYK.pdf
26 http://www.fraudonthecourt.net/ardc/2023-10-31_ARDC%20Complaint_THOMAS%20W%20GOOCH-SABINA%20WALCZYK.pdf
27 http://www.fraudonthecourt.net/ardc/
28 http://www.fraudonthecourt.net/17LA377%20appeal/2023-11-21_Filed%20and%20Accepted%20MOT%20TO%20RECON.pdf
29 http://www.fraudonthecourt.net/17LA377%20appeal/2023-11-03_11032023%20Emergency%20Mot%20Ext.pdf
30 http://www.fraudonthecourt.net/17LA377%20appeal/2023-04-25_CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf
31 http://www.fraudonthecourt.net/17LA377%20appeal/2023-04-25_CLR_Vol_2_of_2_230421_1627_22D90D40.pdf
32 http://www.fraudonthecourt.net/17LA377%20appeal/2023-04-25_ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf
33 http://www.fraudonthecourt.net/17LA377%20appeal/2023-11-03_11032023%20Emergency%20Mot%20Ext.pdf

34 http://www.fraudonthecourt.net/17LA377%20appeal/2023-11-03_11032023%20Emergency%20Mot%20Ext.pdf
35 http://www.fraudonthecourt.net/17LA377%20appeal/2023-05-26_Appellate%20Court%20Order%20May%2026,%202023%20Notice%20of%20the%20Order%20-%202nd%20(3).pdf
36 http://www.fraudonthecourt.net/17LA377%20appeal/2023-07-25_Notice%20of%20the%20Order%20-%202nd.pdf
37 http://www.fraudonthecourt.net/17LA377%20appeal/2023-10-10_Clerks%20statement%20of%20denial%20of%20motion%2010%2010%202023%20GetFileAttachment.pdf
38 http://www.fraudonthecourt.net/17LA377%20appeal/2023-11-09_Notice%20of%20the%20Order%20-%202nd%20-%202023-11-09T130315.722.pdf
39 http://www.fraudonthecourt.net/17LA377%20appeal/2023-05-24_Proposed%20Order%20for%20First%20Motion%20for%20Extension%20of%20Time%20to%20July%2031%202023.pdf
40 http://www.fraudonthecourt.net/17LA377%20appeal/2023-07-24_Illinois%20Statewide%20Forms%20-%20Order%20Appellate%20Motion%20V2D1%20-%20010218.pdf
41 http://www.fraudonthecourt.net/17LA377%20appeal/2023-10-01_Filed%20Draft%20Order%2010012023%20draft%20order%20(1).pdf
42 http://www.fraudonthecourt.net/17LA377%20appeal/2023-11-03_11032023%20proposed%20order.pdf
43 http://www.fraudonthecourt.net/17LA377%20appeal/2023-11-09_Gmail%20-%20Fw%20Appellate%20Court%20-%202nd%20District%20Case%20No.%202-23-0072%20Order%20-%20Responding%20Order.pdf
44 http://www.fraudonthecourt.net/17LA377%20appeal/2023-12-04_Order%20dismissing%20appeal%20for%20failure%20to%20file%20a%20brief.%20GetFileAttachment.pdf
45 http://www.fraudonthecourt.net/17LA377%20appeal/2023-12-09_Gmail%20-%20HUTCHINSON%20ISSUE.pdf
46 http://www.fraudonthecourt.net/17LA377%20appeal/2023-12-03_12032023%20MOT%20for%20Ruling.pdf
47 http://www.fraudonthecourt.net/17LA377%20appeal/2023-12-04_Order%20dismissing%20appeal%20for%20failure%20to%20file%20a%20brief.%20GetFileAttachment.pdf
48 http://www.fraudonthecourt.net/17LA377%20appeal/2023-12-05_Gmail%20-%20Fw%20Filing%20Returned%20for%20Envelope%20Number%2025435393%20in%20Case%202-23-0072,%20Dulberg,%20Paul%20R.,%20v.%20Mast,%20Hans,%20et%20al.%20for%20filing%20Motion%20-%20Miscellaneous.pdf
49 http://www.fraudonthecourt.net/ardc/2023-08-28_ARDC%20Complaint%20Popovich-Mast.pdf
50 http://www.fraudonthecourt.net/ardc/2023-08-28_ARDC%20Complaint%20Popovich-Mast.pdf
51 http://www.fraudonthecourt.net/ardc/2023-10-31_ARDC%20Complaint_BRAD%20J%20BALKE.pdf
52 http://www.fraudonthecourt.net/ardc/2023-10-31_ARDC%20Complaint_KELLY%20N%20BAUDIN-WILLIAM%20RANDAL%20BAUDIN%20II.pdf
53 http://www.fraudonthecourt.net/ardc/2023-10-31_ARDC%20Complaint_KELLY%20N%20BAUDIN-WILLIAM%20RANDAL%20BAUDIN%20II.pdf
54 http://www.fraudonthecourt.net/ardc/
55 http://www.fraudonthecourt.net/17LA377%20appeal/2023-05-26_Appellate%20Court%20Order%20May%2026,%202023%20Notice%20of%20the%20Order%20-%202nd%20(3).pdf
56 http://www.fraudonthecourt.net/ardc/2023-10-31_ARDC%20Complaint_THOMAS%20W%20GOOCH-SABINA%20WALCZYK.pdf
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61 http://www.fraudonthecourt.net/ardc/