


From: Paul Dulberg pdulberg@icloud.com 
Subject: Re: Notice of Appeal
Date: March 2, 2023 at 12:54 PM
To: Law Office Of Alphonse Talarico contact@lawofficeofalphonsetalarico.com
Bcc: Paul Dulberg pdulberg@icloud.com, Tom Kost tkost999@gmail.com

PD

Inappropriate use of Clerks email for proposed orders:

On 4-5-2022 Lines 20-23

"... I will await your courtesy copies. I guess you can file them at the proposed orders email address and then get to me. You don't need to physically file them. So that would be helpful. ..."

This is in stark contrast to Dulberg being required to deliver Gooch communications to the Judges chambers. (Need more time to find the date of this)

On Mar 2, 2023, at 12:22 PM, Paul Dulberg <pdulberg@icloud.com> wrote:

Dear Mr Talarico,

It would take me a week to go through everything with a fine tooth comb to make sure it is all there.

Below is a partial of my immediate thoughts on this:

1. The defense used hearsay as evidence in the summary judgement that should be stricken. Mast testifying about what Mast heard the defendants in the underlying case testify to without providing a certified copy of the depositions from the underlying case is hearsay.

2. Mr Flynn states that the statute of limitations began the day the McGuires were released from the case and that Dulberg had a duty to investigate. (Misquoted due to time constraints)
Ignored by the court in determining the summary judgement is that the defendants in the underlying case were vicariously linked when it comes to liability.
Dulberg could not prove negligence against the Employer (McGuires) separately without proving negligence of the agent (Gagnon).

3. Under the Illinois Code of Judicial Conduct, a judge must recuse himself or herself from a case in which the judge's impartiality might reasonably be questioned, including cases in which the judge has a personal or social relationship with a party or a lawyer involved in the case.

Rule 63(C)(1) of the Illinois Code of Judicial Conduct provides that a judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including instances where the judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.

In the situation of the underlying case 12LA178, where the judge is personal friends with one of the parties' counsel, it is possible that the judge's impartiality might reasonably be questioned. Therefore, the judge should consider recusing himself or herself from the case. Ultimately, the decision of whether or not to recuse is up to the judge's discretion, but the judge should carefully consider the potential appearance of impropriety and the need for public confidence in the impartiality of the judiciary.

Seeing as how Judge Meyer did not feel the need to recuse himself in 17LA377 when he recused himself in 12LA326 with the same party involved, any reasoning Judge Meyer's gives on whether or not he should have recused in 12LA178 is suspect and there should be no deference afforded Judge Meyer.

I will call after I send this.

Paul

On Mar 2, 2023, at 11:29 AM, Alphonse Talarico <contact@lawofficeofalphonsetalarico.com> wrote:

Please see the attached.

<Notice of Appeal form NoA-AC Notice.docx>

