



T Kost &lt;tkost999@gmail.com&gt;

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**Kost vs. Mt. Prospect et. al.**

4 messages

**Alphonse Talarico** <contact@lawofficeofalphonsetalarico.com>

Thu, Jun 29, 2023 at 9:11 AM

To: Paul Dulberg &lt;Paul\_Dulberg@comcast.net&gt;, Paul Dulberg &lt;pdulberg@icloud.com&gt;, T Kost &lt;tkost999@gmail.com&gt;

Gentlemen,

please see the two motions set for Yuly 20, 2023 attached.

Thank you,

Alphonse Talarico Esq.

3126081410

3128081410

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**2 attachments****S. B. Friedman Motion to Dismiss ONLY.pdf**

198K

**Village of Mt Prospect Motion to dismiss ONLY.pdf**

197K

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**T Kost** <tkost999@gmail.com>

Sat, Jul 1, 2023 at 8:43 AM

To: Alphonse Talarico &lt;contact@lawofficeofalphonsetalarico.com&gt;

Cc: Paul Dulberg &lt;Paul\_Dulberg@comcast.net&gt;, Paul Dulberg &lt;pdulberg@icloud.com&gt;

In the attached I seem to have gotten 2 identical S.B. Friedman documents. I seem to be missing the one from the Village of Mount Prospect.

[Quoted text hidden]

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**Alphonse Talarico** <contact@lawofficeofalphonsetalarico.com>

Sat, Jul 1, 2023 at 10:10 AM

To: T Kost &lt;tkost999@gmail.com&gt;, Paul Dulberg &lt;Paul\_Dulberg@comcast.net&gt;, Paul Dulberg &lt;pdulberg@icloud.com&gt;

Please see the attached.

Thank you,

Alphonse A. Talarico

3128081410

3126081410

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**From:** T Kost <tkost999@gmail.com>**Sent:** Saturday, July 1, 2023 8:43 AM

**To:** Alphonse Talarico <[contact@lawofficeofalphonsetalarico.com](mailto:contact@lawofficeofalphonsetalarico.com)>  
**Cc:** Paul Dulberg <[Paul\\_Dulberg@comcast.net](mailto:Paul_Dulberg@comcast.net)>; Paul Dulberg <[pdulberg@icloud.com](mailto:pdulberg@icloud.com)>  
**Subject:** Re: Kost vs. Mt. Prospect et. al.

[Quoted text hidden]

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**2 attachments**

 **Village of Mt Prospect Motion ONLY to Dismiss.pdf**  
405K

 **S. B. Friedman Motion to Dismiss ONLY.pdf**  
198K

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**T Kost** <[tkost999@gmail.com](mailto:tkost999@gmail.com)>  
To: Alphonse Talarico <[contact@lawofficeofalphonsetalarico.com](mailto:contact@lawofficeofalphonsetalarico.com)>

Wed, Jul 5, 2023 at 11:34 AM

I've read through the mtd arguments. I prepared an answer but it is not ready to show you. I have a few questions first.

An interesting and important article:  
<https://www.lib.niu.edu/1992/im920113.html>

I do not have access to lexisnexis to look at current case law. Is the Wheeling case still considered the standard? (note the author of the article is the attorney that argued the cases in court)

If so, the question seems to be around the fact that the Village TIF ordinance is cited by the Village to establish a '*prima facie*' case. Once the Village establishes a '*prima facie*' case, it would be easier to condemn the property later.

I believe that we are trying to stop the Village of Mount Prospect from later claiming the South Mount Prospect TIF Ordinance can be used to establish a '*prima facie*' case for any future move to condemn the property. Is this how you see our fundamental goal?

If we allow the Ordinance to go unchallenged at this point, then the Village of Mount Prospect can use it as evidence that any future move to condemn the property must overcome their '*prima facie*' case for condemnation.

Is this how you see our situation? Why or why not?

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