

STATE OF ILLINOIS )  
 ) SS:  
COUNTY OF COOK )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - LAW DIVISION

PAUL DULBERG and THE PAUL  
DULBERG REVOCABLE TRUST,

Plaintiffs,

vs.

KELLY N. BAUDIN a/k/a BAUDIN &  
BAUDIN, et al.,

Defendants.

No. 2022 L 010905

REPORT OF PROCEEDINGS via Zoom

videoconference of the above-entitled cause before the  
Honorable Anthony Swanagan, Judge of said court on  
July 16, 2024, at the hour of 11:15 a.m.

1 APPEARANCES:

2 MR. PAUL DULBERG

3 BY: MR. PAUL DULBERG

4 4606 Hayden Court

5 McHenry, Illinois 60051

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7 Paul\_dulberg@comcast.net

8 appeared as Pro Se Plaintiff;

9 CHAPMAN SPINGOLA LLP

10 BY: MR. ROBERT A. CHAPMAN

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15 appeared on behalf of ADR Systems;

16 MR. THOMAS KOST

17 BY: MR. THOMAS W. KOST

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19 Mt. Prospect, Illinois 60056

20 847.439.2198

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22 trustee of the Paul Dulberg Revocable  
23 Trust;

24 KONICEK & DILLON, P.C.

BY: MR. THOMAS J. LONG

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appeared on behalf of Alphonse Talarico;

1 APPEARANCES CONTINUED:

3 TRIBLER ORPETT & MEYER P.C.

4 BY: MR. JEREMY N. BOEDER

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Chicago, Illinois 60606

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6  
7 appeared on behalf of W. Randal Baudin,  
Kelly Baudin and the Baudin Law Group.

24 Reported by: Hailey M. Schoot, CSR, RPR

1 THE COURT: Good morning. Today is July 16th,  
2 this is Calendar U and it's 11:15.

3 The one case I have on my calendar at  
4 11:15 is Case Number 22 L 010905, Dulberg and the  
5 Dulberg Trust versus multiple defendants, but I  
6 believe we are here today for a motion by one of  
7 the defendants, ADR Systems against the plaintiffs  
8 and the plaintiff's attorney.

9 And I see we have two court reporters  
10 here, so I always like to make sure court reporters  
11 can hear me, No. 1, even though I'm not the  
12 important person talking and, if you can, then I'll  
13 ask everybody else here to introduce themselves for  
14 the sake of the transcript.

15 MR. CHAPMAN: Good morning, Your Honor.

16 THE COURT: Who wants to jump in?

17 MR. CHAPMAN: I'll start. Thank you, Your  
18 Honor.

19 Good morning. Robert Chapman on  
20 behalf of the petitioner, ADR Systems.

21 THE COURT: Mm-hmm.

22 MR. LONG: Good morning, Your Honor. Thomas  
23 Long on behalf of respondent, Alphonse Talarico.

24 THE COURT: Good morning.

1 MR. BOEDER: Good morning, Your Honor. Jeremy  
2 Boeder -- excuse me -- on behalf of defendants W.  
3 Randal Baudin, Kelly Baudin and the Baudin Law  
4 Group.

5 THE COURT: Good morning.

6 MR. DULBERG: Paul Dulberg.

7 THE COURT: Good morning.

8 And, let's see -- okay. Let me start  
9 by saying that, Mr. Dulberg, I see that you filed a  
10 motion yesterday that asks for various things, and  
11 I don't know if the other parties have seen it, but  
12 it's a relatively lengthy motion and it's not  
13 noticed for a hearing and so I'm going to discuss a  
14 couple of things about it and then anybody who  
15 wants to have a response right now, you can, but I  
16 think the important thing is this hearing has been  
17 pending for a while and so I'm not going to  
18 continue the hearing today.

19 I think -- I don't remember why, it  
20 is probably our fault, but I don't remember why we  
21 continued it so far from its originally scheduled  
22 date, but, as far as I'm concerned, that  
23 continuance time was time for everybody to have  
24 their say on the docket, and so while I will

1 consider what's there, what's in the motion, I'm  
2 not going to stop proceedings today, I'm not going  
3 to stop argument today, as I believe the motion  
4 requests.

5 And, another thing I'm not going to  
6 do, because I don't think I have the authority to  
7 do it, I don't think I get to make the court  
8 reporters who are assigned to our other courtrooms  
9 by higher authorities than me, I don't think I have  
10 the authority to make them come here. So there are  
11 two private court reporters here. This is an  
12 argument, so I don't know that this is evidence. I  
13 don't really see the prejudice in -- even though,  
14 clearly, the litigants want to have an accurate  
15 transcript, which is why we have court reporters  
16 here, I don't necessarily see the prejudice in you,  
17 Mr. Dulberg, not having your own court reporter  
18 provided for free, and so I don't think that's a  
19 reason for not going forward.

20 Even if I could make one of our  
21 assigned court reporters come here, and I just -- I  
22 have to admit, I don't know whether I can or can't,  
23 but I presume that if I haven't been told that I do  
24 have jurisdiction over folks like that, that I

1 don't, so I'm not going to go farther down that  
2 road.

3           The other things you raised,  
4 Mr. Dulberg, as I said, this is -- this hearing has  
5 been postponed for I think time enough for  
6 everybody to have their say, and I think it is  
7 mostly about actions, Mr. Dulberg, that you should  
8 have some awareness of already.

9           So you have made a request for  
10 discovery, you have asked that Mr. Talarico be  
11 ordered to give records to you, and I'll consider  
12 that, but I don't think me considering those  
13 requests are reasons for me to not let the parties  
14 who have had their say supplement their written say  
15 with an argument today.

16           So that's my general reaction on the  
17 motion filed yesterday, but if anybody else has  
18 something they want to say in response to that, I  
19 am all eyes and ears.

20           MR. LONG: Judge, the only thing I would add  
21 is I'm troubled by the intent to inject any ARDC  
22 proceedings or statements that were contained in  
23 ARDC complaints into this proceeding. As Your  
24 Honor knows, they're all confidential. They have

1 no place here.

2 THE COURT: Mm-hmm. Fair enough. Anyone  
3 else?

4 MR. CHAPMAN: Your Honor, I think your  
5 comments from ADR's perspective were -- you know,  
6 we're in concurrence with your comments.

7 THE COURT: Okay. Then if there is nothing  
8 else, I'll tell you what then, Mr. Chapman, you're  
9 the movant, and so you'll get to go first and last,  
10 and Mr. Long and Mr. Dulberg, I'll let you respond  
11 after his opening and before his closing. Okay?  
12 Okay.

13 MR. CHAPMAN: Thanks, Your Honor.

14 THE COURT: The virtual floor is yours,  
15 Mr. Chapman. You can --

16 MR. CHAPMAN: Thank you very much.

17 THE COURT: -- go whenever you're ready.

18 MR. CHAPMAN: Thank you, Your Honor.

19 I am going to just ask the Court --  
20 and I'll skip over it if you are familiar with who  
21 ADR Systems or what ADR Systems is. If you are  
22 familiar --

23 THE COURT: I am.

24 MR. CHAPMAN: Okay. So, Your Honor, in my



1 view, as I said at the beginning of our petition,  
2 Mr. Long and I have both been at this a while and  
3 as have you, and, you know, when I have won or lost  
4 on motions to dismiss -- let's just focus of what I  
5 have won. I'm always hesitant and have -- you  
6 know, for many years, I don't file motions for  
7 sanctions as, you know, A., because I won the  
8 motion to dismiss, therefore I should file a motion  
9 for sanctions. I'm about to celebrate my 38th  
10 anniversary at this and I have done it less than  
11 probably -- definitely less than five times in my  
12 career, so I think it's important for the Court to  
13 be aware that, you know, it's -- we take it  
14 seriously. We don't do it just as a knee jerk  
15 response to what happened here.

16 I -- I think if you -- and I'm  
17 assuming you have had a chance to read our brief,  
18 but the fundamental problem with the case that was  
19 brought on Mr. Talarico -- on Mr. Dulberg and his  
20 Trust's behalf was that it was -- it literally made  
21 no sense. And not only does it make no sense, but  
22 it's done in a vexatious manner in which  
23 Mr. Dulberg had filed a bankruptcy, his personal  
24 injury claim belonged to the trustee, the trustee

1 retained counsel to pursue the claim, the trustee  
2 sought the bankruptcy court's approval to engage in  
3 a binding mediation before ADR pursuant to a  
4 50,000, 300,000 high-low agreement, which was the  
5 limits of the applicable policy. A signed  
6 agreement was presented to ADR Systems by  
7 Mr. Dulberg and his counsel. Mr. Dulberg admits  
8 that he was present and at ADR's facilities for the  
9 mediation, the mediation occurred before Judge  
10 Etchingham retired and Judge Etchingham found in  
11 favor of Mr. Dulberg, he awarded him \$561,000 not  
12 as per practice, Judge Etchingham was not made  
13 aware of the high-low agreement. The award was  
14 issued and then pursuant to the parties' agreement,  
15 the -- Allstate paid the money on the high-low, the  
16 300,000, the money was deposited into the  
17 bankruptcy court and Mr. Dulberg took \$117,000 of  
18 the proceeds after his creditors were paid without  
19 objection and silence and we were done when we --  
20 ADR were done when we issued our award. That was  
21 it for us and then six years later we get this  
22 bizarre incomprehensible complaint that  
23 Mr. Talarico filed on behalf of Mr. Dulberg and his  
24 trust against ADR System and a host of other

1 defendants, law firms, trustee, et cetera, and I --  
2 to kind of cut it off, so to speak, I at least took  
3 the time -- you know, Illinois is different than  
4 federal court, Your Honor, in that there's not a  
5 safe harbor rule like there is under Rule 11 of the  
6 Federal Rules of Civil Procedure, but as -- I think  
7 it's a smart curtesy and I don't -- again, I do it  
8 rarely with opposing counsel. I'm plaintiff  
9 enough, I don't like to get the letters, but I took  
10 the time to write to Mr. Talarico and say, look,  
11 your claim violates Rule 137 as a matter of fact  
12 and as a matter of law, and the response to that  
13 was silence and forging ahead, which was the theme  
14 of this whole litigation, which, in some ways,  
15 continues today, a forging ahead by Mr. Dulberg,  
16 his Trust, and Mr. Talarico.

17           And so we went to the -- we prepared  
18 a motion to dismiss, pointed out the fundamental  
19 flaw that Mr. Talarico had admitted in his  
20 complaint that the only binding and enforceable  
21 agreement was the one between ADR, Allstate and  
22 the -- and Mr. Dulberg, that was the enforceable  
23 agreement. So when the motion -- the response to  
24 the motion that was filed made no sense, and then

1 when -- after we then have to file a reply and then  
2 we have to appear before Judge Otto for oral  
3 argument, he, you know, threw it out -- you know, I  
4 don't want to characterize it, he heard argument  
5 and he threw it out, but, over my concern, he --  
6 objection, he agreed to let Mr. Talarico file an  
7 amended complaint and Mr. Talarico then, again,  
8 remained silent for months as the other parties,  
9 Mr. Boeder's client -- Jeremy's client and other  
10 clients went through their motions for summary  
11 judgment over a course of many months, we were then  
12 to the sidelines, those were all resolved and I  
13 came back and said, hey, you know, what about this  
14 amended -- is he going to amend or not. He didn't  
15 show up at the hearing to amend, and Judge Otto  
16 granted my request to dismiss the complaint with  
17 prejudice, within 30 days we filed the motion --  
18 petition.

19 Now -- and I probably covered most of  
20 what I would say in my description of what took  
21 place, but this is a situation of their own making.  
22 There never was, never could be a valid claim  
23 against ADR Systems in this case, and the Court is  
24 well aware of the standard under Rule 137, it's an

1 objective standard. We're not claiming it was --  
2 we're certainly claiming it was vexatious. We're  
3 not saying he did it to harass us. I have been in  
4 other cases where litigation is used for an  
5 improper purpose, but here it was clearly done in a  
6 vexatious way, in a way that wasted both ADR's  
7 resources and the Court's time. And the point I  
8 think that we raised in our reply was a couple of  
9 points.

10 One is, maybe Mr. Talarico didn't get  
11 it, but when I gave him the letter explaining it to  
12 him, then to, you know, just run -- you know, run  
13 roughshod over that and to continue and just to  
14 continually hear from the judge that this is not  
15 working and to keep going forward, this is a  
16 situation of their own making that we're here  
17 today.

18 And the point that I tried to raise  
19 in the reply, which is just for your consideration,  
20 why am I here, why am I the guy here, right? We  
21 got four or five other parties covered by  
22 insurance -- my client is not -- that are not here,  
23 why, because it's -- you know, ADR takes very  
24 seriously the idea that it performs a valuable

1 service. I'm not going to say it's not done -- you  
2 know, it's for a profit, I don't want to overshoot  
3 it, but it performs a -- I'm sure you have had  
4 cases in front of you over the years where parties  
5 lighten your case load and many other judges for  
6 many years now and it performs that important  
7 function for our system to take these cases out,  
8 and I can tell you, if a mediator or one of the  
9 retired judges is asked to testify or do anything  
10 to get brought into court, we take it very -- "we,"  
11 ADR, I have been working with them for almost  
12 24 years now, that, you know, we take it very  
13 seriously because it undermines that purpose that  
14 when that role that we play, if people can simply  
15 bring our mediators into court, sue us for no  
16 reason and increase the cost to ADR, increase the  
17 cost to the clients who participate and the members  
18 of the public who participate there.

19 So it's not -- our petition is not  
20 done willy-nilly, it's done -- we take it very,  
21 very seriously, and that's why I tried to get  
22 Mr. Talarico to stop.

23 And that we would ask, Your Honor,  
24 that you enter an award of sanctions -- I'll just

underscore this point -- jointly and separately  
against Mr. Talarico, Mr. Dulberg, and  
Mr. Dulberg's Trust, and that if, to the extent the  
Court does agree with us and grants that motion, I  
would then submit an appropriate fee petition to  
you.

THE COURT: Okay. Thank you very much.

Between Mr. Dulberg and Mr. Long, who  
wants to go next?

Mr. Long?

MR. LONG: Yes, Judge.

THE COURT: First hand up so, Mr. Long, go  
ahead.

MR. LONG: Judge, I respect Mr. Chapman, I  
have known him for years, but I disagree that this  
is vexatious litigation. It may be an inartfully  
pled claim against ADR, it has to be looked at in  
the context of what had happened.

There was a bankruptcy and a  
bankruptcy trustee was involved as was counsel  
hired by the trustee to represent Mr. Dulberg  
involved in the setting up of the ADR proceeding.  
And, during the bankruptcy, there was the Court's  
approval of terms for the mediation, which, based

1 on Mr. Dulberg's representations to Mr. Talarico,  
2 weren't fulfilled when the mediation went forward.

3 Again, there's context. Mr. Dulberg  
4 insists he wasn't there, his signature was forged,  
5 all this information is being brought to  
6 Mr. Talarico, so he has to take a hard look at what  
7 happened. He takes his client's word and  
8 investigates. His investigation revealed the basis  
9 for a breach of contract claim. Specifically when  
10 you kind of cut through some of Mr. Talarico's  
11 verbiage -- you know, I hate to say that about my  
12 own client, but verbiage in here -- there was a  
13 contract that is affined to what the bankruptcy  
14 court could approve, but what was actually  
15 implemented was a situation which he put in some  
16 breaches of that contract by ADR, one of which,  
17 from my perspective, is significant in that the  
18 allocation of costs changed from the time the  
19 bankruptcy court approved the agreement to the time  
20 that mediation went forward. I think it's in  
21 Section III -- Roman Numeral III(b) of both  
22 agreements. It went from being the -- all of  
23 Mr. Gagnon, Allstate's responsibility to being  
24 split equally.



1                   So that's that kernel of change that  
2 puts an attorney, such as Mr. Talarico, on alert to  
3 look and see what happened here, and he's being  
4 provided information by his client, who is clearly  
5 not happy. I'm sure you'll hear from Mr. Dulberg  
6 soon.

7                   So Mr. Talarico files a complaint for  
8 breach of contract saying ADR, who was a party, in  
9 the sense of they're agreeing to charge and accept  
10 fees, so they're a party, breached that by changing  
11 the terms of the agreement or being part of the  
12 change in the sense of the fees. And I think the  
13 contract also provides that -- or the agreement, I  
14 should say, mediation agreement, provides that no  
15 changes are to be made without agreement of the  
16 parties, and, from Mr. Talarico's perspective,  
17 based on what Mr. Dulberg said, he never agreed to  
18 a change in cost or anything else.

19                   So, in simple terms, we have a  
20 contract, we have a breach, i.e. the change in  
21 terms and damages, Mr. Dulberg being responsible  
22 for some of the costs. We have that. That's a  
23 seminal breach of contract claim. Where it goes,  
24 who knows. We have all been in cases over our

1 years here, a lot of experience on the screen,  
2 where he files a complaint with a legal basis and  
3 Mr. Chapman, being the good attorney that he is,  
4 files a motion to dismiss. Okay. We have all been  
5 there. And I think it's important to know what  
6 happens next.

7 Well, let me step back. Mr. Chapman  
8 seems to place emphasis on Mr. Talarico filing the  
9 action after he sends the letter. Well, I think --  
10 I know I have sent countless letters like that over  
11 my career, and I can count on one hand how many  
12 times the plaintiff said, oh, you're right, Tom,  
13 I'm not filing suit. You go ahead, it gets filed,  
14 you do the motion and everybody goes about their  
15 business, if it's granted. So then we move on to  
16 the motion part.

17 Mr. Chapman files a motion, Judge  
18 Otto grants it. Okay. It's without prejudice.  
19 This is not a claim that is so patently ridiculous  
20 that Judge Otto -- I wasn't there, so I'm just kind  
21 of reading into it, Mr. Chapman, correct? Whoever  
22 was there can correct me if I'm wrong, but --

23 MR. CHAPMAN: You're wrong.

24 MR. LONG: I figured as much.

1 But he dismisses it without  
2 prejudice, meaning, to me, there is a grain of  
3 something there, and Mr. Talarico and Mr. Dulberg  
4 are given the opportunity to elaborate, reconfigure  
5 it to move forward.

6 Mr. Talarico decides okay, I'll turn  
7 my focus on to the other defendants, Mr. Boeder's  
8 defendants and leave ADR alone. That is not  
9 vexatious. That is someone asserting a claim and  
10 leaving that claim behind when a judge says it's  
11 dismissed, and that's where it went. He didn't try  
12 to file it again. He didn't drag ADR in on three  
13 amended complaints. And, again, we have all seen  
14 that. That's not this.

15 So when you look at it in the context  
16 of what happened and what was pled and how  
17 Mr. Talarico responded when Judge Otto said it's  
18 dismissed, but maybe you can file something, chose  
19 not to. If he had gone ahead, that's vexatious.  
20 That's sanctionable. Here, it's not. It's a  
21 complaint that was dismissed and that should be the  
22 end of it.

23 And, for those reasons, Judge, I  
24 would respectfully request you deny the motion for

1 sanctions.

2 THE COURT: Okay. Thank you.

3 Mr. Dulberg.

4 MR. DULBERG: Hi, Your Honor. I'm not sure --  
5 I have never done this. Forgive me if I'm a little  
6 nervous, but in that motion that I filed yesterday  
7 there were exhibits at the bottom that are  
8 applicable, and one of them is video 27, and it is  
9 a response.

10 I can't articulate this. Can I -- is  
11 it possible for me to have my guardian and trustee  
12 speak for me?

13 THE COURT: Pardon me?

14 MR. DULBERG: Is it allowed for me to have my  
15 guardian and trustee speak for me on these matters  
16 or...

17 THE COURT: Mr. Kost, you mean?

18 MR. DULBERG: Yes.

19 THE COURT: Mr. Kost, is that -- is that  
20 something you would like to take on?

21 MR. DULBERG: Absolutely. Absolutely.

22 THE COURT: Wait. Who just said "absolutely?"

23 MR. DULBERG: Yes. He is here with me because  
24 we --

1 THE COURT: Oh, he's with you. Okay. I'm  
2 looking at his Zoom screen and I'm seeing that  
3 it's --

4 MR. KOST: No, I couldn't get in. Couldn't --  
5 could you see me? Can you see me?

6 THE COURT: No, I couldn't see you. I can see  
7 your name, though, I see "Thomas Kost," but I never  
8 heard you speak up, so...

9 MR. KOST: Things appear to be frozen.

10 MR. LONG: And, Judge, if I may, I don't want  
11 to make this more complicated, but I'm not quite  
12 sure Mr. Kost's status. Is he a trustee of the  
13 Trust or is he a guardian? I heard guardian.

14 MR. DULBERG: He is a --

15 MR. LONG: Just so the record is clear as to  
16 who he is and what authority he has to speak for  
17 Mr. Dulberg.

18 THE COURT: Yeah. Mr. Kost, go ahead, tell us  
19 your status as far as --

20 MR. KOST: I'm the full trustee of the Paul  
21 Dulberg Revocable Trust, but I have also been  
22 helping Paul Dulberg for approximately 13 years on  
23 these cases.

24 Paul Dulberg has been attacked

1 brutally and I created a series of -- eight series  
2 of videos, over 70 videos, which are available to  
3 the public, sent to the ARDC, all recorded,  
4 approximately 14 ARDC complaints all --

5 MR. LONG: Judge, ARDC is not relevant here.

6 THE COURT: Well --

7 MR. KOST: But I sent this yesterday --

8 THE COURT: Both of you stop for the moment.  
9 Okay? One at a time. Court reporters can only  
10 record one speaker at a time.

11 Judges make rulings on the  
12 admissibility and relevance of evidence and  
13 argument all the time. It doesn't mean I can't  
14 hear it, so I am presumed to disregard what is  
15 inappropriate, and I understand that's my task. So  
16 I'm not going to stop Mr. Kost from talking. To  
17 the extent that I conclude that I don't need to  
18 consider anything he is saying, I won't consider  
19 it. So, go ahead, Mr. Kost.

20 MR. KOST: Okay. Over a period of time I have  
21 produced a series -- eight series of videos, over  
22 70 videos all available online to the public and  
23 they have all been sent to the ARDC in various ARDC  
24 complaints and they are highly relevant in this

1 case because, in this particular case, in the case  
2 22 L 010905, Paul Dulberg was completely set up  
3 from the beginning and the evidence -- direct  
4 evidence, clear and convincing evidence is  
5 contained in the videos that I have provided to the  
6 ARDC and that I attempted -- we attempted to  
7 provide to the Court yesterday.

8 And, furthermore, Talarico didn't  
9 even represent us when he filed his response in  
10 this motion. He resigned on the 14th of January, I  
11 provided evidence to the Court yesterday -- or  
12 attempted to -- so he never represented us when he  
13 filed his answer. He's hostile. He's extremely  
14 hostile to our cause and I have documented it,  
15 again, in eight series of videos, and so I stand by  
16 the statements in the videos. That's my best  
17 answer to this.

18 THE COURT: Okay. I appreciate that. Thank  
19 you.

20 MR. LONG: Judge, may I say something?

21 THE COURT: You may.

22 MR. LONG: I just want to clarify one thing  
23 before Bob goes back.

24 Just so the record is clear, the

1 response filed by Mr. Talarico was submitted to the  
2 Court on February 8th. Mr. Talarico was not  
3 granted leave to withdraw until February 29th,  
4 there's an order. So I wanted that cleared up  
5 before creating a record for this.

6 Sorry, Bob.

7 THE COURT: Okay. All right. Mr. Chapman,  
8 last words go to you.

9 MR. CHAPMAN: Thank you, Your Honor.

10 Just a couple of points that I'll  
11 raise, which is, Mr. Talarico -- in the complaint  
12 itself, Mr. Talarico alleged that Mr. Dulberg was  
13 present at ADR's facilities on the day of the  
14 mediation. Forget that. You know, that's just a  
15 point of correction, but then the point was -- that  
16 Judge Otto highlighted was the statement in  
17 paragraph 94 of the complaint, which was there was  
18 a valid and enforceable contract between plaintiff  
19 Paul Dulberg and defendant ADR Systems and Allstate  
20 Property and Casualty Company dated  
21 December 8th, 2016, "please see Exhibit 11  
22 attached."

23 That's the signed document that ADR  
24 performed the mediation pursuant to. We were not a



1 party to the bankruptcy, we were not a witness, we  
2 were not asked to sign anything or appear before  
3 the bankruptcy court, whatever draft of something  
4 that was presented to the bankruptcy court, we,  
5 ADR, weren't a party to. And, as Mr. Talarico  
6 alleged, and as Judge Otto noted, the only valid  
7 agreement was the one that was signed and then  
8 pursuant to which the mediation occurred.

9           The -- I'll give Mr. Long credit for  
10 coming up with something here, which is, well, the  
11 costs. Well, you know, Judge, we have paid --  
12 Mr. Dulberg received \$300,000, his trust -- the  
13 bankruptcy trustee on his behalf received 300,000.  
14 What would the cost be of a binding mediation? A  
15 couple thousand dollars? Was there ever a protest  
16 to ADR Systems these costs should not have been  
17 allocated to me? Was there a protest in the  
18 bankruptcy court? Judge, I can't take the 117,000  
19 because I'm really entitled to 120,000 because  
20 costs were allocated improperly? Of course not.  
21 Mr. Dulberg took the money.

22           And so I appreciate that Mr. Dulberg  
23 or Mr. Kost might feel there was something done  
24 improper, I don't know what the evidence is to

1 support it, but if they feel like it, it wasn't ADR  
2 Systems who did anything improper and I don't -- I  
3 don't represent the attorneys involved, I don't  
4 represent the trustee involved, and, you know,  
5 whether Judge -- you know, as someone who was there  
6 at the time, Judge Otto allowed Mr. -- made it  
7 without prejudice so that the other motions could  
8 be heard, some were on summary judgment, and that  
9 then Mr. Talarico could decide what to do. That  
10 was the reason why he did it. If you read the  
11 transcript of that hearing, I did not get any sense  
12 that Judge Otto perceived a kernel of truth or a  
13 kernel of something to which could be added on to,  
14 and it doesn't matter anyway, it's an objective  
15 standard for you to apply, Your Honor, in this  
16 situation, which is, was the complaint, as a matter  
17 of fact, did it have a reasonable basis in fact and  
18 law to be filed? The answer is unequivocally it  
19 did not. Based on that answer, you should grant  
20 our request for an award of sanctions.

21 THE COURT: Okay. Did I leave anybody out?

22 All right. What I'm going to do is  
23 I'll take the motion and the briefs under  
24 advisement. I'm going to continue the case to

1 August 28th at 9:00 for a ruling. It may be that  
2 I'll issue a written ruling before then and strike  
3 the date, but, you know, that's lay plans, but,  
4 anyway, if somebody can just send us an order to  
5 that affect. Yeah, Mr. --

6 MR. CHAPMAN: Your Honor, on the order what --  
7 should the order reference the motion that was  
8 filed today?

9 THE COURT: Today's order doesn't have to say  
10 that. My order will address it to the extent I  
11 need -- I think it needs addressing.

12 MR. CHAPMAN: Understood.

13 THE COURT: Okay. Okay.

14 MR. CHAPMAN: Okay. I will prepare the order  
15 and I will circulate it.

16 THE COURT: Okay. All right. Thank you, all.  
17 Thank you to both court reporters,  
18 Mr. Dulberg, everyone.

19 Everybody have a good day. Okay.

20 MR. LONG: Thanks, Judge, you, too.

21 MR. BOEDER: Thank you, Your Honor.

22 THE COURT: All right. Thanks a lot.

23 MR. CHAPMAN: Your Honor, if for some reason  
24 you need a copy of today's transcript, please let

us know and we'll obtain it.

MR. DULBERG: I would like one.

THE COURT: Okay. Thank you for that.

MR. CHAPMAN: And I'll send the court reporter information to Mr. Dulberg if he would like to order a transcript from the court reporter, but with the knowledge that he would have to pay for it.

THE COURT: Fair enough.

MR. CHAPMAN: Okay. Thank you very much, Your Honor. I'll get that taken care of.

THE COURT: Okay. Thanks, everybody.

1 STATE OF ILLINOIS )  
2 ) Ss:  
3 COUNTY OF C O O K )

4 I, Hailey M. Schoot, CSR, RPR, a  
5 Certified Shorthand Reporter of said state, do hereby  
6 certify that I reported in shorthand the proceedings  
7 had at the taking of said hearing and that the  
8 foregoing transcript is a true record of my shorthand  
9 notes so taken as aforesaid, and contains all the  
10 requested proceedings at said hearing.

11 In witness whereof, I have hereunto set  
12 my hand this 23 day of July, 2024.

13  
14 (Electronically Signed)

15  
16 \_\_\_\_\_  
17 Hailey M. Schoot, CSR, RPR  
18 C.S.R. License No. 084-004897  
19  
20  
21  
22  
23  
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<b>Y</b>	<b>190</b>	<b>2:12</b>		
<b>Yeah</b>	<b>2:8</b>	<b>4606</b>		
<b>21:18 27:5</b>	<b>2</b>	<b>2:3</b>		
<b>years</b>	<b>2016</b>	<b>5</b>		
<b>9:6 10:21 14:4,6</b>	<b>24:21</b>	<b>50,000</b>		
<b>14:12 15:15</b>	<b>2022</b>	<b>10:4</b>		
<b>18:1 21:22</b>	<b>1:7</b>	<b>561,000</b>		
<b>yesterday</b>	<b>2024</b>	<b>10:11</b>		
<b>5:10 7:17 20:6</b>	<b>1:15 29:11</b>	<b>6</b>		
<b>22:7 23:7,11</b>	<b>21</b>	<b>60051</b>		
<b>Z</b>	<b>2:17</b>	<b>2:3</b>		
<b>Zoom</b>	<b>22</b>	<b>60056</b>		
<b>1:12 21:2</b>	<b>4:4 23:2</b>	<b>2:13</b>		
<b>0</b>	<b>225</b>	<b>60134</b>		
<b>010905</b>	<b>3:4</b>	<b>2:18</b>		
<b>1:7 4:4 23:2</b>	<b>23</b>	<b>60603</b>		
<b>084-004897</b>	<b>29:11</b>	<b>2:8</b>		
<b>29:16</b>	<b>24</b>	<b>60606</b>		
<b>1</b>	<b>14:12</b>	<b>3:4</b>		
<b>1</b>	<b>2550</b>	<b>630.262.9655</b>		
<b>4:11</b>	<b>3:4</b>	<b>2:18</b>		
<b>11</b>	<b>27</b>	<b>7</b>		
<b>11:5 24:21</b>	<b>20:8</b>	<b>70</b>		
<b>11:15</b>	<b>28th</b>	<b>22:2,22</b>		
<b>1:15 4:2,4</b>	<b>27:1</b>	<b>8</b>		
<b>117,000</b>	<b>29th</b>	<b>847.439.2198</b>		
<b>10:17 25:18</b>	<b>24:3</b>	<b>2:13</b>		
<b>120,000</b>	<b>3</b>	<b>847.497.4250</b>		
<b>25:19</b>	<b>30</b>	<b>2:4</b>		
<b>13</b>	<b>12:17</b>	<b>8th</b>		
<b>21:22</b>	<b>300,000</b>	<b>24:2,21</b>		
<b>137</b>	<b>10:4,16 25:12</b>	<b>9</b>		
<b>11:11 12:24</b>	<b>25:13</b>	<b>9:00</b>		
<b>14</b>	<b>312.201.6400</b>	<b>27:1</b>		
<b>22:4</b>	<b>3:5</b>	<b>94</b>		
<b>14th</b>	<b>312.630.9202</b>	<b>24:17</b>		
<b>23:10</b>	<b>2:9</b>			
<b>16</b>	<b>3850</b>			
<b>1:15</b>	<b>2:8</b>			
	<b>38th</b>			
	<b>9:9</b>			