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IN THE TWENTY-SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PAUL DULBERG, Individually, and
the PAUL R. DULBERG REVOCABLE
TRUST,

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.

No. 2025 LA 360

REPORT OF PROCEEDINGS of the hearing before
the Honorable JUDGE KEVIN G. COSTELLO, commencing on
March 4th, 2026.

APPEARANCES VIA ZOOM:

PAUL DULBERG,
Self-represented Litigant;

ATTORNEY THOMAS GOOCH,
Self-represented Litigant;

ATTORNEY SABINA SERSHON,
Self-represented Litigant;

ATTORNEY KAVI MODI,
On behalf of Popovich and Mast;

ATTORNEY JOHN RACANELLI,
On behalf of Alphonse A. Talarico;

ATTORNEY GEORGE FLYNN,
Self-represented Litigant.

RECORDING TRANSCRIBED BY:
Kathleen Strombach, CSR, RPR
Official Court Reporter
IL License No. 084.003755

1 THE COURT: Dulberg versus Gooch, et al.

2 MR. GOOCH: Good morning, your Honor. Tom Gooch
3 on behalf of myself.

4 MR. DULBERG: Good morning, your Honor. Paul
5 Dulberg, pro se, plaintiff.

6 THE COURT: Good morning.

7 MS. SERSHON: Good morning, your Honor. Sabina
8 Sershon on behalf of herself.

9 MR. MODI: Good morning, your Honor. Kavi Modi
10 on behalf of the defendants Thomas -- Hans Mast and
11 the Law Offices of Thomas Popovich.

12 MR. RACANELLI: Good morning, Judge. John
13 Racanelli for Alphonse Talarico and the Law Office
14 of Alphonse Talarico.

15 THE COURT: All right.

16 MR. FLYNN: Good morning, your Honor. George
17 Flynn on behalf of myself.

18 THE COURT: Okay. We're going to pass this
19 till the end of the call. I know it's up on
20 Mr. Dulberg's motion to reconsider, so we'll address
21 it shortly in a few minutes, okay?

22 MR. GOOCH: Your Honor, I have a motion for
23 hearing at 9:30 in front of Judge Berg. If I'm not
24 here, go ahead without --

1 THE COURT: Okay. We'll hold it for you if we
2 call it and you're not here, okay?

3 MR. GOOCH: Yeah. Thank you.

4 (Whereupon the afore-captioned
5 cause was recalled.)

6 THE COURT: All right. Recalling Paul Dulberg
7 versus Thomas Gooch, et al.

8 MR. DULBERG: Good morning, your Honor. Paul
9 Dulberg, plaintiff.

10 MR. GOOCH: Good morning, your Honor. Tom Gooch
11 on his own behalf.

12 MS. SERSHON: Good morning, your Honor. Sabina
13 Sershon on behalf of myself.

14 MR. FLYNN: Good morning, your Honor. George
15 Flynn on behalf of myself.

16 MR. RACANELLI: Good morning. John Racanelli
17 for Alphonse Talarico and the Law Office of Alphonse
18 Talarico.

19 THE COURT: Okay. All right. This is up on
20 Mr. Dulberg's motion to reconsider my denial of his
21 motion for substitution of judge for cause against
22 Judge Berg.

23 I have received your motion, Mr. Dulberg,
24 and I have read it completely. I also re-read the

1 report of proceedings from the original hearing of
2 February 17th. But, Mr. Dulberg, if you'd like to
3 make any additional argument in support of your
4 motion. I'd also note, in your motion you reference
5 the -- your disability issues, so obviously I want
6 to accommodate that to the extent that that's
7 needed.

8 THE DULBERG: Thank you.

9 THE COURT: So if you need something, please let
10 me know. But as I indicated, I have read your
11 motion completely. Is there anything you wanted to
12 add to it orally?

13 MR. DULBERG: No. I pretty much stand on the
14 motion, your Honor. If you need to know anything
15 more, I can provide that.

16 THE COURT: Okay. Thank you. All right. Did
17 anyone wish to -- on the defense side wish to argue
18 against the motion orally?

19 MR. GOOCH: I have nothing, your Honor.

20 MR. RACANELLI: No, Judge.

21 MS. SERSHON: No, your Honor.

22 THE COURT: All right. Anyone else?

23 MR. MODI: Yes, Judge.

24 THE COURT: Yeah. Go ahead.

1 MR. MODI: On behalf of defendants Popovich and
2 Mast --

3 THE COURT: Yeah. Can you state your name for
4 the -- sorry. Can you state your name for the
5 record, counsel?

6 MR. MODI: Yes, your Honor. My name is Kavi
7 Modi.

8 THE COURT: Okay. Go ahead.

9 MR. MODI: We don't believe that the motion to
10 reconsider raises anything new. The Court has given
11 due consideration at the 217 hearing, and we don't
12 think that Judge Berg's prior rulings are a basis to
13 disqualify in this case.

14 And I think some of the arguments raised in
15 the motion to reconsider are trying to relitigate
16 the 2017 malpractice case, and that's not
17 appropriate here.

18 THE COURT: Okay. Thank you.

19 All right. Mr. Dulberg, anything by way of
20 reply to that argument you wish to make?

21 MR. DULBERG: It's nonsensical. This is not
22 about relitigating the (audio distortion). What's
23 at issue in this case is (audio distortion) to
24 Judge Berg's final ruling, and that is -- that

1 is (audio distortion).

2 THE COURT: Okay. All right. Thank you.

3 As I indicated at the start, I did read
4 your motion in full and appreciate the time and
5 effort you put into it.

6 As you alluded to, and I referenced in the
7 original hearing on your motion citing the O'Brien
8 case, the standard here that the Court is looking at
9 is will Mr. Dulberg suffer any actual prejudice by
10 Judge Berg continuing to preside over this case.

11 The argument is -- seems to be basically
12 reiterated from the original motion, but discussed
13 Judge Berg's ruling on the 17 LA case and that
14 somehow will effect proceeding in this case.

15 Respectfully, the Court disagrees. I
16 appreciate, Mr. Dulberg, you may disagree with the
17 ruling that Judge Berg made in that case, you know,
18 but that is not -- that does not establish actual
19 prejudice, which is -- which is the standard here.
20 This is a different case.

21 And I think I addressed, in full, all
22 your arguments on the record back on February 17th,
23 so I'm not going to muddy and reiterate the record
24 again. I think it's all in there. I don't see any

1 basis to reconsider or change my ruling, so my
2 ruling denying your motion for substitution of judge
3 for cause is going to stand.

4 Is there any date in front of Judge Berg --
5 I know he, essentially, was putting things on hold
6 until my ruling on this.

7 MR. GOOCH: No, he didn't set another date, your
8 Honor.

9 THE COURT: All right. So we'll need to set
10 another date in front of Judge Berg. How soon would
11 you like to get in front of him?

12 MR. GOOCH: Right now.

13 THE COURT: Okay. I don't think that's an
14 option, but we can give you a short date.

15 MR. DULBERG: Yeah, if we could --

16 THE COURT: Next week, can I -- I just want to
17 double check with my clerk. If we can take a look
18 at Judge Berg's call next week, make sure he's here,
19 and maybe there's a day that's not too busy.

20 THE CLERK: He is not here at all next week.

21 THE COURT: Okay. So we'll have to go into the
22 week after that.

23 THE CLERK: He's back the 16th.

24 THE COURT: So what about March 16th?

1 MS. SERSHON: Your Honor, I'm out of town that
2 day. Is it possible to do 18 or 19? Sorry.

3 THE COURT: Okay. From our end it is.

4 Does anyone have a conflict with either of
5 those days?

6 MR. RACANELLI: I have a trial starting the
7 16th in Cook County. If we could be at the end of
8 the week, that would be preferable, Judge.

9 THE COURT: Okay. What about the 20th?

10 MR. RACANELLI: That works.

11 MR. FLYNN: That's fine, your Honor.

12 MR. GOOCH: Judge, I can attend but I'll be on
13 vacation. If I could be allowed to attend without a
14 tie, I'd appreciate it.

15 THE COURT: Yeah. If you want to put that in
16 the -- I don't know what -- I'm sure Judge Berg
17 allows people to appear by Zoom. But if you want to
18 put that in the order that you have leave to appear
19 by Zoom on that day, that's fine.

20 MR. GOOCH: Thank you, Judge.

21 THE COURT: All right. So March 20th for status
22 in front of Judge Berg.

23 I'll need an order reflecting that the
24 Court has denied the motion to reconsider, for the

1 reasons stated on the record, and continuing all
2 matters for status before Judge Berg on March 20th
3 at 9:00 a.m. Thank you.

4 (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 reported in
8 machine shorthand by me and is a true, correct, and
9 complete transcript of my machine shorthand notes so
10 taken at the time and place hereinabove set forth to
11 the best of my ability.

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

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24 Dated this 9th day of March, 2025.