



1 THE COURT: Dulberg against Gooch, et al.,  
2 please.

3 MR. MERLO: Good morning, your Honor. Robert  
4 Merlo for defendants Popovich and Mast.

5 THE COURT: Good morning.

6 MS. EVANS: Good morning, your Honor. Camille  
7 Evans on behalf of --

8 THE COURT: Ma'am, I cannot hear a word you are  
9 saying. You must please turn up your microphone.

10 MS. EVANS: Can you hear me now? Better?

11 THE COURT: No. What is your name, please?

12 MS. EVANS: Camille Evans for Julia Williams and  
13 Edward Clinton. My mic is all the way turned up.

14 THE COURT: Good morning. Who else is here,  
15 please?

16 MR. DULBERG: Paul Dulberg, your Honor.

17 THE COURT: Good morning.

18 MR. DULBERG: Good morning. I have a thing that  
19 I'd like to start off with before we proceed. I  
20 have a brief request, asking for a reasonable  
21 accommodation under Title II of the Americans with  
22 Disabilities Act and the Illinois Human Rights  
23 Act.

24 I'm stating for the record that I am a

1 qualified individual with a disability that  
2 substantially limits my ability to speak at length.  
3 Prolonged speaking causes severe coughing and/or  
4 physical distress. Basically, sir, I had a couple  
5 of tumors removed out of my throat --

6 THE COURT: Sir. Sir. Whoa, whoa, whoa. You  
7 do not have to in any way, shape or form explain any  
8 of your medical history or give me any of your  
9 medical history.

10 All you need to do is please tell me what  
11 accommodation I can make for you to make this doable  
12 for you. That's all I need to know.

13 MR. DULBERG: I have my brother here, my  
14 sibling. He -- can he be my voice?

15 THE COURT: So long as both of you are there and  
16 I'm quasi-convinced that he is speaking your words  
17 and not his, Mr. Dulberg. That's the important  
18 part, okay?

19 MR. DULBERG: Okay. Absolutely.

20 THE COURT: All right. So we are before the  
21 Court this morning on this matter. Let me get my  
22 book back open. Thank you.

23 We've got a motion to extend time.  
24 Mr. Dulberg has filed a motion questioning this

1 Court's ability to hear the case, but the motion is  
2 not a motion for substitution in any way, shape or  
3 form.

4 Mr. Dulberg, have I missed something? Have  
5 you filed a motion for substitution of judge, either  
6 as a matter of right or for cause?

7 MR. KOST: No. What we did -- and I'm -- my  
8 name is Thomas Kost. I'm speaking for Paul,  
9 according to what he just stated to the Court.

10 No. What we -- what we've placed in the  
11 record is placed in the record in writing. We  
12 didn't add anything else other than what we've  
13 already filed.

14 THE COURT: Thank you. Then you need to -- if  
15 you don't want this Court to hear this case, you  
16 need to file an appropriate motion. You have not  
17 yet done so. You have not done anything to trigger  
18 my regret over keeping this case. My eight- or  
19 nine-year-old SOJ on a case involving Mr. Popovich  
20 and his ex-wife, in other words, their divorce, is  
21 not a grounds for me to be -- is not a grounds for  
22 me to step aside from this case.

23 As a matter of fact, about two-thirds of  
24 the judges in this building stepped aside from that

1 case. That was the basis of the recusal on a case  
2 involving Mr. Popovich. I have before and since  
3 heard hundreds of cases involving him.

4 But if you wish to file a motion for  
5 substitution, Mr. Dulberg, you have every right to  
6 do so. But you must file a clear motion for  
7 substitution. Merely raising the matter of record  
8 is insufficient. So --

9 MR. KOST: One of the issues we have is we --

10 THE COURT: Sir. Sir. Stop right now. I am  
11 not convinced that you are speaking on behalf of  
12 your brother. And I'm going to tell you why I'm not  
13 convinced that you are speaking on behalf of your  
14 brother is because I keep hearing the words, One of  
15 the issues we have.

16 And also, the other issue I have is it is  
17 one thing for you to speak for your brother if I  
18 believe you are truly speaking for your brother, but  
19 you're literally speaking without any opportunity in  
20 any way, shape or form to give your brother an  
21 opportunity to communicate with you as to what he  
22 wishes communicated to the Court.

23 That means that you are acting as his  
24 mouthpiece as opposed to translator. You are not

1 allowed to act as his mouthpiece, absent a law  
2 license. I'm sorry, but those are the rules.

3 So my question is simple. Mr. Dulberg,  
4 they have filed a motion asking for more time. I  
5 have already explained to you why the Court, at this  
6 time, can and will rule on outstanding matters  
7 unless and until such time as you have filed the  
8 appropriate motion. So the motion that is  
9 appropriately before this Court at this time is a  
10 motion to extend time.

11 What is your position, please? Do you  
12 agree or disagree? And you can just say that word.

13 MR. DULBERG: Your Honor, he -- he is speaking  
14 with -- for me. We talked about what to say prior.

15 THE COURT: Good. Do you agree or disagree,  
16 Mr. Dulberg?

17 MR. DULBERG: I disagree with your signing of  
18 the hearing, because you are a witness in the  
19 underlying case. You sat over it.

20 THE COURT: Mr. Dulberg, I've spoken as much as  
21 I'm going to on the matter. If you wish to file a  
22 motion, you may file a motion.

23 I'm asking one more time, do you have an  
24 objection to their motion to extend time?

1 MR. DULBERG: I stand by what we wrote.

2 THE COURT: Motion to extend time is heard and  
3 allowed. Tell me what you're asking.

4 MR. MERLO: Your Honor, I requested until  
5 February 12th in the motion. That's a Thursday. To  
6 make things cleaner, I would request the deadline be  
7 the 13th. So February 13th.

8 THE COURT: Any objection anywhere?

9 MR. DULBERG: Clearly.

10 THE COURT: Is the objection on the motion or is  
11 the objection on the Court ruling on it?

12 MR. DULBERG: The objection is you sitting here  
13 ruling on it.

14 THE COURT: Watch your language and watch your  
15 tone, Mr. Dulberg. I've given you very clear  
16 direction, and the fact that you wish to go forward  
17 is your issue. But at this time the motion to  
18 extend time is heard. It is allowed as prayed.

19 I have literally given you the blueprint on  
20 how to accomplish what you wish to accomplish. You  
21 need only open your ears and close your mouth.

22 MR. DULBERG: Yes, sir.

23 THE COURT: Please select a date.

24 MR. MERLO: For the responsive pleading, your

1 Honor, or to come back?

2 THE COURT: Come back. You want a responsive  
3 pleading to 213. You've got it. It's not an  
4 unreasonable request. I'd be reverse if I didn't  
5 grant it.

6 Tell me when you want to come back. Is  
7 your responsive pleading going to be a motion or is  
8 it going to be an answer?

9 MR. MERLO: A motion.

10 THE COURT: All right.

11 MR. MERLO: So I'd request either February 17,  
12 18, 19 or 24, 25, 26.

13 THE COURT: Mr. Dulberg, to you. They have  
14 indicated that they will probably be filing a motion  
15 to dismiss. I think it's probably going to be a  
16 little better to give you more time to look at it  
17 rather than less.

18 They have suggested February 17, 18, 19,  
19 24, 25, or 26. I suggest you pick one of the three  
20 latter dates, because that gives a lot more time to  
21 look at it and, if you wish, to speak with legal  
22 counsel, or if you wish to prepare one of the  
23 motions regarding substitution of judge that I've  
24 repeatedly referenced. Tell me, please, which date

1 works for you.

2 MR. DULBERG: The last date.

3 THE COURT: February 26th, 2026, at 0900 hours,  
4 everyone? That's what we're doing. Thank you all  
5 very much. Thanks, counsel.

6 MR. DULBERG: There is one other item that we  
7 have. I had -- I had filed a motion and the  
8 Clerk -- there's no way to -- I don't know -- it's  
9 different than the ones I did in Cook County. They  
10 don't say how to schedule the date when you file it  
11 in the online e-file, and if a request for a service  
12 -- by certified mail to Defendant Flynn and Sabina  
13 Sershon.

14 THE COURT: Okay. So that's a 2-203.1 motion.  
15 And you can submit -- you can file a 2-203.1 motion  
16 and submit a proposed order to the proposed orders  
17 portal at exactly the same time. If you do that,  
18 what will happen is is the order will get put into  
19 my computer queue. When I see the order, I will go  
20 into your file, read your motion. If everything is  
21 in order, I will enter the order automatically. It  
22 usually occurs the exact same day. If there is a  
23 problem with it, I have our civil division secretary  
24 reach out to you and tell you there is a problem

1 with the order. All right?

2 I do have a standing order that is  
3 available online on the Court's website under  
4 Judge Joel Berg, standing order. It walks you right  
5 through how to submit a 2-203.1 special service  
6 motion, okay?

7 MR. DULBERG: Yes, sir.

8 THE COURT: Thank you very much.

9 MS. EVANS: Your Honor?

10 THE COURT: Yes.

11 MS. EVANS: I'm sorry. Before we go, we also  
12 filed a motion for extension of time. Can we have  
13 the same briefing schedule as our co-defendant?

14 THE COURT: That is what I was ruling on, and  
15 yes, that was --

16 MR. FRANKS: Oh.

17 THE COURT: -- the purpose of my ruling, ma'am,  
18 and that is what I had thought I did. To make  
19 clear, that is what I did.

20 I thank you all. Please give me orders.  
21 Have a great day and stay safe.

22 (End of proceedings.)

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1           IN THE TWENTY-SECOND JUDICIAL CIRCUIT COURT  
2                           McHENRY COUNTY, ILLINOIS

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4           I, KATHLEEN STROMBACH, an Official  
5 Court Reporter for the Twenty-Second Judicial  
6 Circuit of Illinois, do hereby certify that the  
7 foregoing Report of Proceedings was electronically  
8 recorded and is a true, correct, and complete  
9 transcript so taken at the time and place  
10 hereinabove set forth to the best of my ability  
11 based on the quality of the electronic recording.

12  
13  
14   *Kathleen Strombach*  
15   Kathleen Strombach, CSR, RPR  
16   Official Court Reporter  
17   IL License No. 084-003755

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24       Dated this 21st day of January, 2026.