

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

PAUL R. DULBERG, INDIVIDUALLY AND THE)
PAUL R. DULBERG REVOCABLE TRUST,)
Plaintiffs,)

v.)

Case No. 2025LA360

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.)

REPLY IN SUPPORT OF JOINT COMBINED MOTION TO DISMISS

NOW COME Defendants, SABINA SERSHON, *pro se*, THOMAS W. GOOCH, *pro se*,
and THE GOOCH FIRM as and for their Reply in support of their Joint Motion to Dismiss and in
support thereof states as follows:

1. Plaintiff, PAUL DULBERG (“DULBERG” or “Plaintiff”) in his Response to the Joint Motion to Dismiss fails to sufficiently argue why his Complaint should not be dismissed with prejudice. Rather, DULBERG seems to acknowledge that his Complaint is deficient and seeks to amend. However, after review of the pleadings, this Honorable Court will find that no amendments will change the fact that the Complaint is clearly time-barred against SABINA SERSHON, THOMAS W. GOOCH, and THE GOOCH FIRM (collectively referred to as “Defendants”).

2. Plaintiff's Response states that Plaintiff is not asking this Honorable Court to ignore the limitations and repose issues, Defendants agree that these issues should not be ignored.
(Response pg. 1)
3. Plaintiff incorrectly states that Defendants are asking the Court to decide disputed issues. In fact, it is the opposite, dates on Court Orders and filed pleadings are not disputed issues, they are clear facts on their face.
4. Here, DULBERG knew or should have known his injury when the Motion for Summary Judgment was granted in the underlying case on February 1, 2023. However, even assuming *arguendo*, for DULBERG's benefit, when looking at the latest point in time, when he filed the ARDC Complaints against GOOCH and SERSHON on November 8, 2023, the Complaint filed on December 4, 2025 is time-barred and DULBERG is not correct in stating that the limitation arguments do not defeat the Complaint. (Response, pg. 2)
5. DULBERG further argues that Defendants' Motion treat knowledge of possible attorney error as the same as knowledge of a complete compensable wrongfully caused injury. (Response, pg. 2-3) Here, DULBERG knew of his compensable/pecuniary injury on February 1, 2023, when the Court granted the Motion for Summary Judgment, at that point in time DULBERG knew that his case was over and he would not recover damages. This is not a disputed fact.
6. DULBERG cites to *DeLuna v. Burciaga*, 223 Ill.2d 49 (2006) stating that where a person fraudulently conceals a cause of action to the person entitled to sue, the statute is tolled to five (5) years. This case does not apply to DULBERG. In *DeLuna*, the attorney concealed his own wrongdoing and jeopardized the client's viability of the cause of action by stating

that the case was going very well when in fact it had already been dismissed with prejudice. (*Id.* at 247) We do not have any allegations of fraudulent concealment here that would extend the statute of limitations. Here DULBERG's claims remained viable and went on to be litigated for the next four and a half years after Defendants were fired by DULBERG.

7. DULBERG's own admissions contradict his arguments on fraudulent concealment because DULBERG states "material facts were concealed" in the initial Complaint and the Amended Complaint (Response, pg. 3) DULBERG knew what the pleadings said or did not say, nothing was concealed from DULBERG, and even if it were (it was not), five years from the alleged 'concealed' pleadings filed by Defendants would still be time-barred.
8. Next, DULBERG concedes that whether the fraud claims are barred by the statute of limitations because they arise from professional services is a question of law for the Court to determine. However, he incorrectly states that this does not mean that all fraud, concealment or timeliness allegations disappear at the pleading stage, it does. DULBERG states that he seeks to amend to separate ordinary malpractice allegations from fraudulent concealment and plead with greater particularity, however separating the allegations or even pleading with specificity will not change the date that The Gooch Firm was granted leave to withdraw (October 15, 2018) nor the date that summary judgment was entered (February 1, 2023) as time-bars to this case. Further, any amendments will still relate to Defendants' professional services, which as argued in the Motion to Dismiss, are barred by the statute of limitations.
9. Thus, if the time-bar is clear on its face, as it is in this case, this Honorable Court can and should dismiss Defendants with prejudice as no set of facts will change the undisputed dates.

10. As to the statute of repose argument, DULBERG argues that Defendants' arguments do not justify dismissal with prejudice at the pleading stage, it does. There is no amendment, discovery or further litigation that would change the date of the Defendants' last act of representation, which was October 15, 2018. Additionally, there were no further conversations between Defendants and DULBERG related to his underlying complaint where any alleged concealment could have been communicated to DULBERG. Dismissal with prejudice is appropriate based on the statute of repose.
11. The concealment DULBERG refers to are the allegations in the 17LA377 Complaints (which could have been amended with subsequent attorneys) and alleged statements by GOOCH and SERSHON, which assuming *arguendo* if such conversations took place were not the proximate cause of any damages as DULBERG had opportunities to discuss with subsequent attorneys and to amend his pleadings.
12. DULBERG is incorrect that subsequent attorneys do not defeat the proximate cause argument. DULBERG attempts to distinguish *Land v. Greenwood*, 133 Ill. App. 3d 537 (1985) and *Lopez v. Clifford Law Offices*, 362 Ill. App. 3d 969, 980 (1st Dist. 2005) (Response, pg. 5). He states that these two cases addressed situations where a client's rights remained viable and later counsel had a fair opportunity to cure, just like in DULBERG's case. However, DULBERG argues that successor counsel did not cure the pleadings. Whether DULBERG believes that the pleadings were not cured (by including the information DULBERG thought was appropriate in a pleading versus what legally belongs in a pleading) does not change the fact that the DULBERG's claim did in fact *remain viable* at the end of Defendants' October 2018 exit and there was an *opportunity* to cure by subsequent attorneys. These are not factual questions.

13. As to DULBERG's response to failing to plead a case within a case, he misses the mark.

DULBERG fails to argue how the underlying 17LA377 case would have been successful, rather he argues allegations that he thinks should have been included in the original pleadings.

14. DULBERG next argues that inappropriately attaching and mentioning the ARDC filings against Defendants does not prove the civil claims are untimely, it does. This goes to show that at the time of filing DULBERG knew of this alleged wrongdoing in November 2023, and still waited over two (2) years to file this instant lawsuit.

15. Therefore, DULBERG fails to sufficiently argue why his Complaint against Defendant SERSHON, GOOCH, and THE GOOCH FIRM should not be dismissed with prejudice.

16. This Honorable Court must find that adding, clarifying, or changing any facts or allegations will not move the needle as to when DULBERG knew or should have know of his injuries allegedly caused by these Defendants, Defendants last date of representation, and that any facts DULBERG attempts to allege will still be in the realm of professional services by Defendants, which are time-barred.

17. Accordingly, this Honorable Court must dismiss the claims against Defendant SERSHON, GOOCH, and THE GOOCH FIRM with prejudice.

WHEREFORE, for the foregoing reasons, the Defendant, SABINA SERSHON, THOMAS W. GOOCH, THE GOOCH FIRM respectfully request that this Honorable Court enter an Order dismissing the Plaintiff's Complaint at Law with prejudice pursuant to Section 2-615 and 2-619.

Dated: June 30, 2026

Respectfully submitted jointly,

Sabina Sershon

By: Sabina Sershon, *pro se*

/s/ Thomas W. Gooch

By: Thomas W. Gooch, *pro se*

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