** FILED ** Env: 36792402
McHenry County, Illinois
2025LA000360
Date: 2/23/2026 8:05 PM
Katherine M. Keefe
Clerk of the Circuit Court

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

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

PLAINTIFF'S MOTION TO RECONSIDER ORDER DENYING SUBSTITUTION OF JUDGE FOR CAUSE

NOW COMES Plaintiff, Paul R. Dulberg, pro se, and respectfully moves this Court to reconsider its February 17, 2026 Order denying Plaintiff's Motion for Substitution of Judge for Cause. In support thereof, Plaintiff states as follows:

A. CLEARER ELABORATION WHY JUDGE BERG ISSUING SINGLE ORDER IN UNDERLYING CASE 17LA377 CAN CAUSE CONFLICT IN CASE 25LA360

1. In our current complaint Dulberg claims Gooch and Sershon (a/k/a Walczyk) and Clinton and Williams committed willful and wanton prima facie negligent conduct by intentionally misrepresenting the Statute of Limitations (SoL) to Dulberg and to the court. Dulberg explained how this is done by Gooch and Sershon in paragraph 64 to 72 and by Clinton and Williams in paragraphs 116 to 118 in the Complaint.

2. All statements by both Gooch, Clinton and Williams in 17LA377 COMPLAINT AT LAW **(Exhibit 111[1])** and FIRST AMENDED COMPLAINT AT LAW **(Exhibit 117[2])** and SECOND AMENDED COMPLAINT **(Exhibit 132[3])** that Gooch, Clinton and Williams used to determined the moment from which to calculate the Statute of Limitations in 17LA377 on Dulberg's behalf are as follows. (Each use the

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statements in bold font to calculate the statute of limitations):

COMPLAINT (**Exhibit 111**[1], paragraph 20)

> "20. **Following the execution of the mediation agreement with the "high-low agreement" contained therein, and the final mediation award, DULBURG realized for the first time** that the information MAST and POPOVICH had given DULBERG was false and misleading, and that in fact, the dismissal of the McGuire's was a serious and substantial mistake. Following the mediation**, DULBERG was advised to seek an independent opinion from an attorney handling Legal Malpractice matters, and received that opinion on or about December 16, 2016**."

FIRST AMENDED COMPLAINT (**Exhibit 117**[2], paragraphs 28, 29, 30)

> "28. Following the execution of the mediation agreement and the final mediation award, DULBERG realized for the first time in December of 2016 that the information MAST and POPOVICH had given DULBERG was false and misleading, and that in fact, the dismissal of the McGuires was a serious and substantial mistake.
>
> 29. **It was not until the mediation in December 2016, based on the expert's opinions that DULBERG retained for the mediation, that DULBERG became reasonably aware** that MAST and POPOVICH did not properly represent him by pressuring and coercing him to accept a settlement for $5,000.00 on an "all or nothing" basis.
>
> 30. DULBERG was advised to seek an independent opinion from a legal malpractice attorney and received that opinion on or about December 16, 2016."

SECOND AMENDED COMPLAINT (**Exhibit 132**[3], paragraphs 55, 56, 57)

> "55. **Only after Dulberg obtained an award against Gagnon did he discover** that his claims against the McGuires were viable and valuable.
>
> 56. **Following the execution of the mediation agreement and the final mediation award, Dulberg realized for the first time in December of 2016** that the information Mast and Popovich had given Dulberg was false and misleading, and that in fact, the dismissal of the McGuires was a serious and substantial mistake.
>
> 57. **It was not until the mediation in December 2016, based on the expert's opinions that Dulberg retained for the mediation, that Dulberg became reasonably aware** that Mast and Popovich did not properly represent him by pressuring and coercing him to accept a settlement for $5,000.00 on an "all or nothing" basis."

The intentional prima facie professional misconduct that Gooch, Sershon, Clinton, and Williams committed was their effort to collapse the "injury" element of the discovery rule into the attorney's

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alleged negligent act itself—i.e., by treating "injury" as a "wrong action by attorney"—instead of the realized pecuniary loss Illinois law requires. That misdefinition is outcome-determinative here because the McGuire defendants' exposure in the underlying case (12LA178) was pleaded primarily as *derivative vicarious/imputed liability* tied to their agent Gagnon's negligence. Accordingly, the dollar value of the foreclosed McGuire claim could not be fixed until the underlying proceeding fixed the agent's liability and damages, as reflected on **Exhibit EN**[1].

3. In 12LA178, the McGuire defendants were sued on agency/vicarious-liability allegations tied directly to Gagnon's conduct. The Complaint alleges, among other things, that Gagnon was working "in the course and scope of his agency" for the McGuires and "under their supervision and control," and further alleges that the McGuires owned/controlled the premises, retained the right to advise and instruct Gagnon to act safely, retained the right to discharge/terminate his work, and owed a duty to supervise and control Gagnon's activities on the property so as not to create an unreasonable hazard to others. **(Exhibit EN**[1], 12LA178 Complaint, Count I ¶8; Count II ¶¶16–20.**)**

Because that theory is derivative, the pecuniary harm from losing the McGuire claim could not be realized—or valued in dollars—until the underlying proceeding determined the agent's liability and damages. That is why **Exhibit EN**[1] depicts a period where "Vicarious Liability Damages Remain Unrealized" between the 01/22/2014 dismissal of the McGuires and the 12/12/2016 ADR award/dismissal, and then depicts the "'injury'/pecuniary loss from vicarious liability" becoming realized only when the ADR award/dismissal fixed the agent's damages exposure.

4. This accrual framework aligns with the statements from Handbook for Illinois Trial Attorneys (**Exhibit 253**[2] underlined in blue) concerning how the word "injury" is defined in a legal malpractice case in Illinois law is reproduced below:

> "The injury in a legal malpractice action is not a personal injury, nor is it the attorney's negligent act itself."
>
> [the injury] "is a pecuniary injury to an intangible property interest caused by the lawyer's negligent act or omission."
>
> [not injured] "unless and until he has suffered a loss for which monetary damages may be

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sought." [not injured until] "the judgment or settlement or dismissal of the underlying action."

Note that the word "injury" in the above Trial Handbook excerpt is materially different from how Gooch, Sershon, Clinton, and Williams (and Flynn) use "injury" in paragraph 2, where "injury" is treated as the attorney's conduct itself rather than a realized pecuniary loss. Here, the relevant "underlying action" endpoint—at least as to the derivative agency/vicarious-liability value question—did not become concrete until the 12/12/2016 ADR award and dismissal fixed the agent's damages exposure. **(Exhibit EN[1])**.

5. Defendant Flynn was explicitly asked about the application of ***Suburban Real Estate v Carlson*** to 17LA377 and Flynn claimed it doesn't apply to 17LA377:

> "The only case cited by the plaintiff in its response with respect to the accrual of the injury was a Suburban Real Estate case which is a transactional legal malpractice case, not a litigated matter." **(Exhibit EG-3[2]** Page 495 of 512 Lines 17-21**)**
>
> "As will be discussed below, the only legal analysis contained in Dulberg's response, relies on an inapplicable "transactional" malpractice case, Suburban Real Estate Servs. Inc. v. Carlson, 2022 IL 126935. Dulberg's case arises out of litigation – not transactional work." **(Exhibit EM[3]** Page 1-2 INTRODUCTION**)**
>
> "In any event, Suburban Real Estate involves alleged transactional legal malpractice, and is not on point with this case. However, the Illinois Supreme Court in Suburban Real Estate Services, Inc. analyzed the "injury" component in a legal malpractice claim, in view of the two year statute of limitations. The court distinguished between transactional malpractice, and malpractice arising out of litigation."**(Exhibit EM[3]** Page 2-3 ARGUMENT**)**

The Popovich and Mast novel legal theory toward ***Suburban Real Estate v Carlson*** in 17LA377 is that the case is simply not applicable to 17LA377 because ***Suburban Real Estate v Carlson*** is merely "a transactional matter" and not an actual "litigated matter".

6. When Judge Meyer was asked to apply ***Suburban Real Estate v Carlson*** to 17LA377, Judge Meyer agreed with Flynn, Popovich and Mast that it cannot be applied to 17LA377 stating:

> "But that's a different argument. That's a rule [*referring to* ***Suburban Real Estate v Carlson***] -- that's an argument related to the applicability of -- or, in my analysis, of how the rule applies to the circumstances that we have. It doesn't address the issue of **whether you should have known of the existence of the cause of action**, and the information I have is that you did not and could not have known about the cause of action until the disclosure from the

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expert or from Mr. Gooch" **(Exhibit EG-3**[1] Pages 116 of 512 Line 20 to 117 of 512 Line 4**)**

7. Judge Meyer was told that the pecuniary injury was received when the arbitrator issued a decision, the very same day that Judge Meyer closed the underlying case 12LA178. Judge Meyer disagreed, stating:

> "**I'm not buying that**. The arbitrator's award gave you insight as to the value. Where you lose me is -- Well, let me rephrase that. It gave you their insight as to what they perceived the value of the case to be. It did not tell you whether or not you could have known that there was a viable cause of action against another defendant" **(Exhibit EG-3**[2] Page 115 of 512 Lines 14 to 20**)**

> "I fail to understand how an arbitrator's award would explain that because I can't imagine -- I certainly don't -- I'm not an arbitrator, I don't know what they put in their decisions, but I would be surprised if they spend a lot of time telling you about people you could have sued but for malpractice, **so the issue for me is knew or should have known**" **(Exhibit EG-3**[3] Page 116 of 512 Lines 5 to 11**)**

Based on this reasoning Judge Meyer refused to apply ***Suburban Real Estate v Carlson*** to 17LA377 for the duration of the case.

8. The intentionally deceptive way that Flynn, Popovich, Mast, Gooch, Sershon, Clinton and Williams applied the word "injury" to Dulberg's case strongly affected Judge Berg's only ruling in 17LA377. Judge Berg based his only ruling in 17LA377 on a similar interpretation of the word "injury" in the discovery rule as used by Flynn, Popovich, Mast, Gooch, Sershon, Clinton and Williams. Judge Berg concluded:

> "When did the pecuniary loss occur? Here is the amazing part, and this is what -- where the disconnect comes on this case and it's why I'm having so much trouble with it, I'm being urged that the pecuniary loss occurred when the decision was given on the binding mediation. But the reason I believe that's a disconnect is because -- for two reasons. The loss that occurred on the binding mediation that is being urged upon the Court is a loss of what appears to be $360,000. The difference between the $660,000 that the mediator indicated the -- were the appropriate measure of damages against Mr. Gagnon and the $300,000 insurance policy limit, that $360,000 difference and the amount that was awarded and the amount that the mediator claimed should have been awarded is based on an agreement that somebody entered into. We don't know who that somebody was, but we know for a fact that that somebody was not Hans Mast or the Law Offices of Tom Popovich because the agreement occurred well after they were out of Dodge" **(Exhibit DQ-2**[4] Page 17 line 8 to Page 18 line 4**)**

> "He was **clearly alerted**. Let's cut to the chase. **He was hesitant -- he was hesitant** to ever even sign the settlement agreement to the point where it took him over two

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months to do it. **He clearly had his doubts**. **He clearly had his lack of faith**. He signed the settlement agreement anyway. A year later, the attorneys withdrew. He went to another attorney, still raised the issue. Went to another attorney, still raised the issue" **(Exhibit DQ-2[1]** Page 16 line 21 to Page 17 line 4**)**

"Met with hundreds of attorneys. **He was clearly alerted**." **(Exhibit DQ-2[1]** Page 17 lines 6 to 7**)**

Judge Berg applied the word "injury" in the above quotes basically the same way that the defendants apply the word "injury" in the quotes in paragraph 2, the way Flynn applies the word "injury" in paragraph 5 and the way Judge Meyer applies the word "injury" in paragraphs 6 and 7.

9. Normally, a final ruling can be appealed but because Talarico intentionally acted to destroy any appellate review of the only ruling by Judge Berg in 17LA377 (as described in paragraphs 195 to 201 in the current complaint), the effect of the acts of deliberate prima facie negligent conduct of Gooch, Sershon, Clinton Williams and the novel statute of limtations legal theory by opposing counsel Flynn influenced Judge Berg's reasoning behind his only ruling is a key and a central issue the case.

10. Judge Berg would be ruling over the current case in which Judge Berg's only order in 17LA377 and the deliberate deception and manipulation the defendants committed to influence that ruling is a central issue.

11. There is evidence that:

a. The legal theory of how to calculate the statute of limitations in a legal malpractice case in Illinois used by Gooch and Sershon and Clinton and Williams was a deliberate trick to help destroy the claims of their own permanently disabled client Dulberg.

b. Judge Meyer refused to apply ***Suburban Real Estate v Carlson*** to 17LA377 for the duration of the case and agreed with Flynn, Popovich and Mast that ***Suburban Real Estate v Carlson*** simply cannot be applied to 17LA377 because it is a "transactional' rather than a "litigated matter".

c. Judge Berg's interpretation of the word "injury' in the discovery rule is similar to that promoted by Gooch, Sershon, Clinton, Williams Flynn and Judge Meyer as an intentional deception.

d. The final Judge Berg ruling in 17LA377 is factually at odds with ***Suburban Real Estate v Carlson*** and the statements underlined in blue in "Trial Handbook for Illinois Lawyers" Chapter 22 Section 29 **(Exhibit 253[2])** reproduced in paragraph 4, making this is a material

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fact in the current case.

12. Furthermore, if Judge Berg remains consistent with his only ruling in underlying case 17LA377 concerning how to apply ***Suburban Real Estate v Carlson*** to calculate statute of limitations issues that arise in the current case, he will probably rule on the basis of the same incorrect interpretation of the word 'injury" in the discovery rule given in the quotes in paragraph 8 and therefore find that Gooch, Sershon, Clinton and Williams did nothing wrong when interpreting the word "injury" in the discovery rule (because they interpreted the meaning of "injury" in the same way Judge Berg did). Judge Berg could also interpret any potential statute of limitations arguments made by any defendants in a way that is contrary to the statements underlined in blue in "Trial Handbook for Illinois Lawyers" Chapter 22 Section 29 and included as **(Exhibit 253[1])**, and contrary to ***Suburban Real Estate v Carlson*** and Illinois law, unlawfully letting defendants out on summary judgments just as Judge Berg did in his only ruling in 17LA377.

13. On the contrary, if Judge Berg rules that the standards of ***Suburban Real Estate vs Carlson do apply*** to Statute of Limitations issues in the current case, then this is inconsistent with Judge Berg's only ruling in 17LA377 (quoted in paragraph 8) and this is also inconsistent with the way Judge Meyer treated the application of ***Suburban Real Estate v Carlson*** (quoted in paragraphs 6 and 7).

14. Judge Berg would be presiding over the current case in which ***Suburban Real Estate v Carlson*** would be applied differently than both Judge Meyer and Judge Berg applied ***Suburban Real Estate v Carlson*** in underlying case 17LA377.

B. CLARIFICATION FOR THE RECORD OF THE PORTION OF PARAGRAPH 224 CITED BY JUDGE COSTELLO AS A CLAIM OF A CRIMINAL CONSPIRACY INVOLVING JUDGE BERG.

15. Judge Costello claimed that paragraph 224 in the Complaint is evidence of Judge Berg being accused of criminal conspiracy. Judge Costello also reminded Dulberg that Dulberg risks 137 sanctions for denying on the record that paragraph 224 claims criminal conspiracy by Judge Berg.

16. Dulberg states clearly for the record that he wishes to make no statements in the complaint or the court record that

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a. conflate the intentional schemes of the defendants with the actions of Judge Berg; or

b. conflate the actions of Judge Meyer with the actions of Judge Berg.

17. To clarify completely:

a. Dulberg unequivocally accuses defendants Gooch, Sershon, Clinton, Williams and Talarico of WILLFUL AND WANTON PRIMA FACIE PROFESSIONAL MISCONDUCT, FRAUD AGAINST DULBERG, FRAUD ON THE COURT, CONSPIRACY TO COMMIT FRAUD AGAINST DULBERG AND CONSPIRACY TO COMMIT FRAUD ON THE COURT TO OBTAIN DISMISSAL OF 17LA377 based on the relevent facts and supporting evidence in the complaint.

b. Dulberg unequivocally accuses defendants Popovich, Mast, Flynn of CONSPIRACY TO COMMIT FRAUD AGAINST DULBERG AND CONSPIRACY TO COMMIT FRAUD ON THE COURT TO OBTAIN DISMISSAL OF 17LA377 based on the relevent facts and supporting evidence in the complaint.

18. Are there accusations of intentional misconduct by a Judge in the complaint? Yes there are. They are against Judge Meyer alone. As further supporting evidence Dulberg cites **Exhibit EO[1]**, which is a table of all civil cases (Dulberg could find) over $50,000 in the 22nd Judicial Circuit Court since 2010 in which an attorney or law firm appeared as a defendant. From 2010 onward Judge Meyer presided over the following cases valued over $50,000 with Popovich named as a defendant : 2010LA136, 2013LA246, 2013LA318, 2016LA187, 2017LA377, 2018LA370. (They are the cases with names highlighted in red font in the tabled attached as **Exhibit EO[1]**. Red squares signify Dulberg's cases 12LA178 and 17LA377.) Dulberg does accuse Judge Meyer of intentional acts that furthered the conspiracy described in the Complaint only because Dulberg has extensive supporting evidence spanning more than a decade during underlying cases 12LA178 and 17LA377..

19. In contrast, Judge Berg ruled on a single order and Dulberg has no evidence that Judge Berg deliberately refused to apply ***Suburban Real Estate v Carlson*** to his ruling or that Judge Berg deliberately interpreted the word "injury' in the discovery rule contrary to ***Suburban Real Estate v Carlson*** and Illinois law.

20. There is also no evidence of which Dulberg is aware that Judge Berg knew that Talarico would intentionally destroy any possibility for Dulberg to appeal Judge Berg's ruling.

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21. Judge Berg could have been completely bamboozled by the trickery originally set up by the defendant conspirators concerning how to calculate the statute of limitations in a legal malpractice case in Illinois.

22. Dulberg thanks Judge Costello for bringing this to Dulberg's attention. In this light Dulberg reviewed paragraph 224 and finds that a reasonable person can conflate the deliberate actions of the defendants and/or Judge Meyer with the actions of Judge Berg (though that was not Dulberg's intention). Judge Berg appears 17 times in the complaint: in paragraphs 13, 189, 191, 192, 224, 225 and Dulberg reviewed each of these paragraphs and concludes as follows.

23. Dulberg reaffirms that paragraph 13 is a true statement after the paragraph is amended to clarify the Complaint's allegations regarding judicial involvement. Dulberg will replace "presiding Judges" with "presiding Judge" and replace "the Judges" with "a judge," to reflect that Dulberg's allegations of participation concern one judge. Dulberg further clarifies that he does not allege Judge Berg was a participant in the alleged conspiracy; rather, Dulberg alleges Judge Berg was adversely affected by, or his rulings were impacted by, the conduct alleged.

24. Dulberg reaffirms that paragraph 189 is a true statement.

25. Dulberg reaffirms that paragraph 191 is a true statement.

26. Dulberg reaffirms that paragraph 192 is a true statement after the paragraph is amended to limit the judicial-conflict allegation to Associate Judge Thomas A. Meyer, and to revise the references to Associate Judge Joel D. Berg to reflect prior recusals in matters involving Thomas J. Popovich (rather than alleging a judicial conflict), with corresponding conforming edits (e.g., changing plural references to "judges" to singular where appropriate).

27. Dulberg reaffirms that paragraph 224 is a true statement after amending to delete all references to Judge Joel D. Berg, to withdraw any allegation that Judge Berg acted as a co-conspirator, and to clarify that the allegations in Paragraph 224 are directed solely to Judge Thomas A. Meyer.

28. Dulberg reaffirms that paragraph 225 is a true statement after amending by striking 'and Judge Berg' from the introductory sentence.

29. It is understandable (if one is not aware of the current evidence) to mistakenly assume that Judge Berg was possibly aware of the scheme the accused conspirators were employing because there are

material facts that:

a. Judge Berg was unknowingly acting in the midst of conspirators.

b. Judge Berg was influenced by the intentional deceptions of the conspirators.

c. Judge Berg's order unwittingly favored the intentional deception of the conspirators.

d. Which means Judge Berg inadvertently acted in parallel with the scheme of the conspirators, furthering their aims.

e. Judge Berg was the only (attorney or judge) officer of the court who participated in underlying case 17LA377 who did not participate knowingly in a conspiracy to defraud Dulberg.

Under these conditions it is necessary to be extremely clear that Dulberg finds no evidence that conflates intentional schemes of the defendants with the actions of Judge Berg or conflates the actions of Judge Meyer with the actions of Judge Berg.

C. APPLICATION OF IN RE MARRIAGE OF O'BRIEN, 2011 IL 109039 TO THIS CASE

30. In Re Marriage of O'Brien held

> "A petition to substitute a judge for cause after a substantive ruling is properly evaluated by the statutory standard of actual prejudice, rather than by the standard of appearance of impropriety utilized in the Judicial Code in connection with judicial recusal."

31. Dulberg is raising 2 issues with the application of In Re Marriage of O'Brien to this case:

a. The issue with O'Brien was that he waited about a year before acting whereas Dulberg raised the issue before the first zoom meeting.

b. The case of O'Brien doesn't contain any of exceptional, unique and rare circumstances described in Section A of this motion.

D. DULBERG HAS A DISABILITY AS A SPEAKER AND RELIES ON WRITTEN STATEMENTS

32. The Social Security Administration issued a Fully Favorable decision finding Dulberg disabled as of June 28, 2011. This Fully Favorable decision included both Dulberg's mental and physical impairment. June 28, 2011 is also the date of the chainsaw accident that injured Dulberg's dominant right forearm and

gives rise to this litigation. **(Exhibit CM[1])**

33. More than a decade after that disability determination, Dulberg underwent two separate surgical procedures on the right and left sides of his head/neck region to remove two tumors (one on each side). Dulberg was advised by his treating ENT surgeon that the procedures required removal of the entire parotid (salivary) glands in addition to removing the tumors, and that the tumors were heavily adhered to the facial nerves, with surgical dissection causing lasting facial nerve injury on both sides of the head and neck. Since those procedures, Dulberg has experienced a persistent, years-long tickling sensation in the back of the throat and a chronic cough, including involuntary and uncontrollable coughing fits. Once a coughing fit begins, it is not reliably relieved by drinking water. Dulberg also underwent two reconstructive plastic surgeries during these procedures.

34. As a functional result of these conditions, Dulberg's ability to communicate orally is substantially limited, particularly in formal settings such as court. Speaking frequently triggers involuntary coughing, and Dulberg is often limited to very short oral statements—sometimes no more than a short sentence or a few words—before coughing interrupts his ability to continue.

35. Dulberg also has difficulty typing and preparing written materials due to permanent impairments affecting both arms, including a chainsaw injury that cut through (lacerated) approximately 40% of his dominant right forearm and a prior motor vehicle accident that left his left arm permanently impaired.

36. At the first court appearance in this case, Dulberg requested a reasonable accommodation under the Americans with Disabilities Act (ADA) due to a disability-related limitation in oral communication caused by involuntary coughing. Because Dulberg did not yet know which specific accommodations would be most effective, he submitted a written accommodation request using a template form, modified to describe his communication limitation and he wrongly assumed flexibility in how he could communicate during proceedings. To the extent the template contained generic references (including to an "interpreter"), that language did not precisely match Dulberg's needs; the purpose of the request was to notify the Court of the underlying communication issue, Dulberg incorrectly expected that the court would accommodate the need for somewhat flexible changes to that ADA request.

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37. Before that first appearance, Dulberg prepared written bullet points and conditional "if/then" scenarios and reviewed them with his brother, Thomas Kost, to ensure Dulberg's intended points could be communicated if Dulberg could not speak continuously. When Mr. Kost attempted to convey Dulberg's prepared statements, the Court advised, in substance, that a nonlawyer could not speak on Dulberg's behalf. Dulberg then proceeded without that assistance, but was forced to shorten and truncate what he was trying to communicate in order to suppress involuntary coughing. At subsequent court appearances, Mr. Kost did not speak due to concern that doing so could be viewed as the unauthorized practice of law, leaving Dulberg to proceed without effective communication support. This substantially impairs Dulberg's ability to present sustained oral argument and to respond in real time to questions from the Court, thereby requiring accommodations such as written responses, frequent breaks/recesses, and the ability to rely on and direct the Court to Dulberg's filed written submissions rather than restating them orally.

38. Accordingly, Dulberg requests reasonable accommodations implemented flexibly and on an ongoing basis for all appearances in this case and further requests that, once accommodations are granted, the Court permit reasonable, real-time adjustments during hearings when practicable—without requiring a new written request each time—to ensure effective communication. Such accommodations include, without limitation: additional time for hearings and responses; permission for frequent breaks/recesses when coughing occurs without adverse inference; permission to submit written statements/argument in advance and rely on them in lieu of extended oral presentation; permission to answer questions in writing (typed or handwritten) when speaking triggers coughing; permission, when the Court requests a response on a matter not already reduced to Dulberg-authored text and Dulberg cannot effectively respond orally due to involuntary coughing, for the Court to allow a short supplemental written response after the hearing and to leave the matter/record open for that limited purpose, with the supplemental response to be filed with the Clerk and served on all parties within 24 hours (or by close of the next business day, or such other deadline as the Court sets), subject to any reasonable page limits and response schedule the Court deems appropriate, and without any ex parte communication; permission for Dulberg (and/or a support person assisting with logistics) to use a laptop/tablet or other device in the courtroom for

typed or written communication; permission for a companion/support person (e.g., a family member) to be present solely as a communication aid and for logistics (handling documents, taking notes, operating a device, and locating/indicating portions of the record at Dulberg's direction), including permission for the support person to sit immediately adjacent to Dulberg at the table where Dulberg is seated (including counsel table if assigned), or otherwise within arm's reach as directed by the Court, to pass notes, manage papers/devices, and assist with record citations; and—only when Dulberg is unable to speak without triggering coughing—to read verbatim into the record text authored by Dulberg (including filed pleadings or written responses Dulberg prepares during the proceeding), without paraphrasing, interpreting, adding commentary, or presenting independent argument, and without making objections, examining witnesses, or otherwise acting as counsel; Dulberg will remain present and self-represented and will confirm/adopt any verbatim text read as his own.

39. Dulberg further requests that the foregoing accommodations be treated as an initial accommodation plan and that, as proceedings unfold, the Court permit reasonable, practical modifications to the method of communication during hearings when feasible (including additional breaks, written responses, reliance on filed text by citation, and/or verbatim reading of Dulberg-authored text) so that communication remains effective.

40. In addition, Dulberg requests that, when practicable, the Court permit Dulberg to respond to questions by directing the Court to specific portions of Dulberg's written filings already in the record (by page and/or paragraph citation), rather than requiring Dulberg to restate orally what is already written in the court record. For example, if asked, "What is the nature of your case?", Dulberg requests permission to direct the Court to the "NATURE OF THE CASE" section of the Complaint (found on page 1 of the complaint, paragraphs 1–5) which already answers the question concisely in written form. Or, if Dulberg is asked to give a summary of the underlying cases, Dulberg requests permission to direct the Court to the section of the Complaint titled "SUMMARY OF UNDERLYING LEGAL MALPRACTICE CASE 17LA377, RELATED LEGAL MALPRACTICE CASE 22L010905 AND THEIR UNDERLYING CASES 12LA178 AND BK 14-83578 COMMON TO ALL COUNTS" where a summary is already written concisely (paragraphs 31 to 60).

41. These accommodations are requested so that Dulberg can effectively participate in hearings and so that the record accurately reflects Dulberg's intended position and arguments for purposes of review, including any appeal.

E. CONCLUSION

1. Judge Berg would be presiding over the current case in which Judge Berg's only order in 17LA377 and the deliberate and coordinated deceptions the defendants committed to influence that order is a central issue in the case.

2. Judge Berg would be presiding over a case in which suburban Real Estate v Carlson would be applied differently than the way both Judge Meyer and Judge Berg applied Suburban Real Estate v Carlson in underlying case 17LA377.

3. Judge Berg was the only (attorney or judge) officer of the court who participated in underlying case 17LA377 who did not participate knowingly in a conspiracy to defraud Dulberg.

4. In Re Marriage of O'Brien case law standard (1) The issue with O'Brien was that he waited about a year before acting whereas Dulberg raised the issue before the first zoom meeting and (2) the case of O'Brien doesn't contain the unique circumstances described in Section A of this motion.

5. Dulberg has a speaking disability and is extremely disadvantaged in oral arguments. Dulberg would like to right to rely on his written statements and would like the right to refer to statements previously written in court documents rather than have to rephrase his arguments orally for the court or risk having them overlooked. Dulberg would also appreciate if the court could reasonably make an exception and give Dulberg a chance to respond later (perhaps the same day) in writing when the court would normally expect a lengthy oral response to something not found in Dulberg's prepared documents.

6. Judge Costello interpreted the 17 times Judge Berg is mentioned in the complaint as evidence that Dulberg claims criminal conspiracy against Judge Berg. (Our complaint only alleges civil conspiracy and not criminal conspiracy.) Dulberg agrees that a reasonable person could interpret paragraphs 224 and 225 as conflating the systematic actions of Judge Meyer with the single order of Judge Berg or as conflating the coordinated, intentional scheme of all named defendants with the single order of Judge Berg (which is not Dulberg's intention). Therefore it is very important that Dulberg clarifies exactly which parties are accused in the complaint and which parties are not. Dulberg places the statements in Section B of this motion into the record to (hopefully) leave absolutely no doubt of who Dulberg accuses. Dulberg agrees that paragraphs 224 and 225 should be amended to remove any associations of Judge Berg with deliberate scheme of all defendants or with the intentionally deceptive actions of Judge Meyer.

Dulberg respectfully bring these concerns to the court's attention in this Motion to Reconsider. The unique and exceptional circumstances of this case as described herein appear far outside the example of

O'Brien In Re Marriage of O'Brien and introduce key dynamics to this case that the O'Brien example was never intended to address or resolve.

F. RELIEF REQUESTED

WHEREFORE, Dulberg respectfully request that this Court:

1. Allow Dulberg 28 days to amend paragraphs 224 and 225 of the Complaint filed on December 4, 2025 to remove any associations of Judge Berg with deliberate scheme of all defendants or with the intentionally deceptive actions of Judge Meyer.
2. Enter an order disqualifying and substituting Judge Joel D. Berg for cause;
3. Transfer this matter to the Chief Judge for reassignment pursuant to applicable local rules;
4. Stay all substantive proceedings pending reassignment; and
5. Vacate any substantive orders entered in this matter by the disqualified judge and, upon reassignment, direct that such orders be reviewed de novo by the newly assigned non-conflicted judge, who may re-enter such orders with identical language, modify them, or set them aside, solely to preserve due process and appellate clarity, as justice requires;
6. Grant the ADA exemptions set out in section "D. DULBERG HAS A DISABILITY AS A SPEAKER AND RELIES ON WRITTEN STATEMENTS" of this motion.
7. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted by: /s/ Paul R. Dulberg *pro se* Plaintiff

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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