Date : 9/5/2023 10:30:17 AM
From : "Alphonse Talarico"
To : "Paul Dulberg"
Subject : Re: Citations

We did not finish our discussion on a retainer for a new case but that would be appreciated. The 15,000.00 monthly would be for all previous and my divesting all current except the Kost case and not taking any new cases

Sent from my iPhone

On Sep 5, 2023, at 10:01 AM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

I hope you find our thoughts and notes below helpful as well:
I will compile the key rules that I believe we must understand in detail.
Rule 60. Relief from a Judgment or Order
https://www.law.cornell.edu/rules/frcp/rule_60
Especially frcp Rule 60 section d, part 3.
In the case of 17LA377 what this means is that the Illinois Court of Appeals is not the only way we can overturn the work of the Judge Meyer court.
We also can use this pathway by presenting evidence of Fraud on the Meyer Court and have the federal court overturn all of the orders of the Meyer court.
This is a big problem for us because we seem to believe that you reverse the 17LA377 decision through appealing in Illinois court. This is not true. There is a second way (and maybe a better way) to overturn all the work of the Meyer court.
If what I say is true, we are currently making a mistake if we believe the correct way to overturn the summary judgment is through the Illinois Court of Appeals.
There are actually 2 pathways for us and we are completely ignoring the second pathway while pursuing an appeal in Illinois court only. This is a mistake in strategy that we need to fix.
I now realize that we have been working with incorrect legal theory since about February, 2022.
It began when we thought that the correct accusations against Popovich and Mast were for "settlement fraud" and "discovery abuse". This is actually an incorrect theory. So, for about 18 months we have imagined that our chief complaints against Popovich and Mast were for "discovery abuse" and "settlement fraud".
In reality from the time we discovered Fraud on the Court all that theory changed.
I believe the correct legal theory is that our 'gravatas' against Popovich and Mast is Extrinsic Fraud and Fraud on the Court. Our secondary cause of action is "discovery abuse" and "settlement fraud".
We have been making the same mistake for about 18 months. We did not recognize that the 'gravatas' against Popovich and Mast CHANGED. We are still working with the old 'gravatas'.
According to what I am saying, we have been working with the wrong legal theory against Popovich and Mast since we first discovered Fraud on the Court in case 12LA178. If I am right WE MUST FIX OUR MISTAKE IMMEDIATELY.

Also, we have mistakenly not realized that we had other choices to appealing the summary judgment in Illinois court. In reality we could have taken case 17LA377 to Federal Court and had 17LA377 overturned through FRCP Rule 60.
I wish to avoid being critical of anyone, but in reality our knowledge of the existence of 'Fraud on the Court' should have changed our legal strategy.
We need to shift gears and pursue the Extrinsic Fraud and Fraud on the Court as our primary cause of action.
Otherwise we were wasting our time pursuing the secondary causes of action while leaving Fraud on the Court until "later".
I think the fraud we are looking at is bigger than settlement fraud. I think this is collusion on the level of Fraud on the Court. Since we found Fraud on the Court then our strategy changes dramatically. With evidence of Fraud on the Court we then move for a change of venue based on civil rights violations. Once in Federal Court we move for Rule 60 (d) 3 reversal of all orders and judgments tainted with fraud.
As we are currently discovering it is the same with Olsen. Perhaps the following quote gives the best approach to Olsen:
"A motion under Rule 60(d)(3) to vacate a judgment may also be filed in United States Bankruptcy Court."
If this is true then an appeal of Olsen's summary judgement in Illinois court is only one of 2 pathways we can take. Perhaps we can also take both pathways at the same time.
Otto could be right about our ability to reopen the bankruptcy case and deal with Olsen there.
If this is true, we could file a motion under Rule 60(d)(3) to vacate a judgment in United States Bankruptcy Court as early as next week. Why not? Right now it seems like as good a strategy as appealing the Olsen dismissal in Illinois Court. I currently believe that the correct strategy is to pursue both aggressively ASAP.
Another important rule we must know: Rule 57. Declaratory Judgment
https://www.law.cornell.edu/rules/frcp/rule_57
These rules govern the procedure for obtaining a declaratory judgment under 28 U.S.C. §2201.
We want to use this: "Declaratory Judgment Without Monetary Relief as to the Controversy – Federal Rules of Civil Procedure Section 57"
This seems to be the pathway people can take to admit evidence and facts that those committing Extrinsic Fraud are trying to hide.
I believe this is also the pathway we can take to get courts to admit the information in the Clinton-Williams and Gooch ARDC Complaints as evidence that we can then use in court.
So how are these tools used? Read the following carefully. Quote:
"Until the Extrinsic Evidence is admitted as a Fact in Evidence, your case lacks the Statutory Requirements by law to Establish your Cause of Action. By raising a Cause of Action for Extrinsic Fraud, you are telling the court that the Underlying Cause of Action is tabled and that you wish to progress on the basis of Extrinsic Fraud to Establish the Underlying Causes of Action. What you are telling the court in an Amended Complaint is that you first need this as a Fact in Evidence to

proceed forward. Without it, the case would not have standing and would be subject to a Demurrer on the front end or a Motion for Summary Judgement on the back end after a Discovery Demand."
In this quote "Extrinsic Evidence" is our evidence of Fraud on the Court in ARDC Complaints against Clinton-Williams, Gooch, Popovich and Mast.
When we raise a Cause of Action for Extrinsic Fraud (Fraud on the Court), we are telling the Judge that the Underlying Cause of Action has to wait until we deal with the Fraud on the Court. We inform the Court that we need the evidence of Fraud on the Court as a Fact of Evidence to proceed forward.
We tell the judge that if we don't do this the case will not have standing and would be subject to a Demurrer on the front and or a Motion for Summary Judgment on the back end after a Discovery Demand.
The logic is so simple. We tell the Judge if we don't deal with the Fraud on the Court evidence the case won't have standing anyway.
Then it becomes obvious that Declaratory Judgment – FRCP Section 57 is the proper means of resolving the most critical part of our case. The Extrinsic Review isolates the Extrinsic Evidence from the Cloud of Litigation and tests the theory using Occam's Razor. Occam's Razor simplifies the matters to just the Extrinsic Evidence as it relates to the Cloud of Litigation.
This is how you isolate the issue of Fraud on the Court. You use Declaratory Judgements to place on the record the information that the fraudsters were trying to keep off the record. This is how we get our evidence for Extrinsic Fraud on the record.
Once the Fact in Evidence is admitted, then you have standing to file a new petition related to the Underlying Causes on the basis of Extrinsic Fraud and Fraud Upon the Court. Having set aside the Underlying Causes you are able to succeed on Extrinsic Fraud and therefore the Statute of Frauds (i.e. Statute of Limitations, Collateral Estoppel, Res Judicata) is satisfied and you now have standing.
Declaratory Judgment is in essence a Discovery Motion in the reverse of Propounding Discovery. If you cannot pull in the fact via Discovery then it is best to push the Fact in Evidence via Declaratory Judgment. In essence, Extrinsic Fraud is the Omission and Declaratory Judgement pushes the Fact in Evidence.
That is the reason why Declaratory Judgment is proper when addressing Extrinsic Fraud."
important quote:
If we are successful in admitting the Extrinsic Evidence as a Fact in Evidence, then we have a renewed case to bring the once dormant Underlying Matter in a new Petition based on the Statute of Frauds. Other than the Cloud of Litigation, our case is simple. So simple that it is most likely that we cannot see the forest through the trees.
The theory is that you can define your case as being a direct result of Extrinsic Fraud. One issue! Not two!"
On what to inform a court in which Extrinsic Fraud took place:
Tell the Friendly Justice Court how we intend to move the case to the Federal District Court on a Civil Rights Violation – Rule 1983 in a Removal Jurisdiction – Rule 1443.

My current understanding is these are the most important statutes that are intended to protect our civil rights in a case like ours:
42 U.S. Code § 1983 - Civil action for deprivation of rights
https://www.law.cornell.edu/uscode/text/42/1983
18 U.S. Code § 242 - Deprivation of rights under color of law
https://www.law.cornell.edu/uscode/text/18/242
28 U.S. Code § 1443 - Civil rights cases
https://www.law.cornell.edu/uscode/text/28/1443
18 U.S. Code § 241 - Conspiracy against rights
https://www.law.cornell.edu/uscode/text/18/241
Supremacy Clause is also important to understand:
https://en.wikipedia.org/wiki/Supremacy_Clause
This is our mistake: We started to go in the wrong direction as soon as we produced clear and convincing evidence of Fraud on the Court in 17LA377 (around March, 2023).
When we showed clear and convincing evidence of Fraud on the Court in 17LA377 our legal strategy should have radically changed (but it didn't). The mistake was that we continued to treat 17LA377 as if we did not have clear and convincing evidence of Fraud on the Court.
Once we have clear and convincing evidence of Fraud on the Court it is our duty to notify any Judge making decisions in 17LA377 that we have clear and convincing evidence of Fraud on the Court in 17LA377 and we intend to have 17LA377 moved to Federal Court because of civil rights violations in U.S Code 48 Rule 1983 and the transfer is based on U.S. Code 28 Rule 1443.
The Judge will probably ask to see the clear and convincing evidence and we will give them the Clinton and Williams Complaint with the word "ARDC" completely removed. We can call the document "CLEAR AND CONVINCING EVIDENCE THAT FRAUD ON THE COURT TOOK PLACE IN 17LA377".
This is what we should have done since around April, 2023 but we did not even think of doing it.
In the Otto court we shoujd have told Otto the same thing. We should have told Judge Otto that we have clear and convincing evidence that Fraud on the Court took place in 17LA377 & 12LA178 and the Fraud on the court in 17LA377 involved both of our previous attorneys in 17LA377, opposing counsel and the presiding judge.
We should tell Judge Otto that the Fraud on the Court in 17LA377 strongly affects the current case. We should tell Judge Otto it is our intention to move the case to Federal court along with 17LA377 because the Fraud on the Court must be dealt with before we can receive a fair trial in the current case.
When Judge Otto asks to see the clear and convincing evidence for Fraud on the Court in 17LA377, we provide him with our document called "CLEAR AND CONVINCING EVIDENCE THAT FRAUD ON THE COURT TOOK PLACE IN 17LA377 and 12LA178.
This is what I believe we should be doing. We should be openly claiming we have clear and convincing evidence that Fraud on the Court took place in in The Bk case, 17LA377 and 12LA178. The Fraud on the Court strongly affects decisions being made by Judge Otto. Therefore we ask Judge Otto to recognize that we cannot

proceed fairly in his court until the Fraud on the Court in The Bk case, 17LA377 and 12LA178 is resolved.
It is not difficult for us to argue in the Otto court that everything that is happening is tainted by Fraud in the current case because of the severity of the Fraud on the Court that is taking place in 17LA377. For this reason issues of Fraud on the Court in 17LA377 must be resolved before proceeding in Otto's court. We tell Judge Otto that if we don't do this the case will not have standing and would be subject to a Demurrer on the front and or a Motion for Summary Judgment on the back end after a Discovery Demand.
For this reason the issue of Fraud on the Court in in The Bk case, 17LA377 and 12LA178 must be decided first or everything we are currently doing risks being reversed or voided.
We need to file with or appear before the court of appeals in 17LA377 and inform the Judges we have clear and convincing evidence that Fraud on the Court took place in 17LA377. The same goes with the Olsen appeal court.
I have already given the reasons why we should tell any Judge associated with 12LA178, 17LA377 and the Bk case that we have clear and convincing evidence of Fraud on the Court and Extrinsic Fraud in 17LA377.
But we have more powerful tools than this that we are not using.
We can also tell Judge Otto that we have evidence of Fraud on the Court in BK case 14-83578 and we are in the process of filing a motion in the Federal BK Court under Rule 60(d)(3) to vacate the final judgment and reopen the case.
We can also tell Judge Otto that there is also evidence of Fraud on the Court in 12LA178. The Baudins and Allstate were involved in 12LA178 and Fraud on the Court took place during 12LA178 also.
These are powerful arguments because we are telling Judge Otto we are in possession of evidence that:
Fraud on the Court took place in 17LA377
Fraud on the Court took place in BK 14-83578
Fraud on the Court took place in 12LA178
We can inform Judge Otto that we intend to bring civil rights charges IN ALL THREE CASES.
The ability in the Paul Dulberg case to tell Judges that we have clear and convincing evidence of Fraud on the Court in 17LA377, BK 14-83578, and 12LA178 gives us incredibly powerful arguments we could be using in court that neither Otto or the Appeal Court Judges can deny.
Maybe the single best real-life example of 17LA377 is a high stakes poker game in a western movie. If somebody is caught cheating during a high stakes poker game, the other players deal with the fraud immediately (and probably violently. The players don't continue to play poker as if the fraud did not happen until the game is finished, and then address the fraud afterward.
As soon as the cheating in a high stakes poker game becomes apparent, the cheating becomes THE SINGLE MOST IMPORTANT ISSUE. This happens immediately as soon as the cheating is discovered.
In our case, we have clear and convincing evidence that Fraud on the Court took place on a massive scale in 12LA178, 17LA377, BK 14-83578 and by extension the

Otto court. For some reason we believe we should continue litigation in 17LA377 until the end, and then maybe address the fraud later.
Just like the high stakes poker game, it is easy to understand that when Fraud on the Court was discovered with clear and convincing evidence, the discovered cheating IMMEDIATELY BECOMES THE MOST IMPORTANT ISSUE.
For this reason I believe that our current strategy of not addressing the clear and convincing evidence of Fraud on the Court in 17LA377 FIRST AND FOREMOST is weak. For us to remain quiet about cheating that we know is still going on is to commit legal suicide.
In the poker game, everyone knows the game stops immediately and the cheaters are dealt with. Only when the cheating is taken care of will players continue the game.
In our case, If we don't file the civil rights action we look as if we are concealing the cheaters actions believing that we will take care of it "later".

> On Sep 5, 2023, at 9:31 AM, Alphonse Talarico <contact@lawofficeofalphonsetalarico.com> wrote:
>
> Very helpful. Thank you!
>
> **From:** Paul Dulberg <Paul_Dulberg@comcast.net>
> **Sent:** Tuesday, September 5, 2023 8:41 AM
> **To:** Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>
> **Subject:** Citations
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> My current understanding is these are the most important statutes that are intended to protect our civil rights in a case like ours:
> 42 U.S. Code § 1983 - Civil action for deprivation of rights
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> https://www.law.cornell.edu/uscode/text/42/1983
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> https://www.law.cornell.edu/uscode/text/18/242
>
> 28 U.S. Code § 1443 - Civil rights cases
>
> https://www.law.cornell.edu/uscode/text/28/1443
>
> 18 U.S. Code § 241 - Conspiracy against rights
>
> https://www.law.cornell.edu/uscode/text/18/241
>
> Supremacy Clause is also important to understand:
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> https://en.wikipedia.org/wiki/Supremacy_Clause