

IN THE TWENTY-SECOND JUDICIAL CIRCUIT

MCHENRY COUNTY, ILLINOIS

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

Plaintiffs,

vs

NO. 2025 LA 360

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.

) MOTION

REPORT OF PROCEEDINGS of the hearing before the
Honorable JUDGE JOEL D. BERG, commencing on
March 20, 2026.

APPEARANCES VIA ZOOM:

PAUL DULBERG
A Self-Represented Litigant;

ATTORNEY SABINA SERSHON
A Self-Represented Litigant;

ATTORNEY KAVI MODI
On behalf of Thomas J. Popovich
and Hans Mast;

RECORDING TRANSCRIBED BY:
Heather Voska Hartwig, CSR
Official Court Reporter

APPEARANCES (CONTINUED):

ATTORNEY GEORGE FLYNN
A Self-Represented Litigant;

ATTORNEY JOHN RACANELLI
On behalf of Law Office of
Alphonse A. Talarico and Alphonse Talarico.

THE COURT: Dulberg against Gooch, please.

MR. DULBERG: Good morning, Your Honor.

Paul Dulberg, Plaintiff.

THE COURT: Good morning.

MS. SERSHON: Good morning, Your Honor. Sabina Sershon, Defendant.

And just for the record, I spoke with Mr. Gooch yesterday, and he will not be appearing today. He's got a matter in Lake County, but he said that we can proceed without him.

THE COURT: Thank you.

MR. MODI: Good morning, Your Honor.
Attorney Kavi Modi for Defendant Hans Mast.

THE COURT: Good morning.

MR. FLYNN: Good morning, Your Honor.
George Flynn on behalf of myself.

THE COURT: Good morning.

MR. RACANELLI: John Racanelli --

THE COURT: All right. There's a motion for SOJ --

MR. RACANELLI: -- for Alphonse Talarico and the Law Office of Alphonse Talarico.

THE COURT: Good morning, Mr. Talarico. My apologies for cutting you off.

We're before the Court on a motion for SOJ as a

matter of right.

Anybody got an issue with it?

MR. FLYNN: Judge, George Flynn. I have an objection.

Before I entered an appearance in the case, Mr. Dulberg objected to a motion for an extension of time to answer or otherwise plead or multiple motions brought by Popovich, Mast, Clinton, Williams and the Clinton Law Firm.

What otherwise might not have been a substantial issue under the statute was converted to a contested motion.

Mr. Dulberg had the opportunity to test the waters, so to speak, as to the Court's rulings; and his objection was overruled.

So accordingly, in my view the Court has made a substantial ruling.

While the statute itself might be inartfully drafted, that's the language that is used.

But in any event, Mr. Dulberg converted that motion into a contested matter and did not prevail.

So for that reason --

THE COURT: What was -- Wait --

MR. FLYNN: -- in my view the Court has ruled on a

substantial matter; and accordingly, the motion should be denied.

THE COURT: What was the substantial matter, again, that I ruled on, please?

MR. FLYNN: It was a -- Multiple parties filed a motion for extension of time to answer or otherwise plead, which in and of itself might not be considered a substantial matter until in my view Mr. Dulberg objected to it. His objection is overruled. So the Court has ruled on a contested matter in this case, and so I think he's already tested the waters as to the Court's rulings in the case, and so his motion should be denied.

THE COURT: Ma'am, do you have any thoughts on behalf of Mr. Gooch?

MS. SERSHON: (Audio distortion - indiscernible).

MR. FLYNN: That's the order of January 21st of 2026, just for the record, Judge.

THE COURT: Thank you.

Thank you, ma'am.

Mr. Modi.

MR. MODI: Your Honor, I would agree with George -- Mr. Flynn. At the same time, it is up to Your Honor. He has, you know, SOJ of right; but we've been in this case for a while and our for dismiss has been pending

for a while. We'd like it to be heard or to set a briefing schedule on that.

THE COURT: Thank you.

Mr. Talarico?

MR. RACANELLI: Judge, it's actually John Racanelli for Mr. Talarico.

THE COURT: My apologies, Mr. Racanelli.

MR. RACANELLI: No, that's fine, Judge.

Yeah, we joined Mr. Flynn for the reasons that he stated on the record.

THE COURT: Thank you.

Your reply to that, Mr. Dulberg?

MR. DULBERG: Excuse me?

THE COURT: Your reply, sir?

You heard their objection to your motion for substitution of judge as a matter of right. They object because they claim that I have made a substantive ruling, which makes your motion untimely.

MR. DULBERG: Well, I would say that the -- the ruling was on an -- on an administrative issue and not --

THE COURT: Thank you very much. Thank you very much. You need not say another word. You hit a home run on your home sentence. I agree you the gentleman.

It was administrative. I think if I kept this, anything I did --

UNIDENTIFIED VOICE: You got cut off.

THE COURT: Hold tight. I agree that if I kept this case at this point, anything I did would jeopardize all work, all of it.

The testing the waters doctrine, I mean generally it requires a substantive motion, not an administrative matter. This was administrative purely. It was not a motion to dismiss. It was not a motion for summary judgment. It wasn't -- I mean, was it contested? Yes. But it wasn't substantive. And I play it safe rather than sorry on this.

The motion for substitution of judge over objection is heard. It's allowed. I will enter the order myself.

Mr. Dulberg, you have submitted an order. I'm going to erase that order from my screen. And the reason is because we have a very special order. I'm holding it up right now. I've already filled it out and signed it. You can see it. And this order then goes to the front office, and then they fill in your new assignment with your new date.

All of you will get your new assignment with

your new court date in the mail. Please pay very careful attention, and keep an eye out in the mail for your next court date.

I wish you all the very best. There's no need to tender an order to the Court. Please be well and have an amazing weekend. Thank you for your time.

UNIDENTIFIED VOICE: Thanks, Judge.

MS. SERSHON: Thank you, Judge

THE COURT: Thanks Judge.

UNIDENTIFIED VOICE: Thanks, Judge.

(Which were all the proceedings
had in the above-entitled cause
this date.)

IN THE TWENTY-SECOND JUDICIAL CIRCUIT COURT
MCHENRY COUNTY, ILLINOIS

I, Heather Voska Hartwig, an Official Court Reporter for the Twenty-Second Judicial Circuit of Illinois, do hereby certify that the foregoing Report of Proceedings was electronically recorded and is a true, correct, and complete transcript so taken at the time and place hereinabove set forth to the best of my ability based on the quality of the electronic recording.

Heather Voska Hartwig

Heather Voska Hartwig
Official Court Reporter

Dated this 10th day of April, 2026.