

**IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS**

PAUL R. DULBERG, INDIVIDUALLY)
AND THE PAUL R. DULBERG)
REVOCABLE TRUST)
Plaintiffs,)
vs.)
THOMAS W. GOOCH, SABINA SERSHON,)
EDWARD X. CLINTON, JULIA WILLIAMS,) **CASE NO. 25LA360**
ALPHONSE TALARICO, GEORGE FLYNN,)
THOMAS J. POPOVICH, HANS MAST, THE)
GOOCH FIRM, CLINTON LAW FIRM,)
LLC., LAW OFFICE OF ALPHONSE A.)
TALARICO)
Defendants,)

**PLAINTIFF’S MOTION FOR REASONABLE ACCOMMODATION UNDER
TITLE II OF THE AMERICANS WITH DISABILITIES ACT AND THE
ILLINOIS HUMAN RIGHTS ACT**

A. INTRODUCTION

1. Plaintiff Paul R. Dulberg (“Plaintiff”), appearing pro se, respectfully moves this Court for a reasonable accommodation under Title II of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12132, its implementing regulations, 28 C.F.R. § 35.160, and the Illinois Human Rights Act (“IHRA”), 775 ILCS 5/1-101 et seq.
2. Plaintiff does not seek representation, legal advocacy, or substitution of counsel. Plaintiff seeks a court-approved auxiliary aid permitting a non-lawyer, Thomas Kost, to serve solely as an oral conduit for Plaintiff’s spoken words during in-court proceedings, under Plaintiff’s immediate supervision, presence, and control, due to a disability that substantially limits Plaintiff’s ability to speak at length without severe physical distress.
3. Absent this accommodation, Plaintiff is denied meaningful access to the Court.

B. STATEMENT OF FACTS

4. Plaintiff is a qualified individual with a disability within the meaning of the ADA and IHRA.
5. Plaintiff suffers from a physical impairment that materially and substantially limits the major life activity of speaking, particularly sustained oral presentation in court, which causes severe coughing

and physical distress.

6. The Circuit Court of McHenry County is a public entity subject to Title II of the ADA and the IHRA.
7. Plaintiff appears pro se and retains full control, authority, and decision-making responsibility over this litigation.
8. Plaintiff requests a narrowly tailored accommodation allowing Thomas Kost, a non-lawyer, to orally relay Plaintiff's words to the Court when Plaintiff is present and directing the communication.
9. Plaintiff expressly disclaims and does not seek:
 - a. Legal representation
 - b. Legal advocacy
 - c. Independent argument or procedural statements
 - d. Any authority for Mr. Kost to act as counsel
10. Plaintiff remains the litigant, the decision-maker, and the speaker for all purposes.

C. LEGAL STANDARD

11. Title II of the ADA

- a. Title II provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity." 42 U.S.C. § 12132.
- b. Public entities must furnish auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate. 28 C.F.R. § 35.160(a) and (b).
- c. Courts are expressly subject to Title II. *Tennessee v. Lane*, 541 U.S. 509, 523–29 (2004).

12. Illinois Human Rights Act

- a. The IHRA independently prohibits discrimination by public entities on the basis of disability and is interpreted consistently with the ADA. 775 ILCS 5/1-102; 5/5-102.

13. Courtroom Access and Speaking Aids

- a. Courts routinely authorize interpreters, readers, and other speaking aids to ensure meaningful participation without altering substantive rights. See *People v. Williams*, 331 Ill. App. 3d 662, 672 (1st Dist. 2002) (recognizing court's obligation to ensure meaningful participation where communication is impaired).

- b. An accommodation that preserves the litigant's control and authority does not constitute representation and does not fundamentally alter proceedings.

D. ARGUMENT

14. Plaintiff Is Entitled to a Reasonable Accommodation

Plaintiff has demonstrated:

- a. A qualifying disability
- b. A substantial limitation on speaking
- c. A direct nexus between the disability and courtroom participation
- d. Without accommodation, Plaintiff's access to the Court is effectively impaired.

15. The Requested Accommodation Is Reasonable and Narrowly Tailored

The accommodation:

- a. Involves no independent judgment by Mr. Kost
- b. Preserves Plaintiff's pro se status
- c. Is limited to oral presentation only
- d. Imposes no undue burden on the Court
- e. It is less intrusive than accommodations routinely granted (e.g., interpreters or CART services).

16. The Accommodation Does Not Constitute Representation or Unauthorized Practice

Because Plaintiff:

- a. Is present
- b. Directs all speech
- c. Retains authority to correct or supplement
- d. Mr. Kost functions solely as an auxiliary aid, not an advocate or substitute litigant.

17. Denial Would Constitute an ADA and IHRA Violation

A denial without a finding of fundamental alteration or undue burden would violate:

- a. 42 U.S.C. § 12132
- b. 28 C.F.R. § 35.160
- c. 775 ILCS 5/5-102

and would impair Plaintiff's due process right of meaningful access to the courts.

E. PRESERVATION OF APPELLATE RIGHTS

18. Plaintiff expressly preserves all objections and appellate rights, including but not limited to:

- a. Violation of Title II of the ADA
- b. Violation of the Illinois Human Rights Act
- c. Abuse of discretion
- d. Denial of meaningful access to the courts
- e. Due process violations under the U.S. and Illinois Constitutions

19. Plaintiff requests that any denial be stated on the record with findings as required by law.

F. RELIEF REQUESTED

20. Plaintiff respectfully requests that this Court enter an order:

- a. Granting Plaintiff a reasonable accommodation under the ADA and IHRA;
- b. Permitting Thomas Kost to orally communicate Plaintiff's words to the Court only:
- c. When Plaintiff is physically present;
- d. Under Plaintiff's contemporaneous direction and supervision;

21. Confirming that:

- a. Plaintiff retains full authority and decision-making power;
- b. Plaintiff may correct, interrupt, or supplement any oral communication;
- c. Mr. Kost may not independently address the Court, make arguments, or act as counsel;
- d. Granting such other relief as is just and proper.

Respectfully submitted, Pro se for Plaintiffs: Plaintiffs PAUL R. DULBERG, INDIVIDUALLY AND THE PAUL R. DULBERG REVOCABLE TRUST,

By: /s/ Paul R. Dulberg
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VERIFICATION BY CERTIFICATION PURSUANT TO SECTION 1-109

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, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Paul R. Dulberg
Paul R. Dulberg