

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

AIB

PAUL R. DULBERG, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
vs.	)	CASE NO. 25LA360
THOMAS W. GOOCH, <i>et al.</i> ,	)	
	)	
Defendants,	)	

**PLAINTIFF'S RESPONSE TO DEFENDANTS THOMAS J. POPOVICH AND HANS
MAST'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

Plaintiff Paul R. Dulberg, appearing pro se, respectfully submits this response to Defendants Thomas J. Popovich and Hans Mast's Motion to Dismiss Plaintiffs' Complaint. For the reasons below, the motion should be denied. Alternatively, if the Court finds any pleading deficiency, Plaintiff requests leave to amend rather than dismissal with prejudice.

I. INTRODUCTION

Defendants Popovich and Mast ask this Court to dismiss Count VI by recharacterizing it as the same legal-malpractice claim previously litigated in 17LA377. That is not Plaintiff's claim in this case.

Plaintiff does not seek, as to Popovich and Mast, to simply relitigate the same ordinary attorney-negligence claim arising only from their 2012-2015 representation in 12LA178. Plaintiff has already clarified that, as to Popovich and Mast, he does not seek to revive the same 17LA377 malpractice claim, but limits Count VI to later concealment, suppression, misrepresentation, document irregularity, and coordinated conduct. See Pl.'s Mar. 16, 2026 Response, paragraphs 9-15. (Docket No. 447)

Plaintiff's present claim against Popovich and Mast is Count VI: civil conspiracy to commit fraud against Plaintiff and fraud on the court to obtain dismissal of 17LA377 and conceal fraudulent acts occurring in 12LA178 and BK 14-83578. Count VI is directed to later concealment, suppression, misrepresentation, document irregularity, and coordinated conduct affecting 17LA377 and Plaintiff's later ability to discover and litigate the relevant facts.

The Complaint identifies concrete factual events, including the October 22, 2013 settlement-offer

document later discovered by Plaintiff, the Tilschner v. Spangler legal-research evidence, the Mast deposition Exhibit 12 problem, Flynn's November 30, 2022 response concerning that issue, the November 9, 2022 document-suppression evidence, and coordinated limitations/accrual positions used to obtain dismissal of 17LA377. See **Complaint paragraphs 19-21, 135-145, 188-189; Exhibits 65** (Docket No. 0096), **107** (Docket No. 0117), **DG** (Docket No. 0266), **K18** (Docket No. 0138), **K21** (Docket No. 0137), **K22** (Docket No. 0136), **K23** (Docket No. 0135), **K24** (Docket No. 0134), **K25** (Docket No. 0130), **C20** (Docket No. 0261), **C21** (Docket No. 0260), **DW** (Docket No. 0168), **ED-2** (Docket No. 0155), **ED-3** (Docket No. 0154).

Defendants' motion asks the Court to resolve disputed factual issues - what Plaintiff knew, when Plaintiff discovered material facts, whether material facts were concealed, whether later conduct was independent from the earlier malpractice claim, whether the present Count VI is the same operative claim as 17LA377, and whether alleged fraud/concealment affected the judgment.

Those issues cannot be resolved against Plaintiff at the pleading stage.

II. APPLICABLE STANDARDS

Defendants bring a combined motion under 735 ILCS 5/2-619.1. A combined motion must separately identify whether each part is brought under section 2-615, 2-619, or 2-1005, and must clearly show the points or grounds relied upon under that section.

A section 2-615 motion attacks the legal sufficiency of the pleading. It requires the moving party to identify the specific pleading defects complained of. In deciding a section 2-615 motion, the Court accepts well-pleaded facts as true and construes the pleading in the light most favorable to Plaintiff.

A section 2-619 motion raises an affirmative matter that defeats the claim. Where the asserted grounds do not appear on the face of the pleading, the motion must be supported by affidavit. If material facts are disputed, dismissal under section 2-619 is improper.

Defendants rely on limitations, repose, preclusion, estoppel, and pleading sufficiency. Those theories depend on disputed facts and on Defendants' characterization of Count VI as an ordinary legal-malpractice claim. Plaintiff disputes that characterization.

III. COUNT VI IS NOT MERELY A REVIVAL OF THE 17LA377 LEGAL-MALPRACTICE CLAIM

Defendants' central premise is that Count VI is a legal-malpractice claim dressed up as a conspiracy claim. That premise is incorrect.

Count VI alleges a civil conspiracy. Illinois recognizes civil conspiracy as a distinct cause of action. *Dowd & Dowd, Ltd. v. Gleason*, 181 Ill. 2d 460, 486 (1998). Civil conspiracy consists of a combination of two or more persons for the purpose of accomplishing by concerted action either an unlawful purpose or a lawful purpose by unlawful means, with an overt tortious or unlawful act in furtherance of the conspiracy. *Adcock v. Brakegate, Ltd.*, 164 Ill. 2d 54, 62-63 (1994).

Plaintiff's theory is not that Popovich and Mast are liable merely because they lost or mishandled 12LA178. Plaintiff alleges that Defendants acted in concert to preserve and use a false limitations/accrual narrative, suppress material evidence, obscure the Tilschner evidence and Mast deposition Exhibit 12 materials, and obtain dismissal of 17LA377 through concealment and misrepresentation.

The Complaint alleges that the Tilschner evidence was material because Mast allegedly gave Plaintiff Tilschner on November 20, 2013 and used it to explain why the McGuires supposedly were not liable, even though a settlement offer to the McGuires had already been made on October 22, 2013. **Complaint paragraphs 19-21; Exhibits 65** (Docket No. 0096), **107** (Docket No. 0117). Plaintiff alleges that this sequence showed the McGuire-liability theory and Popovich/Mast's explanation of that theory were materially different from what later appeared in the 17LA377 record.

The Complaint further alleges that Tilschner was not included in the Mast deposition Exhibit 12 materials as constituted after the deposition. **Complaint paragraphs 138, 141-144; Exhibits K18** (Docket No. 0138), **DG** (Docket No. 0266), **K21** (Docket No. 0137), **K22** (Docket No. 0136), **K23** (Docket No. 0135), **K24** (Docket No. 0134), **K25** (Docket No. 0130), **C20** (Docket No. 0261), **C21** (Docket No. 0260), **DJ** (Docket No. 0286). Plaintiff alleges that the later Flynn response concerning Tilschner and Exhibit 12 illustrates the effect of the allegedly suppressed or distorted record in 17LA377. Those are not merely complaints about a past attorney's professional

judgment. They are allegations of later concealment and coordinated use of a distorted record in 17LA377.

Accordingly, Defendants' motion should not be granted merely by labeling Count VI as malpractice. The Court should analyze Count VI as pled: a civil-conspiracy claim based on alleged fraud, suppression, concealment, and later coordinated conduct.

IV. THE LIMITATIONS ARGUMENT DOES NOT JUSTIFY DISMISSAL AT THE PLEADING STAGE

Defendants argue that the latest possible trigger date was the February 1, 2023 dismissal of 17LA377 and that this December 4, 2025 case is therefore time-barred. That argument fails for at least three reasons.

First, it assumes the present claim is an ordinary malpractice claim. Plaintiff disputes that premise. Count VI is not based solely on Popovich and Mast's legal representation in 12LA178. It is based on later alleged conspiracy, concealment, suppression, and coordinated acts affecting 17LA377 and later discovery.

Second, even if section 13-214.3 is considered, the face of the Complaint does not conclusively establish that Plaintiff knew or reasonably should have known all material facts necessary to bring Count VI more than two years before December 4, 2025. Plaintiff alleges later discovery and concealment, including the later-produced October 22, 2013 settlement-offer document, the Tilschner/legal-research materials, the Mast deposition Exhibit 12 problem, the subpoena/response chain concerning that issue, and the November 9, 2022 document-suppression evidence.

Complaint paragraphs 135-145, 188; Exhibits 65 (Docket No. 0096), **107** (Docket No. 0117), **DG** (Docket No. 0266), **K18** (Docket No. 0138), **K21** (Docket No. 0137), **K22** (Docket No. 0136), **K23** (Docket No. 0135), **K24** (Docket No. 0134), **K25** (Docket No. 0130), **C20** (Docket No. 0261), **C21** (Docket No. 0260), **DW** (Docket No. 0168), **ED-2** (Docket No. 0155), **ED-3** (Docket No. 0154)

Third, Defendants' limitations argument depends on disputed factual questions: what was concealed, when Plaintiff discovered the concealment, whether Plaintiff exercised reasonable diligence, whether later acts were independent tortious acts, and whether the 17LA377 dismissal

itself was procured through fraud or concealment. Those issues are not properly resolved on a motion to dismiss.

Plaintiff pleads fraudulent concealment and delayed discovery as to accrual and limitations.

Under 735 ILCS 5/13-215, where a person liable to an action fraudulently conceals the cause of action from the knowledge of the person entitled to sue, the action may be commenced within five years after discovery of the cause of action. At minimum, those allegations create factual disputes over what Plaintiff knew, when he knew it, what was concealed, and whether the present Count VI is limited to later alleged concealment and coordinated conduct rather than ordinary malpractice.

The limitations defense is not established conclusively from the face of the Complaint. The motion should be denied.

V. THE REPOSE ARGUMENT DOES NOT WARRANT DISMISSAL OF THE NARROWED COUNT VI WITH PREJUDICE AT THE PLEADING STAGE

Defendants argue that the six-year attorney repose period bars all claims because Popovich and Mast withdrew from representing Plaintiff in March 2015. Plaintiff does not dispute that ordinary malpractice allegations based only on Popovich and Mast's former representation in 12LA178 face a statute-of-repose argument. But Count VI is not pled solely as ordinary professional negligence arising from their 2012-2015 representation.

As to Popovich and Mast, Plaintiff's narrowed theory is that later concealment, suppression, misrepresentation, document irregularity, and coordinated use of a distorted 17LA377 record prevented full discovery and adjudication of the relevant facts. Popovich and Mast were not Plaintiff's attorneys in 17LA377; they were defendants. Plaintiff alleges later conduct tied to 17LA377 and later-discovered facts, not only attorney services performed during the former representation.

The earlier 2012-2015 events are pleaded as background explaining why the October 22, 2013 settlement offer, the November 20, 2013 Tilschner meeting, the Mast deposition Exhibit 12 issue, and the later document-production record mattered. If the Court concludes that any attorney-service allegations are barred by repose, the proper remedy is to narrow or clarify Count VI, not

dismiss the entire count with prejudice.

Alternatively, if the Court believes Count VI is not drafted with sufficient separation between earlier background facts and later actionable conspiracy facts, Plaintiff requests leave to amend Count VI to separate background allegations from later alleged overt acts and later-discovered concealment facts.

VI. RES JUDICATA DOES NOT BAR COUNT VI

Defendants argue that res judicata bars Count VI because 17LA377 was previously dismissed.

That argument overstates both the prior judgment and the present claim.

Res judicata requires a final judgment on the merits, identity of parties or their privies, and identity of causes of action. *River Park, Inc. v. City of Highland Park*, 184 Ill. 2d 290, 302 (1998). Even under the transactional test, the question is whether the claims arise from the same group of operative facts.

Count VI does not simply repeat the same malpractice claim litigated in 17LA377. Plaintiff alleges later-discovered facts and later conduct, including Tilschner suppression, the Mast deposition Exhibit 12 irregularity, the handling and non-production of documents, the November 2022 suppression evidence, Flynn's November 30, 2022 response regarding Tilschner and Exhibit 12, and coordinated limitations/accrual positions. **Complaint paragraphs 135-145, 188-189; Exhibits K18** (Docket No. 0138), **C20** (Docket No. 0261), **C21** (Docket No. 0260), **DW** (Docket No. 0168), **ED-2** (Docket No. 0155), **ED-3** (Docket No. 0154). These matters were not adjudicated as a civil-conspiracy claim in 17LA377.

The 17LA377 judgment was a limitations-based ruling on the legal-malpractice case. It was not an adjudication that no fraud, suppression, concealment, or conspiracy occurred. It was not an adjudication that Popovich, Mast, Flynn, Clinton, Williams, Gooch, Sershon, and Talarico did not act in concert. It was not an adjudication that the Tilschner evidence, Exhibit 12 issue, or later document-suppression evidence was immaterial or non-fraudulent.

Defendants cannot use res judicata to convert a prior limitations ruling into a broad adjudication of later fraud and conspiracy issues that were never actually litigated and decided. Res judicata

also should not be applied in a manner that rewards alleged concealment. At the pleading stage, Plaintiff's allegations cannot be resolved against him without factual development.

VII. COLLATERAL ESTOPPEL DOES NOT BAR COUNT VI

Collateral estoppel also fails. Collateral estoppel requires that the identical issue was actually litigated and decided in a prior case, that there was a final judgment on the merits, and that the party against whom estoppel is asserted was a party or in privity with a party in the prior case.

Nowak v. St. Rita High School, 197 Ill. 2d 381, 390-91 (2001).

The issue in Count VI is not identical to the issue decided in 17LA377. The 17LA377 court addressed whether the legal-malpractice claim against Popovich and Mast was time-barred. Count VI asks whether Defendants engaged in a later civil conspiracy to conceal material facts, suppress evidence, misrepresent the record, distort the limitations/accrual analysis, and obtain dismissal of 17LA377.

The prior court did not actually and necessarily decide whether Tilschner was intentionally suppressed, whether Exhibit 12 was defective or manipulated, whether the October 22, 2013 offer was concealed, whether Clinton/Williams and Flynn coordinated document suppression, whether Popovich/Mast benefited from or participated in a later concealment scheme, or whether the 17LA377 judgment was procured through fraud on the court. Collateral estoppel is therefore inapplicable.

VIII. JUDICIAL ESTOPPEL IS NOT A BASIS FOR DISMISSAL

Defendants also refer to judicial estoppel. Judicial estoppel requires, among other things, inconsistent positions taken by the same party, under oath or in judicial proceedings, with the prior position accepted by the court. Defendants have not identified a specific prior sworn position by Plaintiff that is directly inconsistent with Count VI and that was accepted by a court in a manner that bars this claim.

Plaintiff's position has remained consistent: Plaintiff alleges that material evidence was concealed and that the limitations/accrual narrative used to dismiss 17LA377 was the product of concealed and distorted facts. The fact that Plaintiff participated in prior litigation and attempted

to raise issues in those cases does not estop him from alleging that Defendants' conduct concealed material facts or corrupted the record. Judicial estoppel does not support dismissal.

IX. SUCCESSOR COUNSEL DOES NOT BREAK CAUSATION FOR AN INTENTIONAL CONSPIRACY CLAIM

Defendants invoke successor counsel doctrine. That doctrine is directed primarily to proximate cause in ordinary legal-malpractice claims where later counsel had a fair opportunity to cure an earlier attorney's error before the client's rights were irretrievably lost.

That doctrine does not defeat Count VI at the pleading stage. Plaintiff alleges a continuing concealment and suppression sequence involving multiple counsel and later participants. Plaintiff alleges successor counsel did not cure the concealed problems but instead continued or failed to disclose the same suppression and distorted record.

Successor counsel doctrine does not provide immunity to prior wrongdoers for later intentional concealment, nor does it defeat a civil-conspiracy claim where Plaintiff alleges that later acts were part of the same coordinated scheme. Whether later counsel had a fair opportunity to cure the problem, whether later counsel continued the concealment, and whether Popovich/Mast's alleged conduct remained a proximate cause are fact questions. Accordingly, successor counsel is not a basis for dismissal with prejudice.

X. COUNT VI PLEADS SUFFICIENT FACTS TO SUPPORT CIVIL CONSPIRACY OR, AT MINIMUM, CAN BE AMENDED

Defendants argue that the Complaint is lengthy but not specific. Plaintiff disputes that characterization.

The Complaint alleges the civil-conspiracy elements: a combination of two or more persons, a common purpose, concerted action, and overt acts. Plaintiff alleges the common purpose was to collapse Plaintiff's claims in 17LA377 and conceal fraudulent acts in 12LA178 and BK 14-83578. Plaintiff alleges parallel conduct and additional evidence of agreement through coordinated limitations/accrual framing, coordinated suppression of Tilschner, coordinated handling of Exhibit 12, delayed and segmented document production, misdirection concerning bankruptcy and ADR issues, and later use of the distorted record to obtain dismissal.

Plaintiff identifies specific factual events, including:

- 1. October 22, 2013 settlement-offer document.** Plaintiff alleges Mast/Popovich offered to settle the McGuire claim for \$7,500 before Mast later told Plaintiff that the McGuires were not liable based on Tilschner. **Complaint paragraphs 19, 135; Exhibit 65** (Docket No. 0096).
- 2. November 20, 2013 Tilschner meeting.** Plaintiff alleges Mast gave Plaintiff Tilschner and used it as the legal basis for claiming the McGuires would get out of the case. **Complaint paragraphs 20-21; Exhibit 107** (Docket No. 0117).
- 3. 2019 discovery of the October 22, 2013 offer.** Plaintiff alleges the offer was later discovered and became critical evidence that the prior explanation of the McGuire settlement was materially misleading. **Complaint paragraph 135; Exhibits 65** (Docket No. 0096), **ED-1** (Docket No. 0156).
- 4. Suppression/non-production of Tilschner.** Plaintiff alleges Tilschner was not Bates-stamped, not produced as it should have been, and not included in the Mast deposition Exhibit 12 materials despite Plaintiff's instructions and its central relevance. **Complaint paragraphs 137-140; Exhibits C15** (Docket No. 0263), **DF-10** (Docket No. 0239), **DF-11** (Docket No. 0238), **DF-12** (Docket No. 0237), **DF-13** (Docket No. 0236), **DF-14** (Docket No. 0235), **DF-15** (Docket No. 0234), **K18** (Docket No. 0138).
- 5. Mast deposition Exhibit 12 issue.** Plaintiff alleges Exhibit 12 was defective because Tilschner was omitted and another case was duplicated, which obscured the legal theory Mast allegedly gave Plaintiff. **Complaint paragraphs 138, 141-143; Exhibits K18** (Docket No. 0138), **DG** (Docket No. 0266), **K21** (Docket No. 0137), **K22** (Docket No. 0136), **K23** (Docket No. 0135), **K24** (Docket No. 0134), **K25** (Docket No. 0130), **C20** (Docket No. 0261), **DJ** (Docket No. 0286).
- 6. November 4, 2022 hearing.** Plaintiff alleges the court hearing exposed the Exhibit 12 problem and Williams's lack of recall regarding the materials. **Complaint**

paragraph 142; Exhibit C20 (Docket No. 0261).

- 7. November 30, 2022 Flynn response.** Plaintiff alleges that Flynn's response concerning Tilschner and Exhibit 12 illustrates the effect of the allegedly suppressed or distorted record in 17LA377. **Complaint paragraph 144; Exhibit C21** (Docket No. 0260).
- 8. November 9, 2022 document-suppression evidence.** Plaintiff alleges later discovery of file-tree and suppression evidence demonstrating a systematic document-suppression mechanism. **Complaint paragraph 188; Exhibits DW** (Docket No. 0168), **ED-2** (Docket No. 0155), **ED-3** (Docket No. 0154).
- 9. Use of limitations/accrual framing.** Plaintiff alleges Defendants advanced a coordinated limitations theory that depended on concealed or distorted facts and was used to obtain dismissal of 17LA377. **Complaint paragraph 189; Exhibits DQ-1** (Docket No. 0274), **DQ-2** (Docket No. 0273).

These allegations are not merely labels. They identify events, documents, actors, timing, and the alleged unlawful purpose. Civil conspiracy may be proven by circumstantial evidence. Direct written proof of an agreement is rarely available at the pleading stage. The Complaint pleads enough facts to permit the reasonable inference of a common design.

If the Court believes Count VI should be more particularized, the proper remedy is leave to amend. Plaintiff can amend Count VI to provide a more direct overt-act chart identifying each act, actor, date, exhibit, and connection to the conspiracy. Dismissal with prejudice is not warranted.

XI. FRAUD-ON-THE-COURT ALLEGATIONS SHOULD NOT BE DISMISSED MERELY AS DISAGREEMENT WITH PRIOR RULINGS

Defendants argue that Plaintiff is merely unhappy with rulings in prior cases. Plaintiff disagrees. Plaintiff is not asking the Court to recognize a free-standing damages tort for every alleged act of litigation misconduct. Plaintiff pleads fraud-on-the-court facts as part of the alleged civil conspiracy, concealment, accrual, and leave-to-amend analysis.

Plaintiff is not simply alleging that the prior courts made legal errors. Plaintiff alleges that the

record presented to those courts was materially affected by concealment, suppression, misrepresentation, and coordinated conduct. Fraud on the court is alleged as part of the unlawful means and concealment that supported the civil conspiracy and affected the ability to fairly adjudicate 17LA377.

Count VI is not based on ‘fraud on the court’ as a standalone label only. Count VI alleges civil conspiracy to commit fraud against Plaintiff and fraud on the court as the means by which the 17LA377 dismissal was obtained and prior fraudulent acts were concealed. At the pleading stage, the Court should not accept Defendants’ factual assertion that Plaintiff merely disagrees with prior legal rulings. The Complaint alleges specific concealment and suppression facts. Those allegations must be evaluated as pleaded.

XII. THE TRUST-PLAINTIFF ISSUE IS MOOT OR, AT MOST, DOES NOT JUSTIFY DISMISSAL OF PLAINTIFF’S INDIVIDUAL CLAIMS

Defendants suggest that the Paul R. Dulberg Revocable Trust is not properly explained as a Plaintiff and request dismissal of the Trust with prejudice. That issue does not support dismissal of Plaintiff Paul R. Dulberg’s individual claims against Popovich and Mast.

On February 17, 2026, Plaintiff filed a Notice of Voluntary Dismissal as to Co-Plaintiff The Paul R. Dulberg Revocable Trust Only (Docket No. 0422), pursuant to 735 ILCS 5/2-1009. That Notice states that Plaintiff voluntarily dismissed, without prejudice, all claims asserted in this action by co-plaintiff The Paul R. Dulberg Revocable Trust. The Notice further states that the dismissal applies solely to the Trust and does not affect the claims asserted by Plaintiff Paul R. Dulberg, individually.

Accordingly, Defendants’ Trust argument is moot or, at most, limited to the Trust only. It is not a basis to dismiss Count VI as to Plaintiff Paul R. Dulberg individually, and it is not a basis for dismissal with prejudice of Plaintiff’s individual claims.

To the extent no separate order has yet been entered on Plaintiff’s February 17, 2026 Notice, Plaintiff respectfully requests that the Court enter an order dismissing The Paul R. Dulberg Revocable Trust as a party plaintiff without prejudice and allow this matter to proceed with Paul R. Dulberg individually as the sole plaintiff.

XIII. ATTORNEY-FEE LANGUAGE SHOULD NOT RESULT IN DISMISSAL OF COUNT VI

Defendants also challenge Plaintiff's request for attorney's fees. Plaintiff does not agree that this issue warrants dismissal of Count VI.

If the Court determines that the Complaint does not presently plead a basis for attorney's fees against Popovich and Mast, the Court can strike or limit that portion of the prayer for relief.

That would not justify dismissal of the substantive civil-conspiracy claim. Plaintiff continues to request recoverable costs and all relief permitted by law.

XIV. LEAVE TO AMEND SHOULD BE GRANTED IF THE COURT FINDS ANY PLEADING DEFECT

Dismissal with prejudice is improper where a pleading defect can be cured by amendment.

Plaintiff has alleged extensive factual material and attached or identified supporting exhibits. If the Court finds that Count VI is too broad, too lengthy, insufficiently separated from background malpractice allegations, or insufficiently specific as to Popovich and Mast, Plaintiff requests leave to amend.

An amended Count VI can: (1) expressly disclaim any attempt to revive the same ordinary 17LA377 legal-malpractice claim; (2) separate background facts from actionable later overt acts; (3) identify each overt act by date, actor, document, and consequence; (4) clarify which acts are alleged against Popovich and Mast directly, and which acts are alleged through their counsel or co-conspirators; (5) clarify the fraudulent-concealment and accrual allegations; (6) clarify the damages caused by the conspiracy; and (7) remove or revise any prayer for attorney's fees if the Court finds that relief unavailable.

Because amendment can cure any pleading-form concerns, dismissal with prejudice should be denied.

XV. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court deny Defendants Thomas J. Popovich and Hans Mast's Motion to Dismiss.

Alternatively, if the Court finds any portion of Count VI insufficiently pleaded, Plaintiff requests

leave to amend rather than dismissal with prejudice.

Plaintiff further requests that, to the extent no separate order has yet been entered on Plaintiff's February 17, 2026 Notice of Voluntary Dismissal as to Co-Plaintiff The Paul R. Dulberg Revocable Trust Only, the Court enter an order dismissing The Paul R. Dulberg Revocable Trust as a party plaintiff without prejudice and allow this matter to proceed with Paul R. Dulberg individually as the sole plaintiff.

Submitted by: /s/ Paul R. Dulberg
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CERTIFICATE OF SERVICE

I certify that on **June 10, 2026**, I served a true and correct copy of the foregoing document upon all counsel and parties of record via eFileIL/EFSP electronic service to the extent available, and by email to any party not served through electronic service.

/s/ Paul R. Dulberg Date: **June 10, 2026**