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Counsel for Defendants-Appellees

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, #2023INO2518, #2023INO3135, #2023INO3136, #2023INO3894-R, 2023INO3898-R, #2023INO3897-R, 2023INO3895-R, #2023INO3896-R), two (2) submitted Judicial Inquiry Board “Complaints against a Judge,” and one (1) Judiciary Inquiry Board “Complaint against a Judge” that was unable to be processed because the individual named 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, with at least two known dates 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 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. (A)

The history of this matter are as follows:

Outline:

2023-10-02: Motion asks for 5 things:

- 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

All 5 were denied with no explanation with no judge names and only clerk signing court orders that were not submitted by the movant with the motions (filed motions contained Supreme Court approved court order forms that must be used by all courts in the state when submitted).

2023-11-03: Emergency Motion asks for 4 things: Supplement record on Meyer, thumbdrive and 17LA377 clerks documents and audit process,

- a.** Newly discovered Meyer recusal issues with defendant Popovich
- b.** Meyer was the same judge in underlying case 12LA178 in violation of recusal issues with Popovich and Meyer would be a potential witness in the current case 17LA377.
- c.** Meyer refused to enter subpoenaed thumb drive into record that puts 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.

All 4 were denied with no explanation with no judge names and only clerk signing court orders that were not submitted by the movant with the motions (filed motions contained Supreme Court approved court order forms that must be used by all courts in the state when submitted).

2023-11-21: Motion to Reconsider points out 3 mistakes:

- 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. It was impossible for us to return to the 22nd Judicial Circuit Court for the request

All were denied, case dismissed with Judges names appearing for first time.

2023-12-03: Motion for Ruling on 2023-11-21 Motion to Reconsider - We needed an answer to know what we could include in our brief

2023-12-04: Order, case dismissed for not filing brief signed by clerk

2023-12-05: Motion for Ruling sent back because case was dismissed after the timely filing of the motion. This appears to put the cart before the horse, as if the later dismissal of the case can be applied retroactively to motions timely and properly filed before the case was actually dismissed.

KEY VECTORS:

1. 9 ARDC COMPLAINTS and Judicial complaints: Collaboration between opposing counsel to sabotage plaintiff's case. Fraud on the mechanism of the court to be an impartial finder of facts.
2. ORDER DENIED TO SUPPLEMENT RECORD WITH RELATED CASES.
 - a. of Meyer recusal
 - b. Berg recusal? Didn't we have one recusal prior to the dismissal?
 - c. to fix 17LA377 clerks file (problems described in next section)
 - d. to add Barbara G. Smith thumbdrive. Also described in Clinton-Williams ARDC Setion 2K and section 2C
 - e. to add related cases listed in 2023-10-02 filing page 7. Significance of cases also described in ARDC complaint Popovich-Mast, Balke, Baudins, Gooch-Walczyk

- f.** Supreme court rule 329 gives us the right to supplement or correct the record through the appellate court
- g.** Law never requires doing a useless thing. It was impossible for us to return to the 22nd Judicial Circuit Court for the request
- h.**

3. ORDER DENIED FOR AUDIT (missing 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. (Please see Appellant Exhibit H attached) (Please see Appellant Exhibit F attached)
- c.** The Record on Appeal was made available for download on April 25, 2023 at 8:48 AM.
- 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 806 AM. (and is missing ROPs) (Note creation date is AFTER submission date) (Please see Exhibit G attached)
- e.** missing ROP, mismatched sections, broken hyperlinks. Hyperlinks are broken in a way that only defendants MTD motion and after are working.
- f.** Affidavit of Saira Pasha 2023-11-21 document page 3

4. ORDERS WITHOUT JUDGES NAMES

- a.** List of orders issued:

5-26-2023

7-25-2023

10-10-2023

11-09-2023

- b.** All motions had standard order forms submitted with them that were not used
- c.** Dulberg contacted appellate court clerk to ask for the actual order signed by a judge and not just the clerk's notice. He was told by the Clerk that the clerk signed document was the courts ORDER.
- d.** Only order with Judges names disclosed to appellant is final order: 12-04-2023
- e.** This is when Dulberg first saw Huchinson's name. Dulberg lost statutory request for recusal by right or cause
- f.** Appellant's Obvious request for judge Hutchinson to be replaced over Hutchinson's involvement in 1990 criminal case bringing knowledge into this case that would not be allowed and no impartial judge would have.

5. ORDER DENIED OVER EXTENSION OF TIME TO FILE

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

6. MOTION TO RULE WAS ACCEPTED DECEMBER 3, IGNORED BEFORE FINAL RULING ON DEC 4, AND SENT BACK ON DEC 5 (retroactive use of dismissal on motions timely and properly filed)

PRAYER FOR LEAVE TO APPEAL

Pursuant to Illinois Supreme Court Rule 315(c) (1), Paul R. Dulberg (“DUL”) respectfully petitions for leave to appeal the judgement 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 (??).¹

Pursuant to Illinois Supreme Court Rule 315(c) (2), “Date of Judgment” The date judgment was entered is December 4, 2023. There was no petition for rehearing filed. (A)

¹ The record on appeal contains 2 common law volums cited as “C__.” and one volume of transcripts cited as “__ROP.__.” Citations to this Petition’s appendix are cited as “A__.”

JUDGEMENT BELOW

(A1) The Date the Judgment was entered is December 4, 2023 Supreme Court Rule 315(c)(2)

POINTS RELIED UPON IN SEEKING REVIEW

COMPELLING REASONS FOR GRANTING REVIEW

DATES RELEVANT TO THE TIMELINESS OF THIS PETITION

STATEMENT OF THE POINTS RELIED UPON FOR REVERSAL

JURISDICTION

STATEMENT REGARDING JUDGMENT AND REHEARING

Starts here

STATEMENT OF FACTS

Starts here

ARGUMENT

- I.** This Court Should Accept Review and Reverse the Appellate Court's Erroneous Decision that

APPENDIX

(A1) Illinois Supreme Court Rule 315(c)(2). Judgment was entered, December 4, 2023

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/ Paul R. Dulberg
Plaintiff-Petitioner

/s/ Alphonse A Talarico
Attorney for Plaintiff-Petitioner

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

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 # words.

/s/ Alphonse A. Talarico

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 **MONTH DAY**, 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 efilng system

GEORGE K. FLYNN (ARDC # 6239349)
MICHELLE M. BLUM (ARDC # Not Available)
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 Defendant-Appellees

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

