

Date : 7/7/2023 10:31:07 AM

From : "Paul Dulberg"

To : "Alphonse Talarico"

Cc : "Tom Kost"

BCc : "Paul Dulberg"

Subject : 17LA377 Clerks file sent to Appellate Court

Attachment : 2021-09-07_R 197-R 210_ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf;

ER 9-7-21 Dulberg 17 LA 377.pdf;

Dear Mr Talarico,

I found yet another issue with the Reports of Proceedings (ROP) turned over by the 22nd Judicial Circuit Clerk to the Appellate court.

I have attached both the Circuits Clerks copy of the ROP and the original ROP I received directly from the court reporter.

The Circuit Clerks copy is searchable but not for anything actually in the ROP, The original ROP I received directly from the court reporter is searchable.

Here is an example of just 1 page (page 11) of the Clerks copy and what the body of that page shows in the searchable text:

7(2857 R KDYH OHDYH WR GHSRVH 0U)HUULV ,P RW VUH R HHG 0U
'OEHUJ V GHSRVLWLR ,P ZLOOLJ WR OLVWH EHFD VH R U GHSRVLWLR RI
0U 'OEHUJ ZR OG PHUHO UHV OW L KLP UHSHDWLJ
05)11 5DLVLJ WKH VDPH GH LDO VR
7(2857 , PHD KH V R WKH UHFRUG GH LHG D UHFROOHFWLR 6R , GR W
WKL N R HHG WKH GHSRVLWLR WR JHW KLP WR VD WKDW L WKH WUD VFULSW
EHFD VH R YH JRW LW L WKH UHT HVW WR DGPLW G , OO KROG KLP WR WKDW
OHVV WKHUH V VRPHWKLJ HOVH R WKL N R HHG IURP WKH GHSRVLWLR
05)11 1R -GJH , DV R VDLG , WKL N KH V JRLJ WR PDNH WKH VDPH
GH LDOV D G L P RSL LR SOD WKH VDPH JDPHV KH V EHH SOD LJ 6R , OO
WDNH 0U)HUULV V GHSRVLWLR , OO VHN ,P UHT HVWLJ IHV D G FRVWV L
FR HFWLR ZLWK WKH GHSRVLWLR EHFD VH LW VKR OG W EH HFHVVDU
7(2857 :HOO , WKL N D G OHVV WKHUH V D GLIHUH W LVV H ZLWK
UHVSHFW WR WKH FRVW DVVRFLDWHG ZLWK WKDW GHSRVLWLR , WKL N WKDW V D
LVV H WKDW , ZR OG KDYH WR DGGUHV DIWHU WULDO EHFD VH P UHIHUH FH WR
F LV ZKH R KDYH WR H SH G PR H WR SURYH S D IDFW WKDW WKH
GH WKH R DUH H WLWOHG WR WKRVH IHV E W VR , FR OG W

Here is an example of just 1 page (page 11) of the original I received directly from the Court Reporter and what the body of that page shows in the searchable text:

THE COURT: You have leave to depose Mr. Ferris. I'm not sure you need Mr. Dulberg's deposition -- I'm willing to listen -- because your deposition of Mr. Dulberg would merely result in him repeating --

MR. FLYNN: Raising the same denial, so --

THE COURT: I mean, he's on the record denied any recollection. So I don't think you need the deposition to get him to say that in the transcript because you've got it in the request to admit. And I'll hold him to that unless there's something else you think you need from the deposition.

MR. FLYNN: No, Judge. I -- as you said, I think he's going to make the same denials and in my opinion play the same games he's been playing. So I'll take Mr. Ferris's deposition. I'll seek -- I'm requesting fees and costs in connection with the deposition because it shouldn't be necessary.

THE COURT: Well, I think -- and unless there's a different issue with respect to the cost associated with that deposition, I think that's an issue that I would have to address after trial because my reference to 219(c) is when you have to expend money to prove-up a fact that they deny, then you are entitled to those fees, but -- so I couldn't

Since I received the ROP directly from the Court Reporter first and later the Clerks copy of the ROP gets stamped, it is highly suggestive that someone altered the copy of the Clerk stamped ROP making any copy and paste or search function absolutely useless.

Essentially someone turned a usable ROP into nothing more than a picture of the ROP that no Justice sitting in the appellate court can use for anything without the undo burden of having to manually read the whole ROP every time the need to find anything specific.

Bottom line is someone did something that replaced the usable text within the ROP to gibberish and I cannot believe this gibberish is what the 2nd district appellate court prefers.

Something needs to be done about this.

Do I need to personally go to the circuit clerk and the court reporters with the issues directly?

Paul