

Date : 5/20/2023 12:43:35 PM
From : "Paul Dulberg"
To : "Alphonse Talarico"
BCc : "Paul Dulberg"
Subject : Issues with clerks file sent to appellate court

This is just the start.

I have yet to do a comprehensive match from the Table of contents to the actual or a word by word comparison.
Also, there was 1 outlier that we reordered and I'm not sure yet if it's in the clerks file.

Call me.

ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf

Completely Missing from Clerks file:

2018-01-10_17LA377_Report of Proceeding_WALCZYK-FLYNN_Stacey A Collins-Judge MEYER.pdf
2018-02-27_17LA377_Report of Proceeding_FLYNN_Stacey A Collins-Judge MEYER.pdf

Mismatched:

04/23/2021 MOTION - COMPEL R 160-R 176 (Volume 1)

Should be 2021-04-01_17LA377_Report of Proceeding_TALARICO-FLYNN_Stacey A Collins-Judge MEYER.pdf

Not Sur yet why the clerk has 2 ROP's when I show only 1:

12/07/2021 MOTION - COMPEL R 216-R 222 (Volume 1)

12/07/2021 STATUS - CHECK R 223-R 229 (Volume 1)

2021-12-07_17LA377_Report of Proceeding_TALARICO-FLYNN_Heather Voska Hartwig-Judge MEYER.pdf

Missing original ROP without addendum:

09/16/2022 MOTION - SUMMARY JUDGMENT R 389-R 401 (Volume 1)

2022-09-16_17LA377_Addendum to Report of Proceeding_TALARICO-FLYNN_Kathleen Strombach-Judge MEYER.pdf

2022-09-16_17LA377_Original Report of Proceeding_TALARICO-FLYNN_Kathleen Strombach - Challenged for accuracy on 9-27-2022-Judge MEYER.pdf

Date : 5/20/2023 4:35:47 PM

From : "Paul Dulberg"

To : "Alphonse Talarico"

BCc : "Paul Dulberg" , "Tom Kost"

Subject : Strange one - ROP February 10, 2021

Attachment : 2021-02-10_17LA377_Report of Proceeding_FILE STAMPED 3-24-2022_MEYER_Stacey A Collins-Judge MEYER_AMENDED-Court Order and TitlePage Only.pdf; 2021-02-10_17LA377_Report of Proceeding_TALARICO-FLYNN_Stacey A Collins-Judge MEYER_ORIGINAL.pdf; 2021-02-10_17LA377_Report of Proceeding_TALARICO-FLYNN_Stacey A Collins-Judge MEYER_REVISED-Title Page.pdf; 2021-02-10_R 101-R 124_ROP_Vol_1_of_1_230421_1628_8FF9DDF1_REVISED-several issues-Does not match the Revised version I was sent on 03-24-2022.pdf;

Did someone manually splice this one together combining the court order title page with the body of the original rather than use the corrected-revised version I received from the court reporter on March 24, 2022? Why? Need to revisit and check this one word for word.

My files

2021-02-10_17LA377_Report of Proceeding_FILE STAMPED 3-24-2022_MEYER_Stacey A Collins-Judge MEYER_AMENDED-Court Order and Title Page Only.pdf

2021-02-10_17LA377_Report of Proceeding_TALARICO-FLYNN_Stacey A Collins-Judge MEYER_ORIGINAL.pdf

2021-02-10_17LA377_Report of Proceeding_TALARICO-FLYNN_Stacey A Collins-Judge MEYER_REVISED-Title Page.pdf

Pulled from clerks file ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf

2021-02-10_R 101-R 124_ROP_Vol_1_of_1_230421_1628_8FF9DDF1_REVISED-several issues-Does not match the Revised version I was sent on 03-24-2022.pdf

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT

STATE OF ILLINOIS)

) SS

COUNTY OF MCHENRY)

FILED

MAR 24 2022

GEN. NO. 17 LA 377

☐ Jury

☐ Non-Jury

KATHERINE M. KEEFE
MCHENRY CTY. CIR. CLK.

PAUL DULBERG

Plf

VS.

THE LAW OFFICES OF
THOMAS J. POPOVICH PC
and HANS MAST
Def'ts

Date: 3-24-22

Plaintiff's

Attorney _____

Defendant's

Attorney _____

ORDER

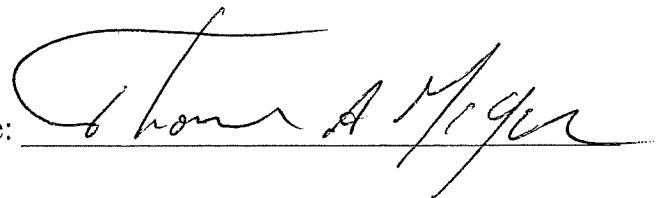
LEAVE IS GRANTED TO AMEND THE SCRIVENER'S
ERROR ON THE FACE OF THE TITLE PAGE OF THE
FEBRUARY 10, 2021, TRANSCRIPT FILED ON
FEBRUARY 26, 2021, TO REFLECT THE CORRECT
DATE OF THE PROCEEDINGS.

Prepared by: _____

Attorney for: _____

Attorney Registration No.: _____

Judge: _____



1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF MCHENRY)

4 IN THE TWENTY-SECOND JUDICIAL CIRCUIT
5 MCHENRY COUNTY, ILLINOIS

6 PAUL DULBERG,)

7 Plaintiff,)

8 vs.)

9 No. 17 LA 377

10 THE LAW OFFICES OF THOMAS)

11 J. POPOVICH, P.C., and)

12 HANS MAST,)

13 Defendants.)

14 ELECTRONICALLY RECORDED Report of
15 Proceedings had in the above-entitled cause before
16 The Honorable Thomas A. Meyer, Judge of the Circuit
17 Court of McHenry County, Illinois, on the 10th day of
18 February, 2021, in the Michel J. Sullivan Judicial
19 Center, Woodstock, Illinois.

20 APPEARANCES:

21 LAW OFFICE OF ALPHONSE A. TALARICO, by:

22 MR. ALPHONSE A. TALARICO,

23 Appearing via videoconference,

24 on behalf of the Plaintiff,

KARBAL COHEN ECONOMOU SILK & DUNNE, LLC, by:

MR. GEORGE K. FLYNN,

Appearing via videoconference,

on behalf of the Defendants.

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF MCHENRY)

3 IN THE TWENTY-SECOND JUDICIAL CIRCUIT
4 MCHENRY COUNTY, ILLINOIS

5 PAUL DULBERG,)
)
6 Plaintiff,)
)
7 vs.) No. 17 LA 377
)
8 THE LAW OFFICES OF THOMAS)
)
9 J. POPOVICH, P.C., and)
)
)
10 HANS MAST,)
)
)
11 Defendants.)

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13 Proceedings had in the above-entitled cause before
14 The Honorable Thomas A. Meyer, Judge of the Circuit
15 Court of McHenry County, Illinois, on the 10th day of
16 February, 2020, in the Michel J. Sullivan Judicial
17 Center, Woodstock, Illinois.

18 APPEARANCES:

19 LAW OFFICE OF ALPHONSE A. TALARICO, by:
20 MR. ALPHONSE A. TALARICO,
21 Appearing via videoconference,

22 on behalf of the Plaintiff,

23 KARBAL COHEN ECONOMOU SILK & DUNNE, LLC, by:
24 MR. GEORGE K. FLYNN,
Appearing via videoconference,

on behalf of the Defendants.

1 THE COURT: Do we have everybody on Dulberg?

2 A VOICE: (Inaudible), Your Honor.

3 MR. FLYNN: I think we do, Your Honor. George Flynn
4 for the defendants, moving.

5 THE COURT: Okay. And for the plaintiff?

6 MR. TALARICO: Alphonse Talarico, Your Honor. Good
7 morning. Good morning, Mr. Flynn.

8 MR. FLYNN: Good morning, counsel.

9 THE COURT: And here in court we've got --

10 MR. DULBERG: Mr. Dulberg.

11 THE COURT: Mr. Dulberg's here.

12 And we're here on defendants' motion; am I
13 correct?

14 MR. FLYNN: That's correct, Your Honor.

15 THE COURT: All right. In a nutshell, defense
16 counsel, can you explain your position.

17 MR. FLYNN: Sure. Thank you, Your Honor.

18 Mr. Dulberg has placed his communications with
19 his prior lawyer, Thomas Gooch, at issue in this case.
20 Plaintiff has admitted that it filed its complaint --
21 I'm sorry, plaintiff has filed its complaint more than
22 two years after my clients, his former lawyers, the
23 Popovich firm, withdrew or were terminated from his
24 representation. That's not at issue.

1 He has placed the discovery rule at issue in
2 his complaint and his amended complaints. However, he
3 has failed to answer initial discovery, he has failed to
4 respond -- or answer properly questions at his
5 deposition regarding discovery of his malpractice and
6 his understanding of damages related to the Popovich's
7 alleged malpractice. We served supplemental discovery,
8 which is somewhat duplicative of what was previously
9 served, and that was on July 2nd after his deposition.
10 He hasn't even answered it.

11 The response does nothing to address those
12 issues or object to the discovery that's been
13 propounded, so I would request that he be forced at a
14 minimum to answer this discovery, that any objection be
15 overruled, and essentially that the communications
16 between Dulberg and Mr. Gooch be produced in whatever
17 form. And to the extent that a subpoena to The Gooch
18 Firm would be necessary at a later date, I would rather
19 take it one step at a time and analyze whatever it is
20 that Mr. Dulberg produce. So, in a nutshell, that's the
21 motion.

22 I didn't know that we'd have to have a hearing.
23 I thought that these would be responded to or at least
24 objected to, but here we are.

1 THE COURT: Okay. Plaintiff's counsel?

2 MR. TALARICO: Let's see, Your Honor,
3 (indiscernible) to start with, I think this is a
4 two-step analysis. I hope the court sees it the same
5 way. I think it should be looked upon as a 2-619 motion
6 and at the same time a -- the question of whether there
7 was a waiver of the attorney-client privilege under Rule
8 of Evidence 502.

9 I believe that if the 2-619 is decided -- I'm
10 sorry. Yeah, the 2-619 motion is dismissed and decided
11 against the defendants, then the matter -- the second
12 step would be the waiver of attorney-client privilege
13 which I think my client did not do under either 502(a)
14 or 502(b).

15 THE COURT: When you -- are you saying that their
16 statute of limitations motion, if I deny that, only in
17 that instance do we get to the issue of the -- of the
18 letter?

19 MR. TALARICO: No. I think what we're -- what I'm
20 saying is that that clarifies part of the 502(a) section
21 of the argument, what I perceive as 502(a).

22 THE COURT: Okay. Defense counsel?

23 MR. TALARICO: If I might --

24 THE COURT: Go ahead, plaintiff.

1 MR. TALARICO: -- expound a little bit. I wasn't
2 aware that a 2-619 motion had been up. It was denied by
3 this court, but denied with the ability to get -- to
4 bring it again. All I've seen when I came into the case
5 was a decision saying, you know, denied, so at that
6 point in time I did not, let's say, approach the issues
7 of the statute of limitations or the statute of repose.
8 I think those two issues help clarify the 502 argument.

9 The 502 argument is what -- what information
10 can be gathered, and I think my responses to that would
11 simply be 502(b) and 502(a) have been complied with.

12 THE COURT: Defense counsel?

13 MR. FLYNN: I'm a little confused, Judge. There is
14 no pending 619 motion. That was ruled upon years ago.
15 This is simply a motion to compel and, you know, again,
16 looking back, I didn't attach every discovery answer
17 that Mr. Dulberg provided because there were many and
18 there were issues with signature pages throughout
19 written discovery. But here, the overarching
20 supplemental request, Exhibit E, I believe it is, that
21 was served on July 2 has not been answered. It's not
22 been objected to. It's untimely at this point, and,
23 again, it's clear that the discovery of the malpractice
24 and damages has been placed at issue. So we're entitled

1 to explore that discovery.

2 The testimony of Mr. Dulberg at his deposition
3 makes it clear that the only basis to toll any statute
4 of limitations was the December 2016 communications with
5 Tom Gooch and if he's not going to produce those, he has
6 no other basis to toll the statute and, as such, the
7 case should be dismissed. We'll bring the appropriate
8 motion. But you can't have it both ways using the
9 privilege as a sword and a shield.

10 THE COURT: Plaintiff's counsel, with respect to the
11 latter, your comment?

12 MR. TALARICO: I guess I'm not clear on what counsel
13 was saying. I respectfully say that we have complied
14 with the -- the 502(b) was inadvertent within the
15 deposition and the attorney at the time, who was -- I
16 think her name was Williams, Julia Williams, objected
17 and objected on a continuing basis for any of the
18 questions regarding that information. Counsel has not
19 brought a motion to have this court decide whether or
20 not that was appropriate, but he had answered under the
21 continuing objection by Miss Williams that this was a
22 protected attorney-client discussion.

23 As to the 502(a), the intentional disclosure,
24 that was, in my estimation -- and I hope the court

1 agrees -- that was done in the pleadings, in the
2 complaint, but it was done in the -- I wouldn't say in
3 the alternative. I would say it's additional
4 information.

5 THE COURT: What specifically are you referring to
6 when you say it's additional information? What was
7 additional information?

8 MR. TALARICO: The continued comments about when --
9 when he was aware of -- and when the statute would begin
10 to run, the two-year statute of limitations, as to the
11 filing of a complaint for malpractice. Within that
12 section, I have each one numbered, but at first the
13 comments -- the situation was when the arbitration, the
14 binding arbitration, matter was decided, and it was
15 decided in such a way that my client lost close to over
16 \$200,000 because the only other person that was in the
17 lawsuit had a maximum insurance policy of \$300,000. At
18 that point in time -- And he alleged that in the
19 complaint, in the first amended complaint, and the
20 second amended complaint, all of which I wasn't party
21 to, but the words are in there, the allegations are in
22 there. I believe that's when the statute of limitations
23 begins to run. Further --

24 THE COURT: He references -- he references in his

1 complaint -- I assume we're talking about the
2 allegations in the complaint.

3 MR. TALARICO: Yes.

4 THE COURT: And he references in the complaint
5 learning information from the expert, if I've read this
6 correctly. Is that a fair statement?

7 MR. TALARICO: That is one of the allegations, yes.

8 THE COURT: So why can't -- why isn't that report or
9 communication going to be turned over?

10 MR. DULBERG: It is. It already is.

11 MR. TALARICO: Judge, it's my position that that is
12 not relevant to the question. The question is, when did
13 -- when did he become aware, when does the statute start
14 running. And the answer I believe under Illinois law is
15 it begins running when he knows of his injury, and the
16 injury took place with the binding arbitration award;
17 not before, not after. So I'm saying --

18 THE COURT: And I guess I -- you're losing me
19 because I -- I don't understand how a binding
20 arbitration award is going to disclose to anybody
21 whether or not malpractice had been -- had taken place.

22 The -- your client -- I don't know if you can
23 see him. He keeps raising his hand. I'm ignoring him
24 because he has an attorney. I'm going to -- I'm going

1 to focus on you.

2 But whether or not there was an award for X
3 dollars or no dollars, that doesn't tell me anything
4 about whether -- whether he knew or should have known at
5 that point. That just told him what those people --

6 MR. DULBERG: May I clarify on the record.

7 THE COURT: Mr. Dulberg, you have an attorney.
8 You've elected to have your attorney speak for you.

9 MR. DULBERG: He's not not lead attorney
10 (indiscernible).

11 THE COURT: I'm going to limit it to it. I
12 recommend that you limit your conversation or comments
13 to him out of fear that you may say something that could
14 be harmful to your case.

15 MR. DULBERG: I understand.

16 THE COURT: In any event, the complaint identified
17 something the expert said as establishing knowledge on
18 behalf of Mr. Dulberg for the first time of the alleged
19 malpractice. So the complaint by its very language
20 tells me that that communication is relevant to the
21 issue of the discovery rule. I don't have a problem
22 with doing an in camera inspection of that particular
23 communication, but I don't see how we avoid it being
24 relevant.

1 MR. TALARICO: Judge, I think in all three -- the
2 original complaint, the first amended complaint and the
3 second amended complaint, all three plead the injury
4 happening with the -- I can't think of the word -- but
5 with the binding arbitration statement.

6 It thereafter talks about other matters and
7 each time the drafter of that complaint, the first --
8 I'm sorry, the original, the first and the second, adds
9 in different aspects which I believe are really
10 irrelevant. I think the focus is on when the injury
11 occurred. The injury I believe occurred when the
12 binding arbitration award was granted and I think that's
13 when the statute of limitations should run.

14 THE COURT: But he's entitled to discovery on that.
15 If you're claiming a particular communication
16 established knowledge for the first time, he gets to --
17 defense gets to see that, because you've linked it to a
18 unique event and he gets to challenge whether that's
19 plausible, so you don't get -- you don't get to make
20 that decision for him.

21 MR. DULBERG: If I may, I'm going -- I'm going to
22 clarify here.

23 THE COURT: Mr. Dulberg, you have an attorney.

24 MR. DULBERG: Yes, I do. And I'm going to clarify.

1 THE COURT: I'm not asking you to clarify.

2 MR. DULBERG: The event -- the event, okay, was a
3 series of events --

4 THE COURT: Counsel, --

5 MR. FLYNN: Judge, I'm going to object to this as
6 well.

7 MR. DULBERG: -- (continuing) prior to meeting
8 Mr. Gooch.

9 THE COURT: I'm ignoring what's being said.

10 Mr. Talarico, do you have a comment?

11 MR. TALARICO: Yes, we -- Mr. Dulberg, I believe,
12 and our position is, the statute of limitations begins
13 to run on the date of the arbitration -- the binding
14 arbitration, award.

15 THE COURT: And you could be right, but the
16 discovery rule involves facts and the issue becomes
17 whether you knew or should have known. You, by the
18 complaint you've inherited, established that knowledge
19 came as a result of a particular event and I think it --
20 by virtue of that allegation, you've made the facts
21 surrounding that event relevant to the investigation of
22 your claim of the discovery rule, its application, that
23 I can't separate that out. If you say that
24 communication gave you knowledge for the first time,

1 then the defendant gets to explore that.

2 MR. DULBERG: That's not what it said.

3 THE COURT: Your subjective interpretations aren't
4 going to be controlling.

5 MR. TALARICO: Judge, I'm not relying on that. All
6 I'm saying is that, with all due respect, that is when
7 he had the knowledge, that is when the statute of
8 limitations begins to run, and that information has been
9 part of the court file long before it became part of
10 this matter.

11 THE COURT: My reading of the complaint referenced
12 something regarding an expert report and perhaps a
13 letter from former counsel.

14 MR. FLYNN: Judge, may I clarify that.

15 THE COURT: Go ahead. Yeah.

16 MR. FLYNN: Thank you.

17 You know, the plaintiff has attempted I think
18 to use both, a report that he received from a chainsaw
19 -- so-called chainsaw expert, so a liability expert,
20 relative to the underlying case. There's been some
21 confusion with respect to his pleading and reliance on
22 that report. However, what I clarified at his
23 deposition is that he relied on a legal opinion to toll
24 the statute of limitations in this case. It's that

1 legal opinion in December of 2016 which informed him of
2 the malpractice.

3 Again, he wasn't very specific. I tried to
4 question him about each and every violation of the
5 standard of care, breach of the standard of care, and
6 when he found out about it; and you can read the whole
7 deposition, but his answers are evasive. They've been
8 evasive in his original interrogatory answers. We've
9 covered the waterfront with every possible question and
10 interrogatory and production request we could, but it's
11 clear that he is relying on a legal opinion.

12 Now, he's not very specific about what that
13 legal opinion is, and maybe there isn't anything in
14 Gooch's records or in the emails and whatnot to and from
15 Gooch and Dulberg, but, in any event, that's what he
16 testified to, and so it's our position we should be
17 entitled to those legal opinions, whatever they are.

18 THE COURT: I thought -- and obviously I didn't read
19 the entire deposition. I thought there was one letter
20 that really covered it, based on what I read. Is that a
21 fair statement?

22 MR. FLYNN: I'm not sure if that's accurate, Judge.
23 I think that -- I think he's pinpointed the time period
24 to December of 2016, but I think he also testified that

1 there was regular email communication between Dulberg
2 and Gooch, you know, --

3 THE COURT: In any event, I am going to direct
4 production of all those communications on which the
5 plaintiff is basing his claim of the applicability of
6 the discovery rule; and that's a little broader than I
7 first intended, but given the nature of this discussion,
8 it sounds like it's more than just a couple of
9 documents. It might be several of them.

10 I will also have those items produced to me for
11 an in camera inspection so that I can determine to what
12 extent that they are disclosing information relevant to
13 our investigation into the discovery rule, because while
14 I agree the defendant should be allowed to investigate
15 that issue, that doesn't mean he gets the benefit of
16 prior counsel's work product outside of the discovery
17 rule issue.

18 Does that make sense?

19 MR. FLYNN: So I do understand your ruling. I would
20 just ask that it be specified also, though, to the
21 communications with Mr. Gooch because in anticipation of
22 how this may be produced to Your Honor, if all they
23 produce is this chainsaw expert report, then we haven't
24 made any progress.

1 THE COURT: There is definitely something from
2 Mr. Gooch, and if I'm not given something from
3 Mr. Gooch, that will be a red flag.

4 MR. TALARICO: Judge, if I might.

5 THE COURT: I'm sorry?

6 MR. TALARICO: If I might speak.

7 THE COURT: Yeah.

8 MR. TALARICO: Judge, my position is that the
9 binding arbitration award document which has been part
10 of the court file, we believe long before I was in this
11 case, is the day that my client knew that he had an
12 action and, before that, it was premature by Illinois
13 law. At the time when the award was given, and the --

14 THE COURT: I'm not buying that. The arbitrator's
15 award gave you insight as to the value. Where you lose
16 me is -- Well, let me rephrase that. It gave you their
17 insight as to what they perceived the value of the case
18 to be. It did not tell you whether or not you could
19 have known that there was a viable cause of action
20 against another defendant --

21 MR. DULBERG: (Indiscernible) that.

22 THE COURT: -- because, again, it's you knew or
23 should have known whether --

24 MR. TALARICO: Of the injury, --

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THE COURT: -- there was another cause of action against that --

MR. TALARICO: -- a financial injury.

THE COURT: And I fail to understand how an arbitrator's award would explain that because I can't imagine -- I certainly don't -- I'm not an arbitrator, I don't know what they put in their decisions, but I would be surprised if they spend a lot of time telling you about people you could have sued but for malpractice, so the issue for me is knew or should have known, and I am going to direct production of those documents.

MR. TALARICO: Judge, my one comment?

THE COURT: Yeah.

MR. TALARICO: So it's Illinois law on that matter and a very recent case talked about specifically when the statute begins to run, but I will -- It's called Suburban Real Estate Services, Inc., versus Barus -- I'm sorry, and Barus versus William Carlson. The cite --

THE COURT: But that's a different argument. That's a rule -- that's an argument related to the applicability of -- or, in my analysis, of how the rule applies to the circumstances that we have. It doesn't address the issue of whether you should have known of

1 the existence of the cause of action, and the
2 information I have is that you did not and could not
3 have known about the cause of action until the
4 disclosure from the expert or from Mr. Gooch, and if
5 we're going to explore that issue, you've got to produce
6 that. You've put those items into evidence or at issue,
7 so defense has a right to see them.

8 MR. DULBERG: May I.

9 THE COURT: Anything else?

10 MR. DULBERG: Yeah, yeah. I'd like to comment.
11 You're not going to let me comment?

12 THE COURT: Mr. Dulberg is attempting to speak. I'm
13 not -- I'm neither listening nor inviting him to speak.

14 MR. DULBERG: I will speak on the record.

15 THE COURT: So I will --

16 MR. DULBERG: It's not about when we knew or should
17 have known of the cause of action.

18 THE COURT: Sir, --

19 MR. DULBERG: We certainly knew or should have
20 known --

21 THE COURT: Sir, --

22 MR. DULBERG: -- of the injury.

23 THE COURT: Mr. Dulberg, do not presume to tell me
24 what the law is. All right? You understand your place.

1 MR. DULBERG: Yes.

2 THE COURT: Do not tell me what the law is. I will
3 make that decision. I've instructed you numerous times
4 not to talk, and yet you feel the need to express
5 yourself. You have an attorney. Your attorney has ably
6 represented you, but I get to make a decision regardless
7 of what your personal thoughts are. So we will go back
8 to my discussion. Forgive the outburst, but I have
9 invited him not to speak and that wasn't acceptable to
10 him.

11 So, in any event, how long, Mr. Talarico, do
12 you need to produce this information?

13 MR. TALARICO: Judge, I'm not absolutely sure.
14 Whatever the court says I produce I'll produce within
15 28 days.

16 THE COURT: Okay. Twenty-eight days is fine with
17 me.

18 Mr. Flynn?

19 MR. FLYNN: Twenty-eight days is fine, Your Honor.
20 I would also request that, in addition to the documents
21 being produced, that the actual discovery request be
22 responded to and any interrogatories be amended --

23 THE COURT: You need a privilege log certainly as to
24 the documents, and so I'm going to direct that you be

1 given a privilege log because they are claiming
2 privilege as to these items. I assume there hasn't
3 previously been one. Is that true?

4 MR. FLYNN: That is true.

5 THE COURT: All right. So you're entitled to the
6 privilege log.

7 As far as the other interrogatories are
8 concerned, Mr. Talarico -- How many interrogatories do
9 we have outstanding?

10 MR. FLYNN: The -- I think what we have is some
11 interrogatories that weren't completely answered in the
12 first place. It's probably a handful, Judge, but then
13 there are seven or eight requests for production that
14 simply weren't responded to. Those are the subject of
15 this motion.

16 THE COURT: And are they covered by the privilege
17 log, do you think?

18 MR. FLYNN: Well, I think that first we need to know
19 whether there are responsive documents. They haven't
20 even answered that, and then if they are withholding any
21 and submitting them to the court, then the privilege log
22 comes next, I guess, would be my request.

23 THE COURT: Okay. Mr. Talarico, can you provide a
24 response in 28 days?

1 MR. TALARICO: Yes, Your Honor. I will respond.

2 THE COURT: All right. And if you don't have
3 documents, you don't have documents. Just tell him. If
4 you're claiming a privilege, identify -- provide some
5 sort of an identification of the document and the
6 privilege you're claiming.

7 With respect to the interrogatories, which
8 ones?

9 MR. FLYNN: These were the interrogatories
10 propounded by Hans Mast, my other client, and that was
11 Exhibit D, I believe, to the motion. I did not attach
12 his answers, but Hans Mast's interrogatories which were
13 propounded back on March 22 of 2019 -- one, two,
14 three -- just four interrogatories.

15 I do believe that we have a response, but it's
16 incomplete. It doesn't -- it doesn't identify these
17 communications with Mr. Gooch or the legal opinion that
18 has been alleged in the complaint and placed at issue.

19 THE COURT: Yeah, and I -- my concern is -- and the
20 answer, direct answer, to those is going to require my
21 review of the documents, so I'm going to enter and
22 continue that part of the motion until I make a decision
23 with respect to the documents.

24 Is there anything else?

1 MR. FLYNN: I think that covers it, Your Honor.

2 THE COURT: Okay. All right. So, Mr. Flynn, I'm
3 going to direct you to send me an order -- Do you have
4 our email address? You can take a picture if you like.

5 MR. FLYNN: I believe so. Okay.

6 THE COURT: Okay? And the order -- we'll pick a new
7 date in a moment. The order will provide that the
8 plaintiff will provide you with a privilege log for
9 those -- provide you answers to the production request
10 as well as a privilege log with respect to any documents
11 that are withheld, and I'm entering and continuing your
12 motion with respect to the interrogatories.

13 Plaintiff will provide me with the documents
14 withheld and identified in the privilege log within
15 28 days and then we'll come back perhaps two weeks after
16 that. Twenty-eight days is March 10th; two weeks after
17 that would be around March 24th, and I can provide you
18 with my ruling then. So how's March 24th at 1:30?

19 MR. FLYNN: Judge, I actually have a deposition at
20 1:00 o'clock that day.

21 THE COURT: How about the 25th? Thursday.

22 MR. FLYNN: 25th works. 25th at 1:00 o'clock?

23 THE COURT: Yeah.

24 Mr. Talarico?

1 MR. TALARICO: One second, Your Honor.

2 THE COURT: Okay.

3 MR. TALARICO: Fine.

4 THE COURT: Do we have agreement on the date or are
5 we waiting?

6 MR. TALARICO: I said it was fine, Your Honor.

7 THE COURT: Oh, okay. I'm sorry, I missed that. So
8 1:30. Is there anything else we need covered in the
9 order?

10 MR. FLYNN: Just may I be clear that the motion is
11 granted in part as stated on the record.

12 THE COURT: Yes.

13 MR. FLYNN: And I would like to just include
14 Mr. Gooch's name in the written order, that those be
15 included in the production if they exist.

16 THE COURT: Yeah, I don't -- I don't want -- What I
17 want to -- I guess -- And thank you for bringing that
18 up.

19 My impression from reading the motion was it
20 boiled down to -- I got the idea that it was a single
21 document or a single communication that conveyed the
22 information at issue. And you're indicating that it was
23 more, it was a number of emails. Are you able to put a
24 timeframe on it?

1 MR. FLYNN: Well, I think, again, the allegations in
2 the various complaints, complaint and amended
3 complaints, and the testimony, (indiscernible) to
4 December of 2016, so --

5 THE COURT: Yeah. Say the communications of
6 December of 2016, because I don't want it read as
7 requiring that all communications from Mr. Gooch be
8 produced.

9 MR. FLYNN: Okay.

10 THE COURT: Mr. Talarico, any questions or comments
11 about that?

12 MR. TALARICO: No, Your Honor. I'll follow the
13 court's order.

14 THE COURT: All right. Anything else then?

15 MR. FLYNN: No, Your Honor. I will send a draft of
16 that order to Mr. Talarico for his review and then we
17 will send it to your email address, Your Honor.

18 THE COURT: Okay. I'll wait to see that. I'll sign
19 it as soon as it's in. Thank you.

20 MR. FLYNN: Thank you.

21 THE COURT: See you in March.

22 MR. FLYNN: Thank you, counsel.

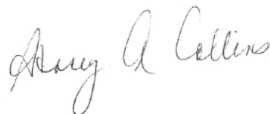
23 THE COURT: All right. Bye.

24 MR. TALARICO: Thank you, Judge. Thank you,
counsel.

(Which was and is all of the evidence
offered at the hearing of said cause
this date.)

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF MCHENRY)
4

5 I, Stacey A. Collins, an Official Court
6 Reporter of the 22nd Judicial Circuit of Illinois, do
7 hereby certify the foregoing to be a true and accurate
8 transcription to the best of my ability and based on the
9 quality of the recording of all the proceedings heard on
10 the electronic recording system in the above-entitled
11 cause.

12 
13

14 _____
15 Stacey A. Collins, CSR
16 Official Court Reporter
17
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1 THE COURT: Do we have everybody on Dulberg?

2 A VOICE: (Inaudible), Your Honor.

3 MR. FLYNN: I think we do, Your Honor. George Flynn
4 for the defendants, moving.

5 THE COURT: Okay. And for the plaintiff?

6 MR. TALARICO: Alphonse Talarico, Your Honor. Good
7 morning. Good morning, Mr. Flynn.

8 MR. FLYNN: Good morning, counsel.

9 THE COURT: And here in court we've got --

10 MR. DULBERG: Mr. Dulberg.

11 THE COURT: Mr. Dulberg's here.

12 And we're here on defendants' motion; am I
13 correct?

14 MR. FLYNN: That's correct, Your Honor.

15 THE COURT: All right. In a nutshell, defense
16 counsel, can you explain your position.

17 MR. FLYNN: Sure. Thank you, Your Honor.

18 Mr. Dulberg has placed his communications with
19 his prior lawyer, Thomas Gooch, at issue in this case.
20 Plaintiff has admitted that it filed its complaint --
21 I'm sorry, plaintiff has filed its complaint more than
22 two years after my clients, his former lawyers, the
23 Popovich firm, withdrew or were terminated from his
24 representation. That's not at issue.

1 He has placed the discovery rule at issue in
2 his complaint and his amended complaints. However, he
3 has failed to answer initial discovery, he has failed to
4 respond -- or answer properly questions at his
5 deposition regarding discovery of his malpractice and
6 his understanding of damages related to the Popovich's
7 alleged malpractice. We served supplemental discovery,
8 which is somewhat duplicative of what was previously
9 served, and that was on July 2nd after his deposition.
10 He hasn't even answered it.

11 The response does nothing to address those
12 issues or object to the discovery that's been
13 propounded, so I would request that he be forced at a
14 minimum to answer this discovery, that any objection be
15 overruled, and essentially that the communications
16 between Dulberg and Mr. Gooch be produced in whatever
17 form. And to the extent that a subpoena to The Gooch
18 Firm would be necessary at a later date, I would rather
19 take it one step at a time and analyze whatever it is
20 that Mr. Dulberg produce. So, in a nutshell, that's the
21 motion.

22 I didn't know that we'd have to have a hearing.
23 I thought that these would be responded to or at least
24 objected to, but here we are.

1 THE COURT: Okay. Plaintiff's counsel?

2 MR. TALARICO: Let's see, Your Honor,
3 (indiscernible) to start with, I think this is a
4 two-step analysis. I hope the court sees it the same
5 way. I think it should be looked upon as a 2-619 motion
6 and at the same time a -- the question of whether there
7 was a waiver of the attorney-client privilege under Rule
8 of Evidence 502.

9 I believe that if the 2-619 is decided -- I'm
10 sorry. Yeah, the 2-619 motion is dismissed and decided
11 against the defendants, then the matter -- the second
12 step would be the waiver of attorney-client privilege
13 which I think my client did not do under either 502(a)
14 or 502(b).

15 THE COURT: When you -- are you saying that their
16 statute of limitations motion, if I deny that, only in
17 that instance do we get to the issue of the -- of the
18 letter?

19 MR. TALARICO: No. I think what we're -- what I'm
20 saying is that that clarifies part of the 502(a) section
21 of the argument, what I perceive as 502(a).

22 THE COURT: Okay. Defense counsel?

23 MR. TALARICO: If I might --

24 THE COURT: Go ahead, plaintiff.

1 MR. TALARICO: -- expound a little bit. I wasn't
2 aware that a 2-619 motion had been up. It was denied by
3 this court, but denied with the ability to get -- to
4 bring it again. All I've seen when I came into the case
5 was a decision saying, you know, denied, so at that
6 point in time I did not, let's say, approach the issues
7 of the statute of limitations or the statute of repose.
8 I think those two issues help clarify the 502 argument.

9 The 502 argument is what -- what information
10 can be gathered, and I think my responses to that would
11 simply be 502(b) and 502(a) have been complied with.

12 THE COURT: Defense counsel?

13 MR. FLYNN: I'm a little confused, Judge. There is
14 no pending 619 motion. That was ruled upon years ago.
15 This is simply a motion to compel and, you know, again,
16 looking back, I didn't attach every discovery answer
17 that Mr. Dulberg provided because there were many and
18 there were issues with signature pages throughout
19 written discovery. But here, the overarching
20 supplemental request, Exhibit E, I believe it is, that
21 was served on July 2 has not been answered. It's not
22 been objected to. It's untimely at this point, and,
23 again, it's clear that the discovery of the malpractice
24 and damages has been placed at issue. So we're entitled

1 to explore that discovery.

2 The testimony of Mr. Dulberg at his deposition
3 makes it clear that the only basis to toll any statute
4 of limitations was the December 2016 communications with
5 Tom Gooch and if he's not going to produce those, he has
6 no other basis to toll the statute and, as such, the
7 case should be dismissed. We'll bring the appropriate
8 motion. But you can't have it both ways using the
9 privilege as a sword and a shield.

10 THE COURT: Plaintiff's counsel, with respect to the
11 latter, your comment?

12 MR. TALARICO: I guess I'm not clear on what counsel
13 was saying. I respectfully say that we have complied
14 with the -- the 502(b) was inadvertent within the
15 deposition and the attorney at the time, who was -- I
16 think her name was Williams, Julia Williams, objected
17 and objected on a continuing basis for any of the
18 questions regarding that information. Counsel has not
19 brought a motion to have this court decide whether or
20 not that was appropriate, but he had answered under the
21 continuing objection by Miss Williams that this was a
22 protected attorney-client discussion.

23 As to the 502(a), the intentional disclosure,
24 that was, in my estimation -- and I hope the court

1 agrees -- that was done in the pleadings, in the
2 complaint, but it was done in the -- I wouldn't say in
3 the alternative. I would say it's additional
4 information.

5 THE COURT: What specifically are you referring to
6 when you say it's additional information? What was
7 additional information?

8 MR. TALARICO: The continued comments about when --
9 when he was aware of -- and when the statute would begin
10 to run, the two-year statute of limitations, as to the
11 filing of a complaint for malpractice. Within that
12 section, I have each one numbered, but at first the
13 comments -- the situation was when the arbitration, the
14 binding arbitration, matter was decided, and it was
15 decided in such a way that my client lost close to over
16 \$200,000 because the only other person that was in the
17 lawsuit had a maximum insurance policy of \$300,000. At
18 that point in time -- And he alleged that in the
19 complaint, in the first amended complaint, and the
20 second amended complaint, all of which I wasn't party
21 to, but the words are in there, the allegations are in
22 there. I believe that's when the statute of limitations
23 begins to run. Further --

24 THE COURT: He references -- he references in his

1 complaint -- I assume we're talking about the
2 allegations in the complaint.

3 MR. TALARICO: Yes.

4 THE COURT: And he references in the complaint
5 learning information from the expert, if I've read this
6 correctly. Is that a fair statement?

7 MR. TALARICO: That is one of the allegations, yes.

8 THE COURT: So why can't -- why isn't that report or
9 communication going to be turned over?

10 MR. DULBERG: It is. It already is.

11 MR. TALARICO: Judge, it's my position that that is
12 not relevant to the question. The question is, when did
13 -- when did he become aware, when does the statute start
14 running. And the answer I believe under Illinois law is
15 it begins running when he knows of his injury, and the
16 injury took place with the binding arbitration award;
17 not before, not after. So I'm saying --

18 THE COURT: And I guess I -- you're losing me
19 because I -- I don't understand how a binding
20 arbitration award is going to disclose to anybody
21 whether or not malpractice had been -- had taken place.

22 The -- your client -- I don't know if you can
23 see him. He keeps raising his hand. I'm ignoring him
24 because he has an attorney. I'm going to -- I'm going

1 to focus on you.

2 But whether or not there was an award for X
3 dollars or no dollars, that doesn't tell me anything
4 about whether -- whether he knew or should have known at
5 that point. That just told him what those people --

6 MR. DULBERG: May I clarify on the record.

7 THE COURT: Mr. Dulberg, you have an attorney.
8 You've elected to have your attorney speak for you.

9 MR. DULBERG: He's not not lead attorney
10 (indiscernible).

11 THE COURT: I'm going to limit it to it. I
12 recommend that you limit your conversation or comments
13 to him out of fear that you may say something that could
14 be harmful to your case.

15 MR. DULBERG: I understand.

16 THE COURT: In any event, the complaint identified
17 something the expert said as establishing knowledge on
18 behalf of Mr. Dulberg for the first time of the alleged
19 malpractice. So the complaint by its very language
20 tells me that that communication is relevant to the
21 issue of the discovery rule. I don't have a problem
22 with doing an in camera inspection of that particular
23 communication, but I don't see how we avoid it being
24 relevant.

1 MR. TALARICO: Judge, I think in all three -- the
2 original complaint, the first amended complaint and the
3 second amended complaint, all three plead the injury
4 happening with the -- I can't think of the word -- but
5 with the binding arbitration statement.

6 It thereafter talks about other matters and
7 each time the drafter of that complaint, the first --
8 I'm sorry, the original, the first and the second, adds
9 in different aspects which I believe are really
10 irrelevant. I think the focus is on when the injury
11 occurred. The injury I believe occurred when the
12 binding arbitration award was granted and I think that's
13 when the statute of limitations should run.

14 THE COURT: But he's entitled to discovery on that.
15 If you're claiming a particular communication
16 established knowledge for the first time, he gets to --
17 defense gets to see that, because you've linked it to a
18 unique event and he gets to challenge whether that's
19 plausible, so you don't get -- you don't get to make
20 that decision for him.

21 MR. DULBERG: If I may, I'm going -- I'm going to
22 clarify here.

23 THE COURT: Mr. Dulberg, you have an attorney.

24 MR. DULBERG: Yes, I do. And I'm going to clarify.

1 THE COURT: I'm not asking you to clarify.

2 MR. DULBERG: The event -- the event, okay, was a
3 series of events --

4 THE COURT: Counsel, --

5 MR. FLYNN: Judge, I'm going to object to this as
6 well.

7 MR. DULBERG: -- (continuing) prior to meeting
8 Mr. Gooch.

9 THE COURT: I'm ignoring what's being said.

10 Mr. Talarico, do you have a comment?

11 MR. TALARICO: Yes, we -- Mr. Dulberg, I believe,
12 and our position is, the statute of limitations begins
13 to run on the date of the arbitration -- the binding
14 arbitration, award.

15 THE COURT: And you could be right, but the
16 discovery rule involves facts and the issue becomes
17 whether you knew or should have known. You, by the
18 complaint you've inherited, established that knowledge
19 came as a result of a particular event and I think it --
20 by virtue of that allegation, you've made the facts
21 surrounding that event relevant to the investigation of
22 your claim of the discovery rule, its application, that
23 I can't separate that out. If you say that
24 communication gave you knowledge for the first time,

1 then the defendant gets to explore that.

2 MR. DULBERG: That's not what it said.

3 THE COURT: Your subjective interpretations aren't
4 going to be controlling.

5 MR. TALARICO: Judge, I'm not relying on that. All
6 I'm saying is that, with all due respect, that is when
7 he had the knowledge, that is when the statute of
8 limitations begins to run, and that information has been
9 part of the court file long before it became part of
10 this matter.

11 THE COURT: My reading of the complaint referenced
12 something regarding an expert report and perhaps a
13 letter from former counsel.

14 MR. FLYNN: Judge, may I clarify that.

15 THE COURT: Go ahead. Yeah.

16 MR. FLYNN: Thank you.

17 You know, the plaintiff has attempted I think
18 to use both, a report that he received from a chainsaw
19 -- so-called chainsaw expert, so a liability expert,
20 relative to the underlying case. There's been some
21 confusion with respect to his pleading and reliance on
22 that report. However, what I clarified at his
23 deposition is that he relied on a legal opinion to toll
24 the statute of limitations in this case. It's that

1 legal opinion in December of 2016 which informed him of
2 the malpractice.

3 Again, he wasn't very specific. I tried to
4 question him about each and every violation of the
5 standard of care, breach of the standard of care, and
6 when he found out about it; and you can read the whole
7 deposition, but his answers are evasive. They've been
8 evasive in his original interrogatory answers. We've
9 covered the waterfront with every possible question and
10 interrogatory and production request we could, but it's
11 clear that he is relying on a legal opinion.

12 Now, he's not very specific about what that
13 legal opinion is, and maybe there isn't anything in
14 Gooch's records or in the emails and whatnot to and from
15 Gooch and Dulberg, but, in any event, that's what he
16 testified to, and so it's our position we should be
17 entitled to those legal opinions, whatever they are.

18 THE COURT: I thought -- and obviously I didn't read
19 the entire deposition. I thought there was one letter
20 that really covered it, based on what I read. Is that a
21 fair statement?

22 MR. FLYNN: I'm not sure if that's accurate, Judge.
23 I think that -- I think he's pinpointed the time period
24 to December of 2016, but I think he also testified that

1 there was regular email communication between Dulberg
2 and Gooch, you know, --

3 THE COURT: In any event, I am going to direct
4 production of all those communications on which the
5 plaintiff is basing his claim of the applicability of
6 the discovery rule; and that's a little broader than I
7 first intended, but given the nature of this discussion,
8 it sounds like it's more than just a couple of
9 documents. It might be several of them.

10 I will also have those items produced to me for
11 an in camera inspection so that I can determine to what
12 extent that they are disclosing information relevant to
13 our investigation into the discovery rule, because while
14 I agree the defendant should be allowed to investigate
15 that issue, that doesn't mean he gets the benefit of
16 prior counsel's work product outside of the discovery
17 rule issue.

18 Does that make sense?

19 MR. FLYNN: So I do understand your ruling. I would
20 just ask that it be specified also, though, to the
21 communications with Mr. Gooch because in anticipation of
22 how this may be produced to Your Honor, if all they
23 produce is this chainsaw expert report, then we haven't
24 made any progress.

1 THE COURT: There is definitely something from
2 Mr. Gooch, and if I'm not given something from
3 Mr. Gooch, that will be a red flag.

4 MR. TALARICO: Judge, if I might.

5 THE COURT: I'm sorry?

6 MR. TALARICO: If I might speak.

7 THE COURT: Yeah.

8 MR. TALARICO: Judge, my position is that the
9 binding arbitration award document which has been part
10 of the court file, we believe long before I was in this
11 case, is the day that my client knew that he had an
12 action and, before that, it was premature by Illinois
13 law. At the time when the award was given, and the --

14 THE COURT: I'm not buying that. The arbitrator's
15 award gave you insight as to the value. Where you lose
16 me is -- Well, let me rephrase that. It gave you their
17 insight as to what they perceived the value of the case
18 to be. It did not tell you whether or not you could
19 have known that there was a viable cause of action
20 against another defendant --

21 MR. DULBERG: (Indiscernible) that.

22 THE COURT: -- because, again, it's you knew or
23 should have known whether --

24 MR. TALARICO: Of the injury, --

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THE COURT: -- there was another cause of action against that --

MR. TALARICO: -- a financial injury.

THE COURT: And I fail to understand how an arbitrator's award would explain that because I can't imagine -- I certainly don't -- I'm not an arbitrator, I don't know what they put in their decisions, but I would be surprised if they spend a lot of time telling you about people you could have sued but for malpractice, so the issue for me is knew or should have known, and I am going to direct production of those documents.

MR. TALARICO: Judge, my one comment?

THE COURT: Yeah.

MR. TALARICO: So it's Illinois law on that matter and a very recent case talked about specifically when the statute begins to run, but I will -- It's called Suburban Real Estate Services, Inc., versus Barus -- I'm sorry, and Barus versus William Carlson. The cite --

THE COURT: But that's a different argument. That's a rule -- that's an argument related to the applicability of -- or, in my analysis, of how the rule applies to the circumstances that we have. It doesn't address the issue of whether you should have known of

1 the existence of the cause of action, and the
2 information I have is that you did not and could not
3 have known about the cause of action until the
4 disclosure from the expert or from Mr. Gooch, and if
5 we're going to explore that issue, you've got to produce
6 that. You've put those items into evidence or at issue,
7 so defense has a right to see them.

8 MR. DULBERG: May I.

9 THE COURT: Anything else?

10 MR. DULBERG: Yeah, yeah. I'd like to comment.
11 You're not going to let me comment?

12 THE COURT: Mr. Dulberg is attempting to speak. I'm
13 not -- I'm neither listening nor inviting him to speak.

14 MR. DULBERG: I will speak on the record.

15 THE COURT: So I will --

16 MR. DULBERG: It's not about when we knew or should
17 have known of the cause of action.

18 THE COURT: Sir, --

19 MR. DULBERG: We certainly knew or should have
20 known --

21 THE COURT: Sir, --

22 MR. DULBERG: -- of the injury.

23 THE COURT: Mr. Dulberg, do not presume to tell me
24 what the law is. All right? You understand your place.

1 MR. DULBERG: Yes.

2 THE COURT: Do not tell me what the law is. I will
3 make that decision. I've instructed you numerous times
4 not to talk, and yet you feel the need to express
5 yourself. You have an attorney. Your attorney has ably
6 represented you, but I get to make a decision regardless
7 of what your personal thoughts are. So we will go back
8 to my discussion. Forgive the outburst, but I have
9 invited him not to speak and that wasn't acceptable to
10 him.

11 So, in any event, how long, Mr. Talarico, do
12 you need to produce this information?

13 MR. TALARICO: Judge, I'm not absolutely sure.
14 Whatever the court says I produce I'll produce within
15 28 days.

16 THE COURT: Okay. Twenty-eight days is fine with
17 me.

18 Mr. Flynn?

19 MR. FLYNN: Twenty-eight days is fine, Your Honor.
20 I would also request that, in addition to the documents
21 being produced, that the actual discovery request be
22 responded to and any interrogatories be amended --

23 THE COURT: You need a privilege log certainly as to
24 the documents, and so I'm going to direct that you be

1 given a privilege log because they are claiming
2 privilege as to these items. I assume there hasn't
3 previously been one. Is that true?

4 MR. FLYNN: That is true.

5 THE COURT: All right. So you're entitled to the
6 privilege log.

7 As far as the other interrogatories are
8 concerned, Mr. Talarico -- How many interrogatories do
9 we have outstanding?

10 MR. FLYNN: The -- I think what we have is some
11 interrogatories that weren't completely answered in the
12 first place. It's probably a handful, Judge, but then
13 there are seven or eight requests for production that
14 simply weren't responded to. Those are the subject of
15 this motion.

16 THE COURT: And are they covered by the privilege
17 log, do you think?

18 MR. FLYNN: Well, I think that first we need to know
19 whether there are responsive documents. They haven't
20 even answered that, and then if they are withholding any
21 and submitting them to the court, then the privilege log
22 comes next, I guess, would be my request.

23 THE COURT: Okay. Mr. Talarico, can you provide a
24 response in 28 days?

1 MR. TALARICO: Yes, Your Honor. I will respond.

2 THE COURT: All right. And if you don't have
3 documents, you don't have documents. Just tell him. If
4 you're claiming a privilege, identify -- provide some
5 sort of an identification of the document and the
6 privilege you're claiming.

7 With respect to the interrogatories, which
8 ones?

9 MR. FLYNN: These were the interrogatories
10 propounded by Hans Mast, my other client, and that was
11 Exhibit D, I believe, to the motion. I did not attach
12 his answers, but Hans Mast's interrogatories which were
13 propounded back on March 22 of 2019 -- one, two,
14 three -- just four interrogatories.

15 I do believe that we have a response, but it's
16 incomplete. It doesn't -- it doesn't identify these
17 communications with Mr. Gooch or the legal opinion that
18 has been alleged in the complaint and placed at issue.

19 THE COURT: Yeah, and I -- my concern is -- and the
20 answer, direct answer, to those is going to require my
21 review of the documents, so I'm going to enter and
22 continue that part of the motion until I make a decision
23 with respect to the documents.

24 Is there anything else?

1 MR. FLYNN: I think that covers it, Your Honor.

2 THE COURT: Okay. All right. So, Mr. Flynn, I'm
3 going to direct you to send me an order -- Do you have
4 our email address? You can take a picture if you like.

5 MR. FLYNN: I believe so. Okay.

6 THE COURT: Okay? And the order -- we'll pick a new
7 date in a moment. The order will provide that the
8 plaintiff will provide you with a privilege log for
9 those -- provide you answers to the production request
10 as well as a privilege log with respect to any documents
11 that are withheld, and I'm entering and continuing your
12 motion with respect to the interrogatories.

13 Plaintiff will provide me with the documents
14 withheld and identified in the privilege log within
15 28 days and then we'll come back perhaps two weeks after
16 that. Twenty-eight days is March 10th; two weeks after
17 that would be around March 24th, and I can provide you
18 with my ruling then. So how's March 24th at 1:30?

19 MR. FLYNN: Judge, I actually have a deposition at
20 1:00 o'clock that day.

21 THE COURT: How about the 25th? Thursday.

22 MR. FLYNN: 25th works. 25th at 1:00 o'clock?

23 THE COURT: Yeah.

24 Mr. Talarico?

1 MR. TALARICO: One second, Your Honor.

2 THE COURT: Okay.

3 MR. TALARICO: Fine.

4 THE COURT: Do we have agreement on the date or are
5 we waiting?

6 MR. TALARICO: I said it was fine, Your Honor.

7 THE COURT: Oh, okay. I'm sorry, I missed that. So
8 1:30. Is there anything else we need covered in the
9 order?

10 MR. FLYNN: Just may I be clear that the motion is
11 granted in part as stated on the record.

12 THE COURT: Yes.

13 MR. FLYNN: And I would like to just include
14 Mr. Gooch's name in the written order, that those be
15 included in the production if they exist.

16 THE COURT: Yeah, I don't -- I don't want -- What I
17 want to -- I guess -- And thank you for bringing that
18 up.

19 My impression from reading the motion was it
20 boiled down to -- I got the idea that it was a single
21 document or a single communication that conveyed the
22 information at issue. And you're indicating that it was
23 more, it was a number of emails. Are you able to put a
24 timeframe on it?

1 MR. FLYNN: Well, I think, again, the allegations in
2 the various complaints, complaint and amended
3 complaints, and the testimony, (indiscernible) to
4 December of 2016, so --

5 THE COURT: Yeah. Say the communications of
6 December of 2016, because I don't want it read as
7 requiring that all communications from Mr. Gooch be
8 produced.

9 MR. FLYNN: Okay.

10 THE COURT: Mr. Talarico, any questions or comments
11 about that?

12 MR. TALARICO: No, Your Honor. I'll follow the
13 court's order.

14 THE COURT: All right. Anything else then?

15 MR. FLYNN: No, Your Honor. I will send a draft of
16 that order to Mr. Talarico for his review and then we
17 will send it to your email address, Your Honor.

18 THE COURT: Okay. I'll wait to see that. I'll sign
19 it as soon as it's in. Thank you.

20 MR. FLYNN: Thank you.

21 THE COURT: See you in March.

22 MR. FLYNN: Thank you, counsel.

23 THE COURT: All right. Bye.

24 MR. TALARICO: Thank you, Judge. Thank you,
counsel.

(Which was and is all of the evidence
offered at the hearing of said cause
this date.)

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF MCHENRY)
4

5 I, Stacey A. Collins, an Official Court
6 Reporter of the 22nd Judicial Circuit of Illinois, do
7 hereby certify the foregoing to be a true and accurate
8 transcription to the best of my ability and based on the
9 quality of the recording of all the proceedings heard on
10 the electronic recording system in the above-entitled
11 cause.

12 
13

14 Stacey A. Collins, CSR
15 Official Court Reporter
16
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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF MCHENRY)
4
5 IN THE TWENTY-SECOND JUDICIAL CIRCUIT
6 MCHENRY COUNTY, ILLINOIS
7
8 PAUL DULBERG,)
9)
10 Plaintiff,)
11)
12 vs.)
13) No. 17 LA 377
14 THE LAW OFFICES OF THOMAS)
15 J. POPOVICH, P.C., and)
16 HANS MAST,)
17)
18 Defendants.)
19
20 ELECTRONICALLY RECORDED Report of
21 Proceedings had in the above-entitled cause before
22 The Honorable Thomas A. Meyer, Judge of the Circuit
23 Court of McHenry County, Illinois, on the 10th day of
24 February, 2020, in the Michel J. Sullivan Judicial
Center, Woodstock, Illinois.
APPEARANCES:
LAW OFFICE OF ALPHONSE A. TALARICO, by:
MR. ALPHONSE A. TALARICO,
Appearing via videoconference,
on behalf of the Plaintiff,
KARBAL COHEN ECONOMOU SILK & DUNNE, LLC, by:
MR. GEORGE K. FLYNN,
Appearing via videoconference,
on behalf of the Defendants.

1 THE COURT: Do we have everybody on Dulberg?

2 A VOICE: (Inaudible), Your Honor.

3 MR. FLYNN: I think we do, Your Honor. George Flynn
4 for the defendants, moving.

5 THE COURT: Okay. And for the plaintiff?

6 MR. TALARICO: Alphonse Talarico, Your Honor. Good
7 morning. Good morning, Mr. Flynn.

8 MR. FLYNN: Good morning, counsel.

9 THE COURT: And here in court we've got --

10 MR. DULBERG: Mr. Dulberg.

11 THE COURT: Mr. Dulberg's here.

12 And we're here on defendants' motion; am I
13 correct?

14 MR. FLYNN: That's correct, Your Honor.

15 THE COURT: All right. In a nutshell, defense
16 counsel, can you explain your position.

17 MR. FLYNN: Sure. Thank you, Your Honor.

18 Mr. Dulberg has placed his communications with
19 his prior lawyer, Thomas Gooch, at issue in this case.
20 Plaintiff has admitted that it filed its complaint --
21 I'm sorry, plaintiff has filed its complaint more than
22 two years after my clients, his former lawyers, the
23 Popovich firm, withdrew or were terminated from his
24 representation. That's not at issue.

1 He has placed the discovery rule at issue in
2 his complaint and his amended complaints. However, he
3 has failed to answer initial discovery, he has failed to
4 respond -- or answer properly questions at his
5 deposition regarding discovery of his malpractice and
6 his understanding of damages related to the Popovich's
7 alleged malpractice. We served supplemental discovery,
8 which is somewhat duplicative of what was previously
9 served, and that was on July 2nd after his deposition.
10 He hasn't even answered it.

11 The response does nothing to address those
12 issues or object to the discovery that's been
13 propounded, so I would request that he be forced at a
14 minimum to answer this discovery, that any objection be
15 overruled, and essentially that the communications
16 between Dulberg and Mr. Gooch be produced in whatever
17 form. And to the extent that a subpoena to The Gooch
18 Firm would be necessary at a later date, I would rather
19 take it one step at a time and analyze whatever it is
20 that Mr. Dulberg produce. So, in a nutshell, that's the
21 motion.

22 I didn't know that we'd have to have a hearing.
23 I thought that these would be responded to or at least
24 objected to, but here we are.

1 THE COURT: Okay. Plaintiff's counsel?

2 MR. TALARICO: Let's see, Your Honor,
3 (indiscernible) to start with, I think this is a
4 two-step analysis. I hope the court sees it the same
5 way. I think it should be looked upon as a 2-619 motion
6 and at the same time a -- the question of whether there
7 was a waiver of the attorney-client privilege under Rule
8 of Evidence 502.

9 I believe that if the 2-619 is decided -- I'm
10 sorry. Yeah, the 2-619 motion is dismissed and decided
11 against the defendants, then the matter -- the second
12 step would be the waiver of attorney-client privilege
13 which I think my client did not do under either 502(a)
14 or 502(b).

15 THE COURT: When you -- are you saying that their
16 statute of limitations motion, if I deny that, only in
17 that instance do we get to the issue of the -- of the
18 letter?

19 MR. TALARICO: No. I think what we're -- what I'm
20 saying is that that clarifies part of the 502(a) section
21 of the argument, what I perceive as 502(a).

22 THE COURT: Okay. Defense counsel?

23 MR. TALARICO: If I might --

24 THE COURT: Go ahead, plaintiff.

1 MR. TALARICO: -- expound a little bit. I wasn't
2 aware that a 2-619 motion had been up. It was denied by
3 this court, but denied with the ability to get -- to
4 bring it again. All I've seen when I came into the case
5 was a decision saying, you know, denied, so at that
6 point in time I did not, let's say, approach the issues
7 of the statute of limitations or the statute of repose.
8 I think those two issues help clarify the 502 argument.

9 The 502 argument is what -- what information
10 can be gathered, and I think my responses to that would
11 simply be 502(b) and 502(a) have been complied with.

12 THE COURT: Defense counsel?

13 MR. FLYNN: I'm a little confused, Judge. There is
14 no pending 619 motion. That was ruled upon years ago.
15 This is simply a motion to compel and, you know, again,
16 looking back, I didn't attach every discovery answer
17 that Mr. Dulberg provided because there were many and
18 there were issues with signature pages throughout
19 written discovery. But here, the overarching
20 supplemental request, Exhibit E, I believe it is, that
21 was served on July 2 has not been answered. It's not
22 been objected to. It's untimely at this point, and,
23 again, it's clear that the discovery of the malpractice
24 and damages has been placed at issue. So we're entitled

1 to explore that discovery.

2 The testimony of Mr. Dulberg at his deposition
3 makes it clear that the only basis to toll any statute
4 of limitations was the December 2016 communications with
5 Tom Gooch and if he's not going to produce those, he has
6 no other basis to toll the statute and, as such, the
7 case should be dismissed. We'll bring the appropriate
8 motion. But you can't have it both ways using the
9 privilege as a sword and a shield.

10 THE COURT: Plaintiff's counsel, with respect to the
11 latter, your comment?

12 MR. TALARICO: I guess I'm not clear on what counsel
13 was saying. I respectfully say that we have complied
14 with the -- the 502(b) was inadvertent within the
15 deposition and the attorney at the time, who was -- I
16 think her name was Williams, Julia Williams, objected
17 and objected on a continuing basis for any of the
18 questions regarding that information. Counsel has not
19 brought a motion to have this court decide whether or
20 not that was appropriate, but he had answered under the
21 continuing objection by Miss Williams that this was a
22 protected attorney-client discussion.

23 As to the 502(a), the intentional disclosure,
24 that was, in my estimation -- and I hope the court

1 agrees -- that was done in the pleadings, in the
2 complaint, but it was done in the -- I wouldn't say in
3 the alternative. I would say it's additional
4 information.

5 THE COURT: What specifically are you referring to
6 when you say it's additional information? What was
7 additional information?

8 MR. TALARICO: The continued comments about when --
9 when he was aware of -- and when the statute would begin
10 to run, the two-year statute of limitations, as to the
11 filing of a complaint for malpractice. Within that
12 section, I have each one numbered, but at first the
13 comments -- the situation was when the arbitration, the
14 binding arbitration, matter was decided, and it was
15 decided in such a way that my client lost close to over
16 \$200,000 because the only other person that was in the
17 lawsuit had a maximum insurance policy of \$300,000. At
18 that point in time -- And he alleged that in the
19 complaint, in the first amended complaint, and the
20 second amended complaint, all of which I wasn't party
21 to, but the words are in there, the allegations are in
22 there. I believe that's when the statute of limitations
23 begins to run. Further --

24 THE COURT: He references -- he references in his

1 complaint -- I assume we're talking about the
2 allegations in the complaint.

3 MR. TALARICO: Yes.

4 THE COURT: And he references in the complaint
5 learning information from the expert, if I've read this
6 correctly. Is that a fair statement?

7 MR. TALARICO: That is one of the allegations, yes.

8 THE COURT: So why can't -- why isn't that report or
9 communication going to be turned over?

10 MR. DULBERG: It is. It already is.

11 MR. TALARICO: Judge, it's my position that that is
12 not relevant to the question. The question is, when did
13 -- when did he become aware, when does the statute start
14 running. And the answer I believe under Illinois law is
15 it begins running when he knows of his injury, and the
16 injury took place with the binding arbitration award;
17 not before, not after. So I'm saying --

18 THE COURT: And I guess I -- you're losing me
19 because I -- I don't understand how a binding
20 arbitration award is going to disclose to anybody
21 whether or not malpractice had been -- had taken place.

22 The -- your client -- I don't know if you can
23 see him. He keeps raising his hand. I'm ignoring him
24 because he has an attorney. I'm going to -- I'm going

1 to focus on you.

2 But whether or not there was an award for X
3 dollars or no dollars, that doesn't tell me anything
4 about whether -- whether he knew or should have known at
5 that point. That just told him what those people --

6 MR. DULBERG: May I clarify on the record.

7 THE COURT: Mr. Dulberg, you have an attorney.
8 You've elected to have your attorney speak for you.

9 MR. DULBERG: He's not not lead attorney
10 (indiscernible).

11 THE COURT: I'm going to limit it to it. I
12 recommend that you limit your conversation or comments
13 to him out of fear that you may say something that could
14 be harmful to your case.

15 MR. DULBERG: I understand.

16 THE COURT: In any event, the complaint identified
17 something the expert said as establishing knowledge on
18 behalf of Mr. Dulberg for the first time of the alleged
19 malpractice. So the complaint by its very language
20 tells me that that communication is relevant to the
21 issue of the discovery rule. I don't have a problem
22 with doing an in camera inspection of that particular
23 communication, but I don't see how we avoid it being
24 relevant.

1 MR. TALARICO: Judge, I think in all three -- the
2 original complaint, the first amended complaint and the
3 second amended complaint, all three plead the injury
4 happening with the -- I can't think of the word -- but
5 with the binding arbitration statement.

6 It thereafter talks about other matters and
7 each time the drafter of that complaint, the first --
8 I'm sorry, the original, the first and the second, adds
9 in different aspects which I believe are really
10 irrelevant. I think the focus is on when the injury
11 occurred. The injury I believe occurred when the
12 binding arbitration award was granted and I think that's
13 when the statute of limitations should run.

14 THE COURT: But he's entitled to discovery on that.
15 If you're claiming a particular communication
16 established knowledge for the first time, he gets to --
17 defense gets to see that, because you've linked it to a
18 unique event and he gets to challenge whether that's
19 plausible, so you don't get -- you don't get to make
20 that decision for him.

21 MR. DULBERG: If I may, I'm going -- I'm going to
22 clarify here.

23 THE COURT: Mr. Dulberg, you have an attorney.

24 MR. DULBERG: Yes, I do. And I'm going to clarify.

1 THE COURT: I'm not asking you to clarify.

2 MR. DULBERG: The event -- the event, okay, was a
3 series of events --

4 THE COURT: Counsel, --

5 MR. FLYNN: Judge, I'm going to object to this as
6 well.

7 MR. DULBERG: -- (continuing) prior to meeting
8 Mr. Gooch.

9 THE COURT: I'm ignoring what's being said.

10 Mr. Talarico, do you have a comment?

11 MR. TALARICO: Yes, we -- Mr. Dulberg, I believe,
12 and our position is, the statute of limitations begins
13 to run on the date of the arbitration -- the binding
14 arbitration, award.

15 THE COURT: And you could be right, but the
16 discovery rule involves facts and the issue becomes
17 whether you knew or should have known. You, by the
18 complaint you've inherited, established that knowledge
19 came as a result of a particular event and I think it --
20 by virtue of that allegation, you've made the facts
21 surrounding that event relevant to the investigation of
22 your claim of the discovery rule, its application, that
23 I can't separate that out. If you say that
24 communication gave you knowledge for the first time,

1 then the defendant gets to explore that.

2 MR. DULBERG: That's not what it said.

3 THE COURT: Your subjective interpretations aren't
4 going to be controlling.

5 MR. TALARICO: Judge, I'm not relying on that. All
6 I'm saying is that, with all due respect, that is when
7 he had the knowledge, that is when the statute of
8 limitations begins to run, and that information has been
9 part of the court file long before it became part of
10 this matter.

11 THE COURT: My reading of the complaint referenced
12 something regarding an expert report and perhaps a
13 letter from former counsel.

14 MR. FLYNN: Judge, may I clarify that.

15 THE COURT: Go ahead. Yeah.

16 MR. FLYNN: Thank you.

17 You know, the plaintiff has attempted I think
18 to use both, a report that he received from a chainsaw
19 -- so-called chainsaw expert, so a liability expert,
20 relative to the underlying case. There's been some
21 confusion with respect to his pleading and reliance on
22 that report. However, what I clarified at his
23 deposition is that he relied on a legal opinion to toll
24 the statute of limitations in this case. It's that

1 legal opinion in December of 2016 which informed him of
2 the malpractice.

3 Again, he wasn't very specific. I tried to
4 question him about each and every violation of the
5 standard of care, breach of the standard of care, and
6 when he found out about it; and you can read the whole
7 deposition, but his answers are evasive. They've been
8 evasive in his original interrogatory answers. We've
9 covered the waterfront with every possible question and
10 interrogatory and production request we could, but it's
11 clear that he is relying on a legal opinion.

12 Now, he's not very specific about what that
13 legal opinion is, and maybe there isn't anything in
14 Gooch's records or in the emails and whatnot to and from
15 Gooch and Dulberg, but, in any event, that's what he
16 testified to, and so it's our position we should be
17 entitled to those legal opinions, whatever they are.

18 THE COURT: I thought -- and obviously I didn't read
19 the entire deposition. I thought there was one letter
20 that really covered it, based on what I read. Is that a
21 fair statement?

22 MR. FLYNN: I'm not sure if that's accurate, Judge.
23 I think that -- I think he's pinpointed the time period
24 to December of 2016, but I think he also testified that

1 there was regular email communication between Dulberg
2 and Gooch, you know, --

3 THE COURT: In any event, I am going to direct
4 production of all those communications on which the
5 plaintiff is basing his claim of the applicability of
6 the discovery rule; and that's a little broader than I
7 first intended, but given the nature of this discussion,
8 it sounds like it's more than just a couple of
9 documents. It might be several of them.

10 I will also have those items produced to me for
11 an in camera inspection so that I can determine to what
12 extent that they are disclosing information relevant to
13 our investigation into the discovery rule, because while
14 I agree the defendant should be allowed to investigate
15 that issue, that doesn't mean he gets the benefit of
16 prior counsel's work product outside of the discovery
17 rule issue.

18 Does that make sense?

19 MR. FLYNN: So I do understand your ruling. I would
20 just ask that it be specified also, though, to the
21 communications with Mr. Gooch because in anticipation of
22 how this may be produced to Your Honor, if all they
23 produce is this chainsaw expert report, then we haven't
24 made any progress.

1 THE COURT: There is definitely something from
2 Mr. Gooch, and if I'm not given something from
3 Mr. Gooch, that will be a red flag.

4 MR. TALARICO: Judge, if I might.

5 THE COURT: I'm sorry?

6 MR. TALARICO: If I might speak.

7 THE COURT: Yeah.

8 MR. TALARICO: Judge, my position is that the
9 binding arbitration award document which has been part
10 of the court file, we believe long before I was in this
11 case, is the day that my client knew that he had an
12 action and, before that, it was premature by Illinois
13 law. At the time when the award was given, and the --

14 THE COURT: I'm not buying that. The arbitrator's
15 award gave you insight as to the value. Where you lose
16 me is -- Well, let me rephrase that. It gave you their
17 insight as to what they perceived the value of the case
18 to be. It did not tell you whether or not you could
19 have known that there was a viable cause of action
20 against another defendant --

21 MR. DULBERG: (Indiscernible) that.

22 THE COURT: -- because, again, it's you knew or
23 should have known whether --

24 MR. TALARICO: Of the injury, --

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THE COURT: -- there was another cause of action
against that --

MR. TALARICO: -- a financial injury.

THE COURT: And I fail to understand how an
arbitrator's award would explain that because I can't
imagine -- I certainly don't -- I'm not an arbitrator, I
don't know what they put in their decisions, but I would
be surprised if they spend a lot of time telling you
about people you could have sued but for malpractice, so
the issue for me is knew or should have known, and I am
going to direct production of those documents.

MR. TALARICO: Judge, my one comment?

THE COURT: Yeah.

MR. TALARICO: So it's Illinois law on that matter
and a very recent case talked about specifically when
the statute begins to run, but I will -- It's called
Suburban Real Estate Services, Inc., versus Barus -- I'm
sorry, and Barus versus William Carlson. The cite --

THE COURT: But that's a different argument. That's
a rule -- that's an argument related to the
applicability of -- or, in my analysis, of how the rule
applies to the circumstances that we have. It doesn't
address the issue of whether you should have known of

1 the existence of the cause of action, and the
2 information I have is that you did not and could not
3 have known about the cause of action until the
4 disclosure from the expert or from Mr. Gooch, and if
5 we're going to explore that issue, you've got to produce
6 that. You've put those items into evidence or at issue,
7 so defense has a right to see them.

8 MR. DULBERG: May I.

9 THE COURT: Anything else?

10 MR. DULBERG: Yeah, yeah. I'd like to comment.
11 You're not going to let me comment?

12 THE COURT: Mr. Dulberg is attempting to speak. I'm
13 not -- I'm neither listening nor inviting him to speak.

14 MR. DULBERG: I will speak on the record.

15 THE COURT: So I will --

16 MR. DULBERG: It's not about when we knew or should
17 have known of the cause of action.

18 THE COURT: Sir, --

19 MR. DULBERG: We certainly knew or should have
20 known --

21 THE COURT: Sir, --

22 MR. DULBERG: -- of the injury.

23 THE COURT: Mr. Dulberg, do not presume to tell me
24 what the law is. All right? You understand your place.

1 MR. DULBERG: Yes.

2 THE COURT: Do not tell me what the law is. I will
3 make that decision. I've instructed you numerous times
4 not to talk, and yet you feel the need to express
5 yourself. You have an attorney. Your attorney has ably
6 represented you, but I get to make a decision regardless
7 of what your personal thoughts are. So we will go back
8 to my discussion. Forgive the outburst, but I have
9 invited him not to speak and that wasn't acceptable to
10 him.

11 So, in any event, how long, Mr. Talarico, do
12 you need to produce this information?

13 MR. TALARICO: Judge, I'm not absolutely sure.
14 Whatever the court says I produce I'll produce within
15 28 days.

16 THE COURT: Okay. Twenty-eight days is fine with
17 me.

18 Mr. Flynn?

19 MR. FLYNN: Twenty-eight days is fine, Your Honor.
20 I would also request that, in addition to the documents
21 being produced, that the actual discovery request be
22 responded to and any interrogatories be amended --

23 THE COURT: You need a privilege log certainly as to
24 the documents, and so I'm going to direct that you be

1 given a privilege log because they are claiming
2 privilege as to these items. I assume there hasn't
3 previously been one. Is that true?

4 MR. FLYNN: That is true.

5 THE COURT: All right. So you're entitled to the
6 privilege log.

7 As far as the other interrogatories are
8 concerned, Mr. Talarico -- How many interrogatories do
9 we have outstanding?

10 MR. FLYNN: The -- I think what we have is some
11 interrogatories that weren't completely answered in the
12 first place. It's probably a handful, Judge, but then
13 there are seven or eight requests for production that
14 simply weren't responded to. Those are the subject of
15 this motion.

16 THE COURT: And are they covered by the privilege
17 log, do you think?

18 MR. FLYNN: Well, I think that first we need to know
19 whether there are responsive documents. They haven't
20 even answered that, and then if they are withholding any
21 and submitting them to the court, then the privilege log
22 comes next, I guess, would be my request.

23 THE COURT: Okay. Mr. Talarico, can you provide a
24 response in 28 days?

1 MR. TALARICO: Yes, Your Honor. I will respond.

2 THE COURT: All right. And if you don't have
3 documents, you don't have documents. Just tell him. If
4 you're claiming a privilege, identify -- provide some
5 sort of an identification of the document and the
6 privilege you're claiming.

7 With respect to the interrogatories, which
8 ones?

9 MR. FLYNN: These were the interrogatories
10 propounded by Hans Mast, my other client, and that was
11 Exhibit D, I believe, to the motion. I did not attach
12 his answers, but Hans Mast's interrogatories which were
13 propounded back on March 22 of 2019 -- one, two,
14 three -- just four interrogatories.

15 I do believe that we have a response, but it's
16 incomplete. It doesn't -- it doesn't identify these
17 communications with Mr. Gooch or the legal opinion that
18 has been alleged in the complaint and placed at issue.

19 THE COURT: Yeah, and I -- my concern is -- and the
20 answer, direct answer, to those is going to require my
21 review of the documents, so I'm going to enter and
22 continue that part of the motion until I make a decision
23 with respect to the documents.

24 Is there anything else?

1 MR. FLYNN: I think that covers it, Your Honor.

2 THE COURT: Okay. All right. So, Mr. Flynn, I'm
3 going to direct you to send me an order -- Do you have
4 our email address? You can take a picture if you like.

5 MR. FLYNN: I believe so. Okay.

6 THE COURT: Okay? And the order -- we'll pick a new
7 date in a moment. The order will provide that the
8 plaintiff will provide you with a privilege log for
9 those -- provide you answers to the production request
10 as well as a privilege log with respect to any documents
11 that are withheld, and I'm entering and continuing your
12 motion with respect to the interrogatories.

13 Plaintiff will provide me with the documents
14 withheld and identified in the privilege log within
15 28 days and then we'll come back perhaps two weeks after
16 that. Twenty-eight days is March 10th; two weeks after
17 that would be around March 24th, and I can provide you
18 with my ruling then. So how's March 24th at 1:30?

19 MR. FLYNN: Judge, I actually have a deposition at
20 1:00 o'clock that day.

21 THE COURT: How about the 25th? Thursday.

22 MR. FLYNN: 25th works. 25th at 1:00 o'clock?

23 THE COURT: Yeah.

24 Mr. Talarico?

1 MR. TALARICO: One second, Your Honor.

2 THE COURT: Okay.

3 MR. TALARICO: Fine.

4 THE COURT: Do we have agreement on the date or are
5 we waiting?

6 MR. TALARICO: I said it was fine, Your Honor.

7 THE COURT: Oh, okay. I'm sorry, I missed that. So
8 1:30. Is there anything else we need covered in the
9 order?

10 MR. FLYNN: Just may I be clear that the motion is
11 granted in part as stated on the record.

12 THE COURT: Yes.

13 MR. FLYNN: And I would like to just include
14 Mr. Gooch's name in the written order, that those be
15 included in the production if they exist.

16 THE COURT: Yeah, I don't -- I don't want -- What I
17 want to -- I guess -- And thank you for bringing that
18 up.

19 My impression from reading the motion was it
20 boiled down to -- I got the idea that it was a single
21 document or a single communication that conveyed the
22 information at issue. And you're indicating that it was
23 more, it was a number of emails. Are you able to put a
24 timeframe on it?

1 MR. FLYNN: Well, I think, again, the allegations in
2 the various complaints, complaint and amended
3 complaints, and the testimony, (indiscernible) to
4 December of 2016, so --

5 THE COURT: Yeah. Say the communications of
6 December of 2016, because I don't want it read as
7 requiring that all communications from Mr. Gooch be
8 produced.

9 MR. FLYNN: Okay.

10 THE COURT: Mr. Talarico, any questions or comments
11 about that?

12 MR. TALARICO: No, Your Honor. I'll follow the
13 court's order.

14 THE COURT: All right. Anything else then?

15 MR. FLYNN: No, Your Honor. I will send a draft of
16 that order to Mr. Talarico for his review and then we
17 will send it to your email address, Your Honor.

18 THE COURT: Okay. I'll wait to see that. I'll sign
19 it as soon as it's in. Thank you.

20 MR. FLYNN: Thank you.

21 THE COURT: See you in March.

MR. FLYNN: Thank you, counsel.

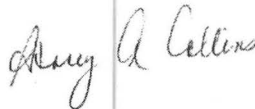
22 THE COURT: All right. Bye.

MR. TALARICO: Thank you, Judge. Thank you,
23 counsel.

24 (Which was and is all of the evidence
offered at the hearing of said cause
this date.)

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF MCHENRY)
4

5 I, Stacey A. Collins, an Official Court
6 Reporter of the 22nd Judicial Circuit of Illinois, do
7 hereby certify the foregoing to be a true and accurate
8 transcription to the best of my ability and based on the
9 quality of the recording of all the proceedings heard on
10 the electronic recording system in the above-entitled
11 cause.

12 
13

14 Stacey A. Collins, CSR
15 Official Court Reporter
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17
18
19
20
21
22
23
24

Date : 5/21/2023 9:54:00 AM
From : "Paul Dulberg"
To : "Alphonse Talarico"
BCc : "Paul Dulberg" , "Tom Kost"
Subject : Clerks files CLR vol 1 and 2

Dear Mr Talarico,

Per our phone conversation this morning I am sending this before a more thorough analysis is completed.

CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf
CLR_Vol_2_of_2_230421_1627_22D90D40.pdf

This is just to start:

- 1.) The name Popovich does not appear as a Defendant/Respondent
2. The table of contents spells out "Volume 1" and abbreviates Volume 2 as "V2"
3. In the table of contents, the clickable links don't work in Volume 1.
4. In the table of contents. The clickable links work in Volume 2 (V2)
5. Volume 1 ends on 9/15/2022 and Volume 2 (V2) starts on 9/16/2022 with the motion for summary judgement.
6. Volume 1 is only 849 pages
7. Volume 2 (V2) is 1299 pages

The amount of pages is clearly not the reason for the break point between Volume 1 and V2

Nor is the amount of pages the reason the clickable links don't work in Volume 1 but do in V2

It is clear to me that whomever drafted these volumes is directing the reader/users attention on the summary judgement and making it difficult to look up and find anything else while avoiding Judge Meyers withdrawal issue with sitting over Popovich cases.

There is an early look at what we see right off the bat and more will come after a thorough analysis is done.

Paul

Date : 5/22/2023 5:49:14 AM
From : "Paul Dulberg"
To : "Law Office Of Alphonse Talarico"
BCc : "Paul Dulberg" , "Tom Kost"
Subject : Re: Clerks files CLR vol 1 and 2
Dear Mr Talarico,

I don't know if you can understand what I have below but here it is anyway.

Below is an example found in the code of the PDF of Volume 2 (V2) of a working clickable link:
~/Downloads/CLR_Vol_2_of_2_230421_1627_22D90D40.pdf:399908: <</Dest[107 0 R/XYZ
null null null]/F 2/Next 11697 0 R/Parent 11652 0 R/Title(MOTION - SUMMARY
JUDGMENT)>>>

Whoever created the clickable links in Volume 1 either did not assign target values to the links at the time of creation or the target values of the links were later replaced with "<</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>" making them clickable but useless for navigating within the PDF.

Below is a copy of the instances found in the code of the PDF of Volume 1 where "null" is in the place of the intended target of each of the broken links.

~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:118: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:122: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:126: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:130: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:134: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:138: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:142: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:146: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:150: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:154: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:158: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:162: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>

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[illegible]

[illegible]

[illegible]

[illegible]

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~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1215: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1219: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1223: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1227: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1231: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1235: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1239: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1243: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1247: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1251: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1255: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1259: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1263: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1267: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1271: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1275: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1279: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1283: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1287: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>
~/Downloads/CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf:1291: <</D[null/XYZ 0 792 1]/S/GoTo/Type/Action>>

On May 21, 2023, at 9:54 AM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Dear Mr Talarico,

Per our phone conversation this morning I am sending this before a more thorough analysis is completed.

CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf

CLR_Vol_2_of_2_230421_1627_22D90D40.pdf

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3. In the table of contents, the clickable links don't work in Volume 1.
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It is clear to me that whomever drafted these volumes is directing the reader/users attention on the summary judgement and making it difficult to look up and find anything else while avoiding Judge Meyers withdrawal issue with sitting over Popovich cases.

The is an early look at what we see right off the bat and more will come after a thorough analysis is done.

Paul

Date : 5/22/2023 6:32:35 AM

From : "Paul Dulberg"

To : "Law Office Of Alphonse Talarico"

BCc : "Paul Dulberg" , "Tom Kost"

Subject : Re: Clerks files CLR vol 1 and 2

Attachment : Standards efilng Record on Appeal 2022.pdf; ATT00002.bin;

I found the attached PDF which I believe is going to become important when arguing over getting the record from the clerk fixed.

I haven't read it yet but will after I am finished analyzing the three PDF's provided by the clerk.

I am not sure if there is a 2023 revision to the attached 2022 revision I found.

Supreme Court of Illinois
Standards and Requirements for Electronic Filing the Record on Appeal
(Revised - Effective March 1, 2022)

Pursuant to Supreme Court Order M.R. 18368, Mandatory E-Filing in Civil Cases, filed January 22, 2016, the Supreme Court authorizes these *Standards and Requirements for Electronic Filing the Record on Appeal*.

1. Definitions

- a. *Bookmark* - A type of link with representative text in the Bookmarks panel in the navigation pane of Adobe applications. Each bookmark links to a different view or page in the document.
- b. *Case Categories* – A set of standard categories, pursuant to the *Illinois Supreme Court Manual on Recordkeeping*, to classify cases filed in circuit courts outside of Cook County. (See Appendix 20 for complete list)
- c. *Confidential Record* – A case or document that is accessible to the filing party and his/her counsel of record only. No access to anyone else without leave of court.
- d. *Electronic Filing Manager (EFM)* – The Supreme Court’s approved central e-filing service used by all Illinois courts to manage the flow of e-filed documents, including the Record on Appeal, from each registered user (via their Electronic Filing Service Provider (EFSP)) to the intended court.
- e. *Electronic Filing Service Provider (EFSP)* – A web portal operated by an independent company that transmits filings through the EFM to the intended court.
- f. *Electronic Filing the Record on Appeal (e-filing)* – The electronic transmission of the Record on Appeal to the reviewing court clerk for the purpose of filing the Record on Appeal.
- g. *Electronic Signature (e-signature)* – As defined in the Uniform Electronic Transactions Act (815 ILCS 333/2).
- h. *Expunged Record* – A case, document, or count which is accessible only upon order of the court as provided in 20 ILCS 2630/5.2(E). Expunged records shall be excluded from the Record on Appeal.
- i. *Hyperlink* – A link from a hypertext file or document to another location or file, typically activated by clicking on a highlighted word or image on the screen.
- j. *Impounded Record* – The parties and counsel of record have access. No access to anyone else without leave of court.
- k. *Portable Document Format (PDF)* – A computer file format developed by Adobe Systems for reproducing a document in a manner that is independent of the application software, hardware, and operating system originally used to create the document.
- l. *Record on Appeal* – The record of the proceedings as defined by Supreme Court Rule 321 – Contents of the Record on Appeal, Supreme Court Rule 608 – The Record on Appeal, or Supreme Court Rule 335 – Direct Review of Administrative Orders by the Appellate Court.
- m. *Registered User* – An individual who has registered a username and password with the Electronic Filing Manager.
- n. *Rejection* – The reviewing court clerk may reject any electronic filing for any procedural or technical nonconformance and may identify the deficiency to be corrected.
- o. *Sealed Record* – No access to anyone without leave of court.
- p. *Volume* – Sequentially identifies the series number for sections of the Record on Appeal (Common Law Record, Report of Proceedings, and Exhibits).

Supreme Court of Illinois
Standards and Requirements for Electronic Filing the Record on Appeal
(Revised - Effective March 1, 2022)

2. Registration & Signatures

- a. As of July 1, 2017, to transmit a Record on Appeal from a circuit court or administrative agency to a reviewing court, a filer must select and register with an electronic filing service provider (EFSP) to access eFileIL. Once you register with an EFSP, you do not need to re-register should you choose to use another EFSP.

Additional information can be found at <http://efile.illinoiscourts.gov>

- b. Registered users shall keep the required registration information current (i.e. email address, phone number, etc.).
- c. Any document or record filed electronically by a registered user through an authorized provider and containing a facsimile or typographical signature shall be deemed to have been signed pursuant to these Standards and to satisfy Supreme Court Rules and statutes regarding original signatures on court documents and records.

3. Preparation of the Record on Appeal

- a. General Provisions
 - i. To the extent practicable, all documents shall be in Portable Document Format (PDF) with a minimum resolution of 300 Dots per Inch (DPI) and maximum of 600 DPI, scanned in black and white mode, with black text on white background, and text searchable. When possible, documents must be converted to PDF directly from the program creating the document, rather than from a scanned image of a paper document.
 - ii. Each section of the Record on Appeal shall be assembled in volumes of no more than 150 MB. Every effort should be made to limit the number of volumes in each section to support general usability and download practices.
 - iii. Any external material hyperlinked in any document within the Record on Appeal is not considered part of the document or the Record on Appeal.
 - iv. All documents must be free of viruses or other processes potentially harmful to the recipient and must be secure from alteration, destruction, or corruption. Documents shall not contain any embedded files or code, videos, scripts, tracking tags, or any type of executable file or code.
 - v. The Table of Contents for each section shall contain hyperlinks to the items within the section to facilitate navigation and location of specific documents within the record. Each hyperlink shall be connected to the title/description of the document or the name of the individual section.
 - vi. Any Certification of Record or Table of Contents shall display the circuit court/administrative agency and reviewing court case numbers and the name of the trial judge/administrative hearing officer in the case caption.

Supreme Court of Illinois
Standards and Requirements for Electronic Filing the Record on Appeal
(Revised - Effective March 1, 2022)

b. Common Law Record Section

- i. A Certification of Record shall be included as Page 1 of the Common Law Record Section. It shall state that the Record on Appeal has been prepared and certified in the form required for transmission to the reviewing court. *(See Appendix 1 Sample)*
- ii. A Table of Contents for the Common Law Record Section shall be included as Page 2.
- iii. The Table of Contents shall identify the filing date of each document and the title of each document, which shall match as closely as possible the title provided on the document itself (e.g. “Motion to Compel Production of Tax and Financial Information” rather than “Motion”). *(See Appendix 2 Sample)*

c. Report of Proceedings Section

- i. A Table of Contents shall be included as Page 1 of the Report of Proceedings Section.
- ii. The Table of Contents shall identify the date of each proceeding and the type of each proceeding, which shall match as closely as possible the type provided on the report of proceedings itself under Supreme Court Rule 323(b). *(See Appendix 3 Sample)*

d. Exhibits Section

- i. A Table of Contents shall be included as Page 1 of the Exhibits Section.
- ii. The Table of Contents shall identify the party offering the exhibit, the exhibit number assigned when the exhibit was offered, and a description of the exhibit. *(See Appendix 4 Sample)*
- iii. Any exhibit which can be scanned to PDF format in accordance with the provisions of this section shall be included in the Exhibits Section of the electronic Record on Appeal.
- iv. Photographic exhibits, in general, shall be scanned and included in the Exhibits Section of the electronic Record on Appeal. If a photograph is in color, it shall be scanned in color, if possible. However, photographs larger than 8½ x 11 inches, which cannot be scanned successfully, shall not be included in the electronic record, but shall be listed in the Exhibits Section Table of Contents. For each such exhibit, a page shall be inserted into the Exhibits Section in sequential order, identifying the exhibit (e.g. “Defendant’s Exhibit #1 – 11 x 16 Color Poster – Retained by Circuit Clerk”). If the reviewing court requests the exhibit, it shall be sent or delivered in original form to the reviewing court clerk along with a receipt to be signed by the clerk and returned electronically, indicating the date the exhibit was received. *(See Appendix 5 Sample)*
- v. Electronic media exhibits, including but not limited to video and audio recordings, all computer media, discs, flash drives, etc., shall be mailed or delivered in original form to the reviewing court. Such exhibits shall be listed in the Exhibits Section Table of Contents. For each such exhibit, a page shall be inserted into the Exhibits Section in sequential order, identifying the exhibit (e.g. “Defendant’s Exhibit #1 – Flash Drive – Sent by mail/delivered to the reviewing court”). The exhibits shall be mailed or

Supreme Court of Illinois
Standards and Requirements for Electronic Filing the Record on Appeal
(Revised - Effective March 1, 2022)

delivered along with a receipt to be signed by the reviewing court clerk and returned electronically, indicating the date the exhibits were received. *(See Appendix 5 Sample)*

- vi. Physical exhibits (i.e. clothing, weapons, or drugs; charts, maps, or other documents larger than 8½ x 11 inches; and any other items too large or bulky to include electronically) shall not be included in the electronic record, but shall be listed in the Exhibits Section Table of Contents. For each such exhibit, a page shall be inserted into the Exhibits Section in sequential order, identifying the exhibit (e.g. “People’s Exhibit #12 – Knife – Retained by Circuit Clerk”). If the reviewing court requests the exhibit, it shall be sent or delivered in original form to the reviewing court clerk along with a receipt to be signed by the clerk and returned electronically, indicating the date the exhibit was received. *(See Appendix 5 Sample)*
 - vii. Exhibits offered in the circuit court/administrative proceedings, but not admitted, shall be listed and identified in the Exhibits Section Table of Contents (e.g. “People’s Exhibit #12 – Not Admitted – Photograph”). If an offered but not admitted exhibit *is* in the clerk’s possession, it shall be included in the Exhibits Section or, if the exhibit cannot be scanned to PDF format in accordance with this section, a page shall be inserted into the Exhibits Section in sequential order, identifying the exhibit. If the offered but not admitted exhibit *is not* in the clerk’s possession, a page shall be inserted into the Exhibits Section in sequential order, identifying the exhibit.
- e. Confidential Record Section
- i. A Certification of Confidential Record shall be included as Page 1 of the Confidential Record Section. It shall state that the Confidential Record has been prepared and certified in the form required for transmission to the reviewing court. *(See Appendix 6 Sample)*
 - ii. A Table of Contents for the Confidential Record shall be included as Page 2 and shall include hyperlinks to the three sections of the Confidential Record: Confidential Common Law Record, Confidential Report of Proceedings, and Confidential Exhibits. *(See Appendix 7 Sample)*
 - iii. A Table of Contents shall be included as Page 1 of each section of the Confidential Record and shall list items in the same manner as provided above.
 - iv. No administrative agency, court, or clerk is responsible for the content of filed documents or has any obligation to screen for or redact confidential information contained in such filings.
- f. Impounded Record Section
- i. A Certification of Impounded Record shall be included as Page 1 of the Impounded Record Section. It shall state that the Impounded Record has been prepared and certified in the form required for transmission to the reviewing court. *(See Appendix 8 Sample)*

Supreme Court of Illinois
Standards and Requirements for Electronic Filing the Record on Appeal
(Revised - Effective March 1, 2022)

- ii. A Table of Contents for the Impounded Record shall be included as Page 2 and shall include hyperlinks to the three sections of the Impounded Record: Impounded Common Law Record, Impounded Report of Proceedings, and Impounded Exhibits. *(See Appendix 9 Sample)*
 - iii. A Table of Contents shall be included as Page 1 of each section of the Impounded Record and shall list items in the same manner as provided above.
 - iv. No administrative agency, court, or clerk is responsible for the content of filed documents or has any obligation to screen for or redact confidential information contained in such filings.
- g. Sealed Record Section
- i. A Certification of Sealed Record shall be included as Page 1 of the Sealed Record Section. It shall state that the Sealed Record has been prepared and certified in the form required for transmission to the reviewing court. *(See Appendix 10 Sample)*
 - ii. A Table of Contents for the Sealed Record shall be included as Page 2 and shall include hyperlinks to the three sections of the Sealed Record: Sealed Common Law Record, Sealed Report of Proceedings, and Sealed Exhibits. *(See Appendix 11 Sample)*
 - iii. A Table of Contents shall be included as Page 1 of each section of the Sealed Record and shall list items in the same manner as provided above.
 - iv. No administrative agency, court, or clerk is responsible for the content of filed documents or has any obligation to screen for or redact confidential information contained in such filings.
- h. Supplement to the Record Section
- i. Upon granting a motion to supplement the record, the reviewing court shall electronically notify the circuit clerk or administrative agency by copy of the order.
 - ii. A Certification of Supplement to the Record shall be included as Page 1 of the Supplement to the Record Section. It shall state that the Supplement to the Record has been prepared and certified in the form required for transmission to the reviewing court. *(See Appendix 12 Sample)*
 - iii. A Table of Contents for the Supplement to the Record shall be included as Page 2 and shall include hyperlinks to the three sections of the Supplement to the Record: Supplement to the Common Law Record, Supplement to the Report of Proceedings, and Supplement to the Exhibits. *(See Appendix 13 Sample)*
 - iv. A Table of Contents shall be included as the first page of each section of the Supplement to the Record and shall list items in the same manner as provided above.
- i. Supplement to the Confidential Record Section

Supreme Court of Illinois
Standards and Requirements for Electronic Filing the Record on Appeal
(Revised - Effective March 1, 2022)

- i. Upon granting a motion to supplement the Confidential Record, the reviewing court shall electronically notify the circuit clerk or administrative agency by copy of the order.
 - ii. A Certification of Supplement to the Confidential Record shall be included as Page 1 of the Supplement to the Confidential Record Section. It shall state that the Supplement to the Confidential Record has been prepared and certified in the form required for transmission to the reviewing court. *(See Appendix 14 Sample)*
 - iii. A Table of Contents for the Supplement to the Confidential Record shall be included as Page 2 and shall include hyperlinks to the three sections of the Supplement to the Confidential Record: Supplement to the Confidential Common Law Record, Supplement to the Confidential Report of Proceedings, and Supplement to the Confidential Exhibits. *(See Appendix 15 Sample)*
 - iv. A Table of Contents shall be included as the first page of each section of the Supplement to the Confidential Record and shall list items in the same manner as provided above.
- j. Supplement to the Impounded Record Section
 - i. Upon granting a motion to supplement the Impounded Record, the reviewing court shall electronically notify the circuit clerk or administrative agency by copy of the order.
 - ii. A Certification of Supplement to the Impounded Record shall be included as Page 1 of the Supplement to the Impounded Record Section. It shall state that the Supplement to the Impounded Record has been prepared and certified in the form required for transmission to the reviewing court. *(See Appendix 16 Sample)*
 - iii. A Table of Contents for the Supplement to the Impounded Record shall be included as Page 2 and shall include hyperlinks to the three sections of the Supplement to the Impounded Record: Supplement to the Impounded Common Law Record, Supplement to the Impounded Report of Proceedings, and Supplement to the Impounded Exhibits. *(See Appendix 17 Sample)*
 - iv. A Table of Contents shall be included as the first page of each section of the Supplement to the Impounded Record and shall list items in the same manner as provided above.
- k. Supplement to the Sealed Record Section
 - i. Upon granting a motion to supplement the Sealed Record, the reviewing court shall electronically notify the circuit clerk or administrative agency by copy of the order.
 - ii. A Certification of Supplement to the Sealed Record shall be included as Page 1 of the Supplement to the Sealed Record Section. It shall state that the Supplement to the Sealed Record has been prepared and certified in the form required for transmission to the reviewing court. *(See Appendix 18 Sample)*

Supreme Court of Illinois
Standards and Requirements for Electronic Filing the Record on Appeal
(Revised - Effective March 1, 2022)

- iii. A Table of Contents for the Supplement to the Sealed Record shall be included as Page 2 and shall include hyperlinks to the three sections of the Supplement to the Sealed Record: Supplement to the Sealed Common Law Record, Supplement to the Sealed Report of Proceedings, and Supplement to the Sealed Exhibits. (*See Appendix 19 Sample*)
- iv. A Table of Contents shall be included as the first page of each section of the Supplement to the Sealed Record and shall list items in the same manner as provided above.

4. Assembly of the Record on Appeal

a. General Provisions

- i. Where possible, each PDF section shall include bookmarks, immediately viewable when the document is opened, to individual sections and documents in the same order as they appear in the corresponding Table of Contents to facilitate navigation and location of specific contents within the record.
- ii. Pagination shall appear at the bottom-right corner of each page of each section.
- iii. Each page of each section, including the certification page, shall be numbered with the appropriate section identification—C (Common Law Record), R (Report of Proceedings), or E (Exhibits)—followed by the sequential page number. When a section exceeds the preparation limits set in Section 3 of these Standards, second and subsequent series shall display the volume (V) followed by the sequential volume number, immediately following the section identification and page number.
- iv. Each section of the Record on Appeal shall start with Page 1 and continue sequentially to the last page of that section, even if the section contains multiple volumes. (I.e. the first page of a subsequent volume shall have the number after the last page of the preceding volume.)
- v. An indication of a supplement to the record (SUP) shall be displayed before the section identification, when appropriate. Second and subsequent supplements to the record shall include sequential volume numbers (i.e. SUP2, SUP3, etc.).
- vi. Page numbering samples are as follows:

Record Type	Common Law Record	Report of Proceeding	Exhibits
<i>Original Filing</i>	C 1	R 1	E 1
<i>Original Filing - Multiple Volumes</i>	C 123 V2	R 123 V2	E 123 V2
<i>Supplement to the Record</i>	SUP C 1	SUP R 123	SUP E 223
<i>Additional Supplement to the Record</i>	SUP2 C 1	SUP2 R 123	SUP2 E 223
<i>Confidential Record</i>	CC 1	RC 123	EC 223
<i>Impounded Record</i>	CI 1	RI 123	EI 223
<i>Sealed Record</i>	CS 1	RS 123	ES 223
<i>Supplement to the Confidential Record</i>	SUP CC 1	SUP RC 123	SUP EC 223
<i>Supplement to the Impounded Record</i>	SUP CI 1	SUP RI 123	SUP EI 223
<i>Supplement to the Sealed Record</i>	SUP CS 1	SUP RS 123	SUP ES 223

Supreme Court of Illinois
Standards and Requirements for Electronic Filing the Record on Appeal
(Revised - Effective March 1, 2022)

<i>Additional Supplement to the Confidential Record</i>	SUP2 CC 1	SUP2 RC 123	SUP2 EC 223
<i>Additional Supplement to the Impounded Record</i>	SUP2 CI 1	SUP2 RI 123	SUP2 EI 223
<i>Additional Supplement to the Sealed Record</i>	SUP2 CS 1	SUP2 RS 123	SUP2 ES 223

b. Record on Appeal

- i. The Common Law Record Section shall begin with the Certification Page, followed by the Common Law Record Table of Contents, the record sheet, and all remaining pages in sequential order by file-mark date, oldest to most recent.
- ii. The Report of Proceedings Table of Contents shall be the first page of this section, followed by each report of proceedings in sequential order by proceeding date, oldest to most recent.
- iii. The Exhibits Table of Contents shall be the first page of this section, followed by each exhibit in sequential order by date admitted or offered, oldest to most recent.
- iv. When a section contains multiple volumes, the Table of Contents shall be included in its entirety at the beginning of each volume, containing links to only the documents contained in that volume.
- v. Records in second and subsequent appeals shall be recompiled and renumbered as provided in these Standards.

c. Supplements to the Record; Confidential, Impounded, and Sealed Records; and Supplements to Confidential, Impounded, and Sealed Records

- i. Supplements to the record; confidential, impounded, and sealed records; and supplements to confidential, impounded, and sealed records shall be assembled in separate PDF documents as follows: Supplement to the Record on Appeal, Confidential Record on Appeal, Impounded Record on Appeal, Sealed Record on Appeal, Supplement to the Confidential Record on Appeal, Supplement to the Impounded Record on Appeal, and Supplement to the Sealed Record on Appeal.
- ii. Each of these PDF documents shall be assembled and ordered as follows:
 1. The Common Law Record shall be the first section and shall begin with the Certification Page, followed by the Table of Contents for the entire PDF document, the Table of Contents for the Common Law Record, and all remaining pages in sequential order by file-mark date, oldest to most recent.
 2. The Report of Proceedings Table of Contents shall be included immediately following the Common Law Record Section, followed by each report of proceedings in sequential order by proceeding date, oldest to most recent. The first page of the Report of Proceedings Section shall have the number after the last page of the Common Law Record Section, if any.
 3. The Exhibits Table of Contents shall be included immediately following the Report of Proceedings Section, followed by each exhibit in sequential order by

Supreme Court of Illinois
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date admitted or offered, oldest to most recent. The first page of the Exhibits Section shall have the number after the last page of the Report of Proceedings Section, if any.

- iii. Each of these PDF documents shall otherwise comply with the provisions of section 3 of these Standards.

5. Transmission of the Record on Appeal

- a. Once the electronic Record on Appeal has been prepared and assembled per these Standards, the circuit clerk or administrative agency shall transmit all sections of the electronic Record on Appeal to the reviewing court. Each section shall be labeled in accordance with these Standards and transmitted as a separate lead document within the same transaction envelope, if possible.
- b. A verification shall be provided to the circuit court or administrative agency when the record is transmitted. The verification shall include the date and time of the record's transmission.
- c. Filings that do not comply with the format specified by any applicable rule, statute, or standard may be rejected by the reviewing court. If a filing is rejected, the reviewing court clerk shall provide the reason(s) for rejection.
- d. Once the Record on Appeal is accepted, the reviewing court clerk shall affix the electronic file mark setting forth, at a minimum, the court, the clerk, and the date and time of filing. The transmission date and time shall govern the electronic file mark, unless the transmission occurs on a day the clerk's office is not open for business, in which case the electronic file mark shall indicate the next business day.
- e. No administrative agency, court, or clerk shall be liable for malfunctions or errors occurring in the transmission, receipt, or access of electronically filed documents.
- f. If a Record on Appeal submitted electronically is rejected or not filed due to a malfunction, the reviewing court may, upon good cause shown, enter an order permitting the Record on Appeal to be filed as of the date of submission.

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Appendix 1 – Certification of Record Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

_____ Plaintiff/Petitioner	Reviewing Court No.: _____ Circuit Court/Agency No.: _____ Trial Judge/Hearing Officer: _____
v.	
_____ Defendant/Respondent	

CERTIFICATION OF RECORD

The record has been prepared and certified in the form required for transmission to the reviewing court.
It consists of:

_____ Volume(s) of the Common Law Record, containing _____ pages
_____ Volume(s) of the Report of Proceedings, containing _____ pages
_____ Volume(s) of the Exhibits, containing _____ pages

I hereby certify this record pursuant to Supreme Court Rule 324, this _____ day of _____,
20__.

(Clerk of the Circuit Court or Administrative Agency)

Supreme Court of Illinois
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Appendix 2 – Common Law Record Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

COMMON LAW RECORD – TABLE OF CONTENTS

Page ____ of ____

<u>Date Filed</u>	<u>Title/Description</u>	<u>Page No.</u>
	Record sheet	C 4-C 5
06/18/2014	Information	C 6
06/18/2014	Entry of Appearance	C 7
07/16/2014	Amended Information	C 8-C 11

C 2

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Appendix 3 – Report of Proceedings Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

_____ Plaintiff/Petitioner	Reviewing Court No.: _____ Circuit Court/Agency No.: _____ Trial Judge/Hearing Officer: _____
v.	
_____ Defendant/Respondent	

REPORT OF PROCEEDINGS – TABLE OF CONTENTS

Page ____ of ____

<u>Date of</u>	<u>Proceeding</u>	<u>Title/Description</u>	<u>Page No.</u>
06/18/2014		Motion to Compel Hearing	R 2-R 3
07/15/2014		Sentencing Hearing	R 4-R 6

R 1

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Appendix 4 – Exhibits Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

_____ Plaintiff/Petitioner	Reviewing Court No.: _____ Circuit Court/Agency No.: _____ Trial Judge/Hearing Officer: _____
v.	
_____ Defendant/Respondent	

EXHIBITS – TABLE OF CONTENTS

Page ____ of ____

<u>Party</u>	<u>Exhibit #</u>	<u>Description/Possession</u>	<u>Page No.</u>
People	1	Bank Statement	E 2-E 8
Defendant	1	Flash Drive - Sent via US Mail on <i>(date)</i>	E 9
People	2	Not Admitted - <i>(description of exhibit)</i>	E 10
People	3	Knife - Retained by Circuit Clerk	E 11

E 1

Supreme Court of Illinois
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Appendix 5 – Receipt of Exhibit(s) Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

RECEIPT OF EXHIBIT(S)

I, _____, Clerk of the _____ Court, _____ District (if applicable), have received the following Exhibit(s) from _____, Clerk of the Circuit Court, _____ Judicial Circuit, or administrative agency, and will cause the same to be filed in the _____ Court, _____ District (if applicable), as provided by law.

<u>Party</u>	<u>Exhibit #</u>	<u>Description</u>
People	3	Knife

Date Exhibit(s) Received: _____, 20____

Signature of _____ Court Clerk: _____

CERTIFICATE OF MAILING/DELIVERY

I, _____ (sender), Clerk of the Circuit Court, _____ Judicial Circuit, or administrative agency, hereby certify that I have mailed/delivered the aforesaid Exhibit(s) to _____ (recipient) on _____ (date mailed/delivered) via _____ (method of delivery).

(Clerk of the Circuit Court or Administrative Agency)

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Appendix 6 – Certification of Confidential Record Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

CERTIFICATION OF CONFIDENTIAL RECORD

The confidential record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

_____ Volume(s) of the Confidential Record on Appeal

_____ pages of the Confidential Common Law Record Section

_____ pages of the Confidential Report of Proceedings Section

_____ pages of the Confidential Exhibits Section

I hereby certify this record pursuant to Supreme Court Rule 324, this _____ day of _____, 20__.

(Clerk of the Circuit Court or Administrative Agency)

CC 1

Supreme Court of Illinois
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Appendix 7 – Confidential Record - Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

_____ Plaintiff/Petitioner	Reviewing Court No.: _____ Circuit Court/Agency No.: _____ Trial Judge/Hearing Officer: _____
-------------------------------	---

v.

Defendant/Respondent

CONFIDENTIAL RECORD - TABLE OF CONTENTS

Page ____ of ____

<u>Section</u>	<u>Page</u>
CONFIDENTIAL COMMON LAW RECORD SECTION	CC 2 – CC 39
CONFIDENTIAL REPORT OF PROCEEDINGS SECTION	RC 40 – RC 97
CONFIDENTIAL EXHIBITS SECTION	EC 98 – EC 99

CC 2

Supreme Court of Illinois
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Appendix 8 – Certification of Impounded Record Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

CERTIFICATION OF IMPOUNDED RECORD

The impounded record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

_____ Volume(s) of the Impounded Record on Appeal

_____ pages of the Impounded Common Law Record Section

_____ pages of the Impounded Report of Proceedings Section

_____ pages of the Impounded Exhibits Section

I hereby certify this record pursuant to Supreme Court Rule 324, this _____ day of _____, 20__.

(Clerk of the Circuit Court or Administrative Agency)

CI 1

Supreme Court of Illinois
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Appendix 9 – Impounded Record - Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

IMPOUNDED RECORD - TABLE OF CONTENTS

Page ____ of ____

<u>Section</u>	<u>Page</u>
IMPOUNDED COMMON LAW RECORD SECTION	CI 2 – CI 39
IMPOUNDED REPORT OF PROCEEDINGS SECTION	RI 40 – RI 97
IMPOUNDED EXHIBITS SECTION	EI 98 – EI 99

CI 2

Supreme Court of Illinois
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Appendix 10 – Certification of Sealed Record Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

_____ Plaintiff/Petitioner	Reviewing Court No.: _____ Circuit Court/Agency No.: _____ Trial Judge/Hearing Officer: _____
-------------------------------	---

v.

Defendant/Respondent

CERTIFICATION OF SEALED RECORD

The sealed record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

_____ Volume(s) of the Sealed Record on Appeal

_____ pages of the Sealed Common Law Record Section

_____ pages of the Sealed Report of Proceedings Section

_____ pages of the Sealed Exhibits Section

I hereby certify this record pursuant to Supreme Court Rule 324, this _____ day of _____, 20__.

(Clerk of the Circuit Court or Administrative Agency)

CS 1

Supreme Court of Illinois
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Appendix 11 – Sealed Record - Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

SEALED RECORD - TABLE OF CONTENTS

Page ____ of ____

<u>Section</u>	<u>Page</u>
SEALED COMMON LAW RECORD SECTION	CS 2 – CS 39
SEALED REPORT OF PROCEEDINGS SECTION	RS 40 – RS 97
SEALED EXHIBITS SECTION	ES 98 – ES 99

CS 2

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Appendix- 12 – Certification of Supplement to the Record Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____

Circuit Court/Agency No.: _____

Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

CERTIFICATION OF SUPPLEMENT TO THE RECORD

The supplement to the record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

_____ Volume(s) of the Supplement to the Common Law Record Section, containing _____ pages

_____ Volume(s) of the Supplement to the Report of Proceedings Section, containing _____ pages

_____ Volume(s) of the Supplement to the Exhibits Section, containing _____ pages

I hereby certify this record pursuant to Supreme Court Rule 324, this _____ day of _____, 20__.

(Clerk of the Circuit Court or Administrative Agency)

SUP C 1

Supreme Court of Illinois
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Appendix 13 – Supplement to the Record - Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

SUPPLEMENT TO THE RECORD - TABLE OF CONTENTS

Page ____ of ____

<u>Section</u>	<u>Page</u>
SUPPLEMENT TO THE COMMON LAW RECORD SECTION	SUP C 2 – SUP C 39
SUPPLEMENT TO THE REPORT OF PROCEEDINGS SECTION	SUP R 40 – SUP R 97
SUPPLEMENT TO THE EXHIBITS SECTION	SUP E 98 – SUP E 99

SUP C 2

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Appendix 14 – Certification of Supplement to the Confidential Record Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

CERTIFICATION OF SUPPLEMENT TO THE CONFIDENTIAL RECORD

The supplement to the confidential record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

_____ Volume(s) of the Supplement to the Confidential Common Law Record Section,
containing _____ pages

_____ Volume(s) of the Supplement to the Confidential Report of Proceedings Section,
containing _____ pages

_____ Volume(s) of the Supplement to the Confidential Exhibits Section,
containing _____ pages

I hereby certify this record pursuant to Supreme Court Rule 324, this _____ day of _____,
20__.

(Clerk of the Circuit Court or Administrative Agency)

SUP CC 1

Supreme Court of Illinois
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Appendix 15 – Supplement to the Confidential Record - Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

_____ Plaintiff/Petitioner	Reviewing Court No.: _____ Circuit Court/Agency No.: _____ Trial Judge/Hearing Officer: _____
v.	
_____ Defendant/Respondent	

SUPPLEMENT TO THE CONFIDENTIAL RECORD - TABLE OF CONTENTS

Page ____ of ____

<u>Section</u>	<u>Page</u>
SUPPLEMENT TO THE CONFIDENTIAL COMMON LAW RECORD 39	SUP CC 2 – SUP CC
SUPPLEMENT TO THE CONFIDENTIAL REPORT OF PROCEEDINGS RC 97	SUP RC 40 – SUP
SUPPLEMENT TO THE CONFIDENTIAL EXHIBITS 99	SUP EC 98 – SUP EC

SUP CC 2

Supreme Court of Illinois
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Appendix 16 – Certification of Supplement to the Impounded Record Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____

Circuit Court/Agency No.: _____

Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

CERTIFICATION OF SUPPLEMENT TO THE IMPOUNDED RECORD

The supplement to the impounded record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

____ Volume(s) of the Supplement to the Impounded Common Law Record Section,
containing ____ pages

____ Volume(s) of the Supplement to the Impounded Report of Proceedings Section,
containing ____ pages

____ Volume(s) of the Supplement to the Impounded Exhibits Section,
containing ____ pages

I hereby certify this record pursuant to Supreme Court Rule 324, this ____ day of _____,
20__.

(Clerk of the Circuit Court or Administrative Agency)

SUP CI 1

Supreme Court of Illinois
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Appendix 17 – Supplement to the Impounded Record - Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

SUPPLEMENT TO THE IMPOUNDED RECORD - TABLE OF CONTENTS

Page ____ of ____

<u>Section</u>	<u>Page</u>
SUPPLEMENT TO THE IMPOUNDED COMMON LAW RECORD	SUP CI 2 – SUP CI 39
SUPPLEMENT TO THE IMPOUNDED REPORT OF PROCEEDINGS	SUP RI 40 – SUP RI 97
SUPPLEMENT TO THE IMPOUNDED EXHIBITS	SUP EI 98 - SUP EI 99

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Appendix 18 – Certification of Supplement to the Sealed Record Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____

Circuit Court/Agency No.: _____

Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

CERTIFICATION OF SUPPLEMENT TO THE SEALED RECORD

The supplement to the sealed record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

_____ Volume(s) of the Supplement to the Sealed Common Law Record Section,

containing _____ pages

_____ Volume(s) of the Supplement to the Sealed Report of Proceedings Section,

containing _____ pages

_____ Volume(s) of the Supplement to the Sealed Exhibits Section,

containing _____ pages

I hereby certify this record pursuant to Supreme Court Rule 324, this _____ day of _____,
20__.

(Clerk of the Circuit Court or Administrative Agency)

SUP CS 1

Supreme Court of Illinois
Standards and Requirements for Electronic Filing the Record on Appeal
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Appendix 19 – Supplement to the Sealed Record - Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

_____ Plaintiff/Petitioner	Reviewing Court No.: _____ Circuit Court/Agency No.: _____ Trial Judge/Hearing Officer: _____
-------------------------------	---

v.

Defendant/Respondent

SUPPLEMENT TO THE SEALED RECORD - TABLE OF CONTENTS

Page ____ of ____

<u>Section</u>	<u>Page</u>
SUPPLEMENT TO THE SEALED COMMON LAW RECORD	SUP CI 2 – SUP CI 39
SUPPLEMENT TO THE SEALED REPORT OF PROCEEDINGS	SUP RI 40 – SUP RI 97
SUPPLEMENT TO THE SEALED EXHIBITS	SUP EI 98 – SUP EI 99

SUP CS 2

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Appendix 20 – Case Categories

Family & Juvenile:

<u>Category Code</u>	<u>Category Title</u>	<u>Category Description</u>
DC	Dissolution with Children	Dissolution of marriage or civil union, declaration of invalidity (annulment), petitions for legal separation, or separate maintenance as defined in 750 ILCS 5/303 when at the time of filing there are minor children
DN	Dissolution without Children	Dissolution of marriage or civil union, declaration of invalidity (annulment), petition for legal separation, or separate maintenance as defined in 750 ILCS 5/303 when at the time of filing there are no minor children
JD	Juvenile Delinquent	Addicted minors as defined by the Substance Use Disorder Act (20 ILCS 301/1-1 et seq.) in the Juvenile Court Act of 1987 (705 ILCS 405/4-1 et seq.) or delinquent minors as defined by the Juvenile Court Act of 1987 (705 ILCS 405/5-101 et seq.)
JA	Juvenile Abuse & Neglect	Dependent, neglected or abused minor as defined by 705 ILCS 405/2-1, et seq. of the Juvenile Court Act of 1987
JV	Juvenile	Minors requiring authoritative intervention as defined by 705 ILCS 405/3-1 et seq. of the Juvenile Court Act of 1987 or to any other proceedings initiated under 705 ILCS 405/1-1 et seq. of the Juvenile Court Act of 1987
FA	Family	Proceedings to establish the parent-child relationship, notice to putative fathers, and certain actions relating to child support
AD	Adoption	Cases filed pursuant to 750 ILCS 50/0.01 et seq

Criminal & Quasi-Criminal:

<u>Category Code</u>	<u>Category Title</u>	<u>Category Description</u>
CF	Criminal Felony	Complaint, information, or indictment is filed in which at least one count charges a felony as defined in the Unified Code of Corrections (730 ILCS 5/5-1 et seq.) (Class M, X, 1, 2, 3, or 4)
CM	Criminal Misdemeanor	most serious charge carries a penalty of less than one-year imprisonment, limited to Class A, B or C offenses as defined in the Unified Code of Corrections (730 ILCS 5/5-1 et seq.)
DV	Domestic Violence	Violation of domestic battery under Section 12-3.2 of the Criminal Code (720 ILCS 5/12-3.2).
DT	Driving Under the Influence (DUI)	charging a violation of a statute, ordinance, or regulation governing driving or operating under the influence of alcohol, other drug, or combination thereof under Section 11-501 of the Illinois Vehicle

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		Code (625 ILCS 5/11-501), Section 5-7 of the Snowmobile Registration and Safety Act (625 ILCS 40/5-7), and Section 5-16 of the Boat Registration and Safety Act (625 ILCS 45/5-16) and not classified as a felony
MT	Major Traffic	Class A, B, or C as defined by Supreme Court Rule 501(f)(1)(i), except DUI cases.
TR	Minor Traffic	Class P or B as defined by Supreme Court Rule 501(f)(1)(ii)
OV	Ordinance Violation	violation of a local ordinance is charged, other than a traffic ordinance
QC	Quasi-Criminal	Any offense classified as Petty or Business as defined in the Unified Code of Corrections (730 ILCS 5/5-1 et seq.), which is not otherwise defined as a DT, MT, TR, or CV case
CV	Conservation	As defined by Supreme Court Rule 501(c)

Civil:

<u>Category Code</u>	<u>Category Title</u>	<u>Category Description</u>
ED	Eminent Domain	Proceedings involving compensation to an owner for property taken for public use
FC	Foreclosure	Residential or commercial foreclosure proceedings
LA	Law	Tort, contract, and a variety of other actions in which the damages sought are greater than \$50,000
CH	Chancery	Complaints for equitable relief in matters such as contract actions, trusts, and title to real property
PR	Probate	Estates of decedents and missing persons
AR	Arbitration	Arbitration-eligible cases are defined by Supreme Court Rules 86 - 95
GC	Governmental Corporation	Petition seeking consideration by the court on new matters not included in the permanent case containing such matters as organization, appointment of officers, approval of bonds, and routine orders confirming annexation
LM	Law Magistrate	Tort, contract, and a variety of other actions in which the damages sought are \$50,000 or less
MR	Miscellaneous Remedy	Review of administrative decisions (other than of a tax commission) and a variety of other actions that include change of name, demolition, and corporation dissolution
EV	Eviction	Commercial or residential eviction proceedings and for any proceeding for ejectionment
MH	Mental Health	Proceedings involving hospitalization, discharge, or restoration to legal status
SC	Small Claims	Tort or contract for money not in excess of \$10,000, exclusive of interest and costs (defined in Supreme Court Rule 281)

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TX	Tax	Annual tax sale, petitions for tax deed, objections, and a variety of other actions relating to the collection of taxes
GR	Guardianship	Guardianship of a minor, person with a disability, or an estate of any person under the Probate Act of 1975, as amended

Other:

<u>Category Code</u>	<u>Category Title</u>	<u>Category Description</u>
CC	Contempt of Court	Direct or indirect contempt of court, for charges initiated against a person who is not a party to the action in which the contemptuous conduct allegedly occurred, including a juror who has been impaneled
OP	Order of Protection	Any petition for an order of protection, petition for stalking no contact order, firearms restraining order, or civil no contact order
CL	Civil Law	Civil law violations as defined in Supreme Court Rule 585
MX	Miscellaneous Criminal	Variety of actions for civil processes relating to criminal proceedings such as search warrants, grand jury proceedings, statutory summary suspensions (when no DT case exists), probationer transfers, eavesdropping, seized property, sealing and expungement petitions (when no criminal case exists), habeas corpus and administrative subpoenas

Case Categories prior to 1/1/2022 not included:

D = Dissolution

F = Family

J = Juvenile

L = Law

MC = Municipal Corporation

P = Probate

Placeholder for unreadable file type:
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Dear Mr Talarico,

In addition to the 2 reports of proceedings missing, below shows an oddity that I can't explain and should not be possible.

- The due date for the APPEAL - ROP DUE is April 21, 2023 by 5:00 PM a Friday afternoon and the APPEAL - RECORD DUE is May 5, 2023 at 5:00 PM. See (C) below.
- The Certification of Record, page "C 1" signed by Katherine M. Keefe is date April 21, 2023. See (D) below.
- The file stamp from the appellate clerk is April 24, 2023 at 10:03 AM a Monday morning. See "(B)" below.
- The date "ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf" was created is April 25, 2023 at 8:06 AM. See "(A)" below.

5. In addition I am not sure why the APPEAL - ROP DUE was due two weeks earlier than the APPEAL - RECORD DUE since Supreme Court Rule 321. Contents of the Record on Appeal defines the Record of Appeal as the ROP and the CLR together.

"The record on appeal shall consist of the judgment appealed from, the notice of appeal, and the entire original common law record, unless the parties stipulate for, or the trial court, after notice and hearing, or the reviewing court, orders less. The common law record includes every document filed, judgment, and order entered and any exhibit offered and filed by any party. Upon motion the reviewing court may order that other exhibits be included in the record. The record on appeal shall also include any report of proceedings prepared in accordance with Rule 323. There is no distinction between the common law record and the report of proceedings for the purpose of determining what is properly before the reviewing court."

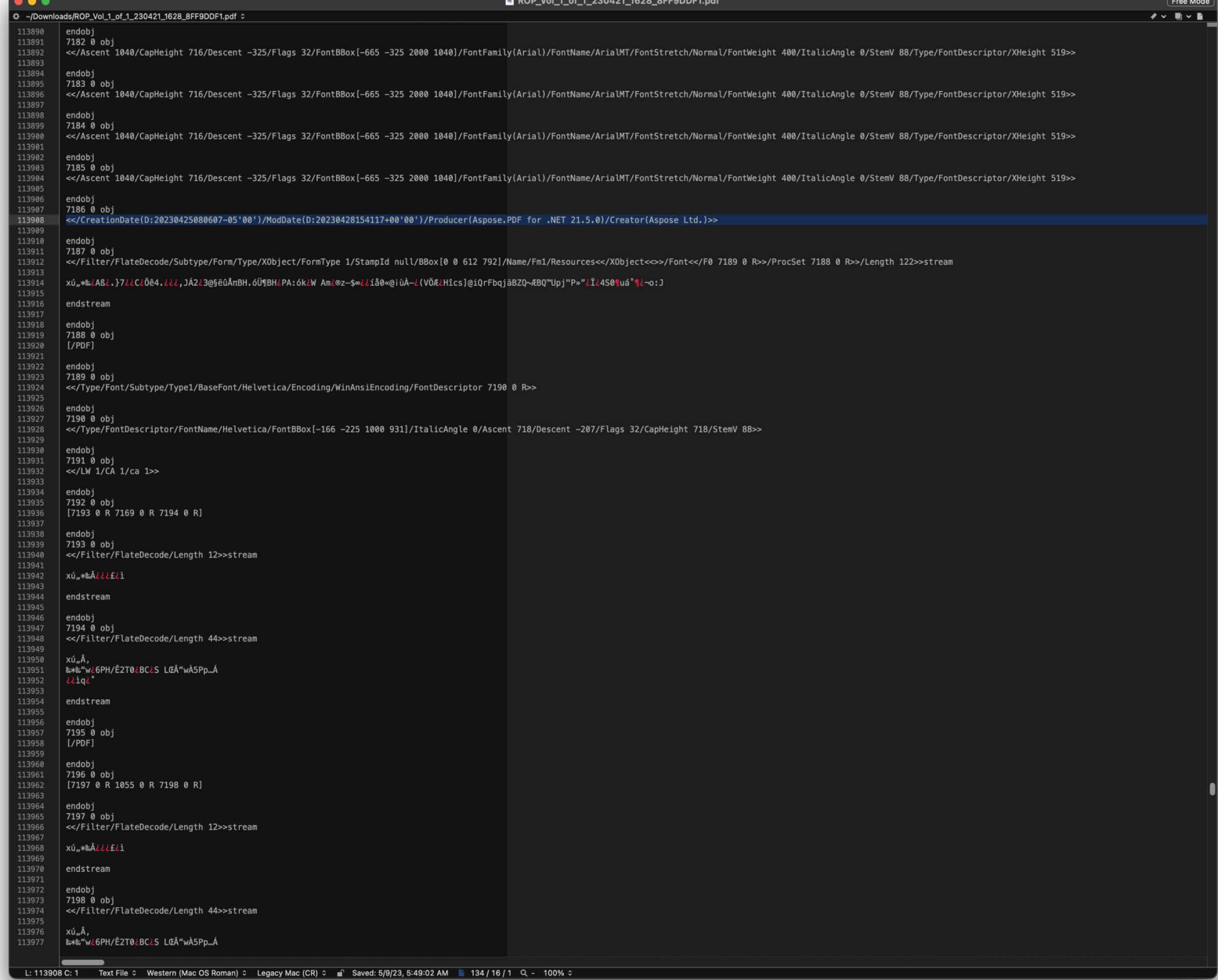
See (E) below.

6. On page 9 Number 5. Subpart d in "Standards efilng Record on Appeal 2022.pdf" it says; "Once the Record on Appeal is accepted, the reviewing court clerk shall affix the electronic file mark setting forth, at a minimum, the court, the clerk, and the date and time of filing. The transmission date and time shall govern the electronic file mark, unless the transmission occurs on a day the clerk's office is not open for business, in which case the electronic file mark shall indicate the next business day.

See (F) below.

This begs the questions; how was "ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf" created after it was certified by Keefe and stamped by the appellate clerk? And is all this moot since the APPEAL - RECORD DUE is May 5, 2023

(A) In the metadata of the file "ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf" the creation date is April 25, 2023 at 8:06 AM
Copy of metadata below:
<<CreationDate(D:20230425080607-05'00')/ModDate(D:20230428154117+00'00')/Producer(Aspose.PDF for .NET 21.5.0)/Creator(Aspose Ltd.)>>
Attached is a screen shot of the metadata.



(B) On page "R 1" of the file "ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf" is the appellate clerks stamp with a File Date: 4/24/2023 10:03 AM or April 24, 2023 at 10:03AM
Attached is the page R 1

Table of Contents

2-23-0072

APPEAL TO THE APPELLATE COURT OF ILLINOIS

SECOND JUDICIAL DISTRICT

FROM THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT

MCHENRY COUNTY, ILLINOIS

DULBERG, PAUL

Plaintiff/Petitioner

Reviewing Court No: 2-23-0072

Circuit Court/Agency No: 2017LA000377

MAST, HANS ET AL

Defendant/Respondent

Trial Judge/Hearing Officer: JOEL D BERG

REPORT OF PROCEEDINGS - TABLE OF CONTENTS

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07/20/2018	MOTION	R 15-R 18 (Volume 1)
09/12/2018	HEARING - MOTION STRIKE	R 19-R 28 (Volume 1)
10/15/2018	MOTION - EXTEND TIME	R 29-R 33 (Volume 1)
11/13/2018	MOTION - EXTEND TIME	R 34-R 37 (Volume 1)
02/25/2019	MOTION - SUBSTITUTION OF ATTORNEY	R 38-R 42 (Volume 1)
02/25/2019	MOTION - DEFAULT	R 43-R 47 (Volume 1)
05/30/2019	MOTION - DEFAULT	R 48-R 52 (Volume 1)
09/05/2019	STATUS - CHECK	R 53-R 58 (Volume 1)
11/04/2019	LEAVE - FILE AFFIRMATIVE DEFENSE	R 59-R 63 (Volume 1)
02/03/2020	STATUS - CHECK	R 64-R 69 (Volume 1)
06/05/2020	STATUS - CHECK	R 70-R 74 (Volume 1)
09/10/2020	MOTION - WITHDRAW	R 75-R 83 (Volume 1)
10/10/2020	MOTION - COMPEL	R 84-R 88 (Volume 1)
10/27/2020	MOTION - COMPEL	R 89-R 94 (Volume 1)
11/24/2020	MOTION - COMPEL	R 95-R 100 (Volume 1)
02/10/2021	HEARING - MOTION COMPEL	R 101-R 124 (Volume 1)
03/15/2021	MOTION - EXTEND TIME	R 125-R 153 (Volume 1)
03/25/2021	HEARING - MOTION COMPEL	R 154-R 159 (Volume 1)
04/23/2021	MOTION - COMPEL	R 160-R 176 (Volume 1)
06/14/2021	STATUS - CHECK	R 177-R 183 (Volume 1)
07/19/2021	MOTION - COMPEL	R 184-R 196 (Volume 1)

This document is generated by neapel.net

KATHERINE M. KEEFE, CLERK OF THE 22nd JUDICIAL CIRCUIT COURT @

WOODSTOCK, ILLINOIS 60098

R 1

(C) On page "C 8" of "CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf" under a section titled "Future Scheduled Dates" is the date the APPEAL - ROP DUE and APPEAL - RECORD DUE were due.
Attached is page C 8

4/21/2023 3:12:42PM

Page 1 of 10

DOCKET LISTING

Cause Number	Entitlement	Filing Date	Cause Status
2017LA000377	DULBERG, PAUL VS MAST, HANS, ET AL	11/28/2017 DCN:	CLOSED

Charges

No charges associated with this case.

Judgments

No judgments associated with the case.

Future Scheduled Dates

Date	Time	AP	APPEAL - ROP DUE	NO JUDGE ASSIGNED
04/21/2023	5:00 pm	AP	APPEAL - ROP DUE	NO JUDGE ASSIGNED
06/05/2023	5:00 pm	AP	APPEAL - RECORD DUE	NO JUDGE ASSIGNED

Related Cases

No related cases to this case.

Parties

APPELLANT	DULBERG, PAUL
ATTORNEY-APPELLANT	TALARICO, ALPHONSE A, LAW OFFICE OF
ATTORNEY FOR DEFENDANT	KARBAL COHEN ECONOMOU SILK & DUNNE
ATTORNEY FOR PLAINTIFF	TALARICO, ALPHONSE A, LAW OFFICE OF
DEFENDANT	MAST, HANS
DEFENDANT	POPOVOICH PC, THOMAS J, LAW OFFICES OF
PREVIOUS ATTORNEY - DEFENDANT	CLAUSEN MILLER
PREVIOUS ATTORNEY - DEFENDANT	KARBAL COHEN ECONOMOU SILK & DUNNE LLC
PREVIOUS ATTORNEY - PLAINTIFF	CLINTON LAW FIRM
PREVIOUS ATTORNEY - PLAINTIFF	GOOCH FIRM
PLAINTIFF	DULBERG, PAUL

Purchased from re:SearchIL

C 8

2-23-0072

APPEAL TO THE APPELLATE COURT OF ILLINOIS

SECOND JUDICIAL DISTRICT

FROM THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT

MCHENRY COUNTY, ILLINOIS

DULBERG, PAUL

Plaintiff/Petitioner

Reviewing Court No: 2-23-0072

Circuit Court/Agency No: 2017LA000377

MAST, HANS ET AL

Defendant/Respondent

Trial Judge/Hearing Officer: JOEL D BERG

CERTIFICATION OF RECORD

The record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

2 Volume(s) of the Common Law Record, containing 2148 pages

1 Volume(s) of the Report of Proceedings, containing 512 pages

1 Volume(s) of the Exhibits, containing 0 pages

I hereby certify this record pursuant to Supreme Court Rule 324, this 21 DAY OF APRIL, 2023

Katherine M. Keefe

(Clerk of the Circuit Court or Administrative Agency)

KATHERINE M. KEEFE, CLERK OF THE 22nd JUDICIAL CIRCUIT COURT @

WOODSTOCK, ILLINOIS 60098

C1

(F)

Standards efilng Record on Appeal 2022...

Digitally signed by Reporter of Decisions Reason: I attest to the accuracy and integrity of this document Date: 2021.09.29 09:47:17 -0500

Rule 321. Contents of the Record on Appeal

The record on appeal shall consist of the judgment appealed from, the notice of appeal, and the entire original common law record, unless the parties stipulate for, or the trial court, after notice and hearing, or the reviewing court, orders less. The common law record includes every document filed, judgment, and order entered and any exhibit offered and filed by any party. Upon motion the reviewing court may order that other exhibits be included in the record. The record on appeal shall also include any report of proceedings prepared in accordance with Rule 323. There is no distinction between the common law record and the report of proceedings for the purpose of determining what is properly before the reviewing court.

Amended July 30, 1979, effective October 15, 1979; amended December 17, 1993, effective February 1, 1994; amended Sept. 29, 2021, eff. Oct. 1, 2021.

Committee Comments (Revised 1979)

As originally adopted Rule 321 provided that the record on appeal consisted of "the judgment appealed from, the notice of appeal, and other parts of the trial court record designated in the preceptes." (36 Ill. 2d R. 321.) Rule 322 set forth the procedure for the filing of preceptes by the parties designating the parts of the record to be included. In 1979 Rule 321 was amended to provide that unless the parties stipulate for less or the trial or reviewing court orders less, the entire original common law trial record will be transmitted to the reviewing court. Reference to preceptes was deleted, and Rule 322 was abrogated.

While Rule 321, as amended, permits the trial or the reviewing court, or the parties by stipulation, to order that less than the "entire original common law trial court record" be transmitted to the reviewing court, it makes it plain that such portions of the entire trial record as are transmitted should be original papers, and this is underscored by the deletion in Rule 324 of the provision permitting the trial or reviewing court to order otherwise, and the deletion in Rule 331 of the phrase "unless the record contains no original papers."

Commentary (December 17, 1993)

This rule is amended to describe the contents of the common law record, including any documentary exhibits in the trial court, and to provide that the reviewing court upon motion may order that other exhibits, including physical exhibits and evidence, be included in the record on appeal.

APPEAL TO THE APPELLATE COURT OF ILLINOIS
SECOND JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

DULBERG, PAUL

Plaintiff/Petitioner

v.

MAST, HANS ET AL

Defendant/Respondent

Reviewing Court No: 2-23-0072

Circuit Court/Agency No: 2017LA000377

Trial Judge/Hearing Officer: JOEL D BERG

E-FILED
Transaction ID: 2-23-0072
File Date: 4/24/2023 10:00 AM
Jeffrey H. Kaplan, Clerk of the Court
APPELLATE COURT 2ND DISTRICT

2



CERTIFICATION OF RECORD

The record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

- 2 Volume(s) of the Common Law Record, containing 2148 pages
- 1 Volume(s) of the Report of Proceedings, containing 512 pages
- 0 Volume(s) of the Exhibits, containing 0 pages

I hereby certify this record pursuant to Supreme Court Rule 324, this 21 DAY OF APRIL,
2023

Katherine M. Keefe

(Clerk of the Circuit Court or Administrative Agency)

DOCKET LISTING

<u>Case Number</u>	<u>Entitlement</u>	<u>Filing Date</u>	<u>Case Status</u>
2017LA000377	DULBERG, PAUL VS MAST, HANS, ET AL	11/28/2017 DCN:	CLOSED

Charges

No charges associated with this case,

Judgments

No judgments associated with the case.

Future Scheduled Dates

04/21/2023	5:00 pm	AP	APPEAL - ROP DUE	NO JUDGE ASSIGNED
05/05/2023	5:00 pm	AP	APPEAL - RECORD DUE	NO JUDGE ASSIGNED

Related Cases

No related cases to this case.

Parties

APPELLANT	DULBERG, PAUL
ATTORNEY- APPELLANT	TALARICO, ALPHONSE A, LAW OFFICE OF
ATTORNEY FOR DEFENDANT	KARBAL COHEN ECONOMOU SILK & DUNNE
ATTORNEY FOR PLAINTIFF	TALARICO, ALPHONSE A, LAW OFFICE OF
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PLAINTIFF	DULBERG, PAUL

APPEAL TO THE APPELLATE COURT OF ILLINOIS
SECOND JUDICIAL DISTRICT
FROM THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

DULBERG, PAUL

Plaintiff/Petitioner

Reviewing Court No: 2-23-0072

Circuit Court/Agency No: 2017LA000377

v.

Trial Judge/Hearing Officer: JOEL D BERG

MAST, HANS ET AL

Defendant/Respondent

2
E-FILED
Transaction ID: 2-23-0072
File Date: 4/24/2023 10:03 AM
Jeffrey H. Kaplan, Clerk of the Court
APPELLATE COURT 2ND DISTRICT



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02/25/2019	<u>MOTION - DEFAULT</u>	R 43-R 47 (Volume 1)
05/30/2019	<u>MOTION - DEFAULT</u>	R 48-R 52 (Volume 1)
09/05/2019	<u>STATUS - CHECK</u>	R 53-R 58 (Volume 1)
11/04/2019	<u>LEAVE - FILE AFFIRMATIVE DEFENSE</u>	R 59-R 63 (Volume 1)
02/03/2020	<u>STATUS - CHECK</u>	R 64-R 69 (Volume 1)
06/05/2020	<u>STATUS - CHECK</u>	R 70-R 74 (Volume 1)
09/10/2020	<u>MOTION - WITHDRAW</u>	R 75-R 83 (Volume 1)
10/07/2020	<u>MOTION - CONTINUE</u>	R 84-R 88 (Volume 1)
10/27/2020	<u>MOTION - COMPEL</u>	R 89-R 94 (Volume 1)
11/24/2020	<u>MOTION - COMPEL</u>	R 95-R 100 (Volume 1)
02/10/2021	<u>HEARING - MOTION COMPEL</u>	R 101-R 124 (Volume 1)
03/15/2021	<u>MOTION - EXTEND TIME</u>	R 125-R 153 (Volume 1)
03/25/2021	<u>HEARING - MOTION COMPEL</u>	R 154-R 159 (Volume 1)
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Rule 321. Contents of the Record on Appeal

The record on appeal shall consist of the judgment appealed from, the notice of appeal, and the entire original common law record, unless the parties stipulate for, or the trial court, after notice and hearing, or the reviewing court, orders less. The common law record includes every document filed, judgment, and order entered and any exhibit offered and filed by any party. Upon motion the reviewing court may order that other exhibits be included in the record. The record on appeal shall also include any report of proceedings prepared in accordance with Rule 323. There is no distinction between the common law record and the report of proceedings for the purpose of determining what is properly before the reviewing court.

Amended July 30, 1979, effective October 15, 1979; amended December 17, 1993, effective February 1, 1994; [amended Sept. 29, 2021, eff. Oct. 1, 2021](#).

Committee Comments (Revised 1979)

As originally adopted Rule 321 provided that the record on appeal consisted of “the judgment appealed from, the notice of appeal, and other parts of the trial court record designated in the praecipes.” (36 Ill. 2d R. 321.) Rule 322 set forth the procedure for the filing of praecipes by the parties designating the parts of the record to be included. In 1979 Rule 321 was amended to provide that unless the parties stipulate for less or the trial or reviewing court orders less, the entire original common law trial record will be transmitted to the reviewing court. Reference to praecipes was deleted, and Rule 322 was abrogated.

While Rule 321, as amended, permits the trial or the reviewing court, or the parties by stipulation, to order that less than the “entire original common law trial court record” be transmitted to the reviewing court, it makes it plain that such portions of the entire trial record as are transmitted should be original papers, and this is underscored by the deletion in Rule 324 of the provision permitting the trial or reviewing court to order otherwise, and the deletion in Rule 331 of the phrase “unless the record contains no original papers.”

Commentary (December 17, 1993)

This rule is amended to describe the contents of the common law record, including any documentary exhibits in the trial court, and to provide that the reviewing court upon motion may order that other exhibits, including physical exhibits and evidence, be included in the record on appeal.

Supreme Court of Illinois
Standards and Requirements for Electronic Filing the Record on Appeal
(Revised - Effective March 1, 2022)

Pursuant to Supreme Court Order M.R. 18368, Mandatory E-Filing in Civil Cases, filed January 22, 2016, the Supreme Court authorizes these *Standards and Requirements for Electronic Filing the Record on Appeal*.

1. Definitions

- a. *Bookmark* - A type of link with representative text in the Bookmarks panel in the navigation pane of Adobe applications. Each bookmark links to a different view or page in the document.
- b. *Case Categories* – A set of standard categories, pursuant to the *Illinois Supreme Court Manual on Recordkeeping*, to classify cases filed in circuit courts outside of Cook County. (See Appendix 20 for complete list)
- c. *Confidential Record* – A case or document that is accessible to the filing party and his/her counsel of record only. No access to anyone else without leave of court.
- d. *Electronic Filing Manager (EFM)* – The Supreme Court’s approved central e-filing service used by all Illinois courts to manage the flow of e-filed documents, including the Record on Appeal, from each registered user (via their Electronic Filing Service Provider (EFSP)) to the intended court.
- e. *Electronic Filing Service Provider (EFSP)* – A web portal operated by an independent company that transmits filings through the EFM to the intended court.
- f. *Electronic Filing the Record on Appeal (e-filing)* – The electronic transmission of the Record on Appeal to the reviewing court clerk for the purpose of filing the Record on Appeal.
- g. *Electronic Signature (e-signature)* – As defined in the Uniform Electronic Transactions Act (815 ILCS 333/2).
- h. *Expunged Record* – A case, document, or count which is accessible only upon order of the court as provided in 20 ILCS 2630/5.2(E). Expunged records shall be excluded from the Record on Appeal.
- i. *Hyperlink* – A link from a hypertext file or document to another location or file, typically activated by clicking on a highlighted word or image on the screen.
- j. *Impounded Record* – The parties and counsel of record have access. No access to anyone else without leave of court.
- k. *Portable Document Format (PDF)* – A computer file format developed by Adobe Systems for reproducing a document in a manner that is independent of the application software, hardware, and operating system originally used to create the document.
- l. *Record on Appeal* – The record of the proceedings as defined by Supreme Court Rule 321 – Contents of the Record on Appeal, Supreme Court Rule 608 – The Record on Appeal, or Supreme Court Rule 335 – Direct Review of Administrative Orders by the Appellate Court.
- m. *Registered User* – An individual who has registered a username and password with the Electronic Filing Manager.
- n. *Rejection* – The reviewing court clerk may reject any electronic filing for any procedural or technical nonconformance and may identify the deficiency to be corrected.
- o. *Sealed Record* – No access to anyone without leave of court.
- p. *Volume* – Sequentially identifies the series number for sections of the Record on Appeal (Common Law Record, Report of Proceedings, and Exhibits).

Supreme Court of Illinois
Standards and Requirements for Electronic Filing the Record on Appeal
(Revised - Effective March 1, 2022)

2. Registration & Signatures

- a. As of July 1, 2017, to transmit a Record on Appeal from a circuit court or administrative agency to a reviewing court, a filer must select and register with an electronic filing service provider (EFSP) to access eFileIL. Once you register with an EFSP, you do not need to re-register should you choose to use another EFSP.

Additional information can be found at <http://efile.illinoiscourts.gov>

- b. Registered users shall keep the required registration information current (i.e. email address, phone number, etc.).
- c. Any document or record filed electronically by a registered user through an authorized provider and containing a facsimile or typographical signature shall be deemed to have been signed pursuant to these Standards and to satisfy Supreme Court Rules and statutes regarding original signatures on court documents and records.

3. Preparation of the Record on Appeal

- a. General Provisions
 - i. To the extent practicable, all documents shall be in Portable Document Format (PDF) with a minimum resolution of 300 Dots per Inch (DPI) and maximum of 600 DPI, scanned in black and white mode, with black text on white background, and text searchable. When possible, documents must be converted to PDF directly from the program creating the document, rather than from a scanned image of a paper document.
 - ii. Each section of the Record on Appeal shall be assembled in volumes of no more than 150 MB. Every effort should be made to limit the number of volumes in each section to support general usability and download practices.
 - iii. Any external material hyperlinked in any document within the Record on Appeal is not considered part of the document or the Record on Appeal.
 - iv. All documents must be free of viruses or other processes potentially harmful to the recipient and must be secure from alteration, destruction, or corruption. Documents shall not contain any embedded files or code, videos, scripts, tracking tags, or any type of executable file or code.
 - v. The Table of Contents for each section shall contain hyperlinks to the items within the section to facilitate navigation and location of specific documents within the record. Each hyperlink shall be connected to the title/description of the document or the name of the individual section.
 - vi. Any Certification of Record or Table of Contents shall display the circuit court/administrative agency and reviewing court case numbers and the name of the trial judge/administrative hearing officer in the case caption.

Supreme Court of Illinois
Standards and Requirements for Electronic Filing the Record on Appeal
(Revised - Effective March 1, 2022)

b. Common Law Record Section

- i. A Certification of Record shall be included as Page 1 of the Common Law Record Section. It shall state that the Record on Appeal has been prepared and certified in the form required for transmission to the reviewing court. *(See Appendix 1 Sample)*
- ii. A Table of Contents for the Common Law Record Section shall be included as Page 2.
- iii. The Table of Contents shall identify the filing date of each document and the title of each document, which shall match as closely as possible the title provided on the document itself (e.g. “Motion to Compel Production of Tax and Financial Information” rather than “Motion”). *(See Appendix 2 Sample)*

c. Report of Proceedings Section

- i. A Table of Contents shall be included as Page 1 of the Report of Proceedings Section.
- ii. The Table of Contents shall identify the date of each proceeding and the type of each proceeding, which shall match as closely as possible the type provided on the report of proceedings itself under Supreme Court Rule 323(b). *(See Appendix 3 Sample)*

d. Exhibits Section

- i. A Table of Contents shall be included as Page 1 of the Exhibits Section.
- ii. The Table of Contents shall identify the party offering the exhibit, the exhibit number assigned when the exhibit was offered, and a description of the exhibit. *(See Appendix 4 Sample)*
- iii. Any exhibit which can be scanned to PDF format in accordance with the provisions of this section shall be included in the Exhibits Section of the electronic Record on Appeal.
- iv. Photographic exhibits, in general, shall be scanned and included in the Exhibits Section of the electronic Record on Appeal. If a photograph is in color, it shall be scanned in color, if possible. However, photographs larger than 8½ x 11 inches, which cannot be scanned successfully, shall not be included in the electronic record, but shall be listed in the Exhibits Section Table of Contents. For each such exhibit, a page shall be inserted into the Exhibits Section in sequential order, identifying the exhibit (e.g. “Defendant’s Exhibit #1 – 11 x 16 Color Poster – Retained by Circuit Clerk”). If the reviewing court requests the exhibit, it shall be sent or delivered in original form to the reviewing court clerk along with a receipt to be signed by the clerk and returned electronically, indicating the date the exhibit was received. *(See Appendix 5 Sample)*
- v. Electronic media exhibits, including but not limited to video and audio recordings, all computer media, discs, flash drives, etc., shall be mailed or delivered in original form to the reviewing court. Such exhibits shall be listed in the Exhibits Section Table of Contents. For each such exhibit, a page shall be inserted into the Exhibits Section in sequential order, identifying the exhibit (e.g. “Defendant’s Exhibit #1 – Flash Drive – Sent by mail/delivered to the reviewing court”). The exhibits shall be mailed or

Supreme Court of Illinois
Standards and Requirements for Electronic Filing the Record on Appeal
(Revised - Effective March 1, 2022)

delivered along with a receipt to be signed by the reviewing court clerk and returned electronically, indicating the date the exhibits were received. *(See Appendix 5 Sample)*

- vi. Physical exhibits (i.e. clothing, weapons, or drugs; charts, maps, or other documents larger than 8½ x 11 inches; and any other items too large or bulky to include electronically) shall not be included in the electronic record, but shall be listed in the Exhibits Section Table of Contents. For each such exhibit, a page shall be inserted into the Exhibits Section in sequential order, identifying the exhibit (e.g. “People’s Exhibit #12 – Knife – Retained by Circuit Clerk”). If the reviewing court requests the exhibit, it shall be sent or delivered in original form to the reviewing court clerk along with a receipt to be signed by the clerk and returned electronically, indicating the date the exhibit was received. *(See Appendix 5 Sample)*
 - vii. Exhibits offered in the circuit court/administrative proceedings, but not admitted, shall be listed and identified in the Exhibits Section Table of Contents (e.g. “People’s Exhibit #12 – Not Admitted – Photograph”). If an offered but not admitted exhibit *is* in the clerk’s possession, it shall be included in the Exhibits Section or, if the exhibit cannot be scanned to PDF format in accordance with this section, a page shall be inserted into the Exhibits Section in sequential order, identifying the exhibit. If the offered but not admitted exhibit *is not* in the clerk’s possession, a page shall be inserted into the Exhibits Section in sequential order, identifying the exhibit.
- e. Confidential Record Section
- i. A Certification of Confidential Record shall be included as Page 1 of the Confidential Record Section. It shall state that the Confidential Record has been prepared and certified in the form required for transmission to the reviewing court. *(See Appendix 6 Sample)*
 - ii. A Table of Contents for the Confidential Record shall be included as Page 2 and shall include hyperlinks to the three sections of the Confidential Record: Confidential Common Law Record, Confidential Report of Proceedings, and Confidential Exhibits. *(See Appendix 7 Sample)*
 - iii. A Table of Contents shall be included as Page 1 of each section of the Confidential Record and shall list items in the same manner as provided above.
 - iv. No administrative agency, court, or clerk is responsible for the content of filed documents or has any obligation to screen for or redact confidential information contained in such filings.
- f. Impounded Record Section
- i. A Certification of Impounded Record shall be included as Page 1 of the Impounded Record Section. It shall state that the Impounded Record has been prepared and certified in the form required for transmission to the reviewing court. *(See Appendix 8 Sample)*

Supreme Court of Illinois
Standards and Requirements for Electronic Filing the Record on Appeal
(Revised - Effective March 1, 2022)

- ii. A Table of Contents for the Impounded Record shall be included as Page 2 and shall include hyperlinks to the three sections of the Impounded Record: Impounded Common Law Record, Impounded Report of Proceedings, and Impounded Exhibits. *(See Appendix 9 Sample)*
 - iii. A Table of Contents shall be included as Page 1 of each section of the Impounded Record and shall list items in the same manner as provided above.
 - iv. No administrative agency, court, or clerk is responsible for the content of filed documents or has any obligation to screen for or redact confidential information contained in such filings.
- g. Sealed Record Section
 - i. A Certification of Sealed Record shall be included as Page 1 of the Sealed Record Section. It shall state that the Sealed Record has been prepared and certified in the form required for transmission to the reviewing court. *(See Appendix 10 Sample)*
 - ii. A Table of Contents for the Sealed Record shall be included as Page 2 and shall include hyperlinks to the three sections of the Sealed Record: Sealed Common Law Record, Sealed Report of Proceedings, and Sealed Exhibits. *(See Appendix 11 Sample)*
 - iii. A Table of Contents shall be included as Page 1 of each section of the Sealed Record and shall list items in the same manner as provided above.
 - iv. No administrative agency, court, or clerk is responsible for the content of filed documents or has any obligation to screen for or redact confidential information contained in such filings.
- h. Supplement to the Record Section
 - i. Upon granting a motion to supplement the record, the reviewing court shall electronically notify the circuit clerk or administrative agency by copy of the order.
 - ii. A Certification of Supplement to the Record shall be included as Page 1 of the Supplement to the Record Section. It shall state that the Supplement to the Record has been prepared and certified in the form required for transmission to the reviewing court. *(See Appendix 12 Sample)*
 - iii. A Table of Contents for the Supplement to the Record shall be included as Page 2 and shall include hyperlinks to the three sections of the Supplement to the Record: Supplement to the Common Law Record, Supplement to the Report of Proceedings, and Supplement to the Exhibits. *(See Appendix 13 Sample)*
 - iv. A Table of Contents shall be included as the first page of each section of the Supplement to the Record and shall list items in the same manner as provided above.
- i. Supplement to the Confidential Record Section

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- i. Upon granting a motion to supplement the Confidential Record, the reviewing court shall electronically notify the circuit clerk or administrative agency by copy of the order.
 - ii. A Certification of Supplement to the Confidential Record shall be included as Page 1 of the Supplement to the Confidential Record Section. It shall state that the Supplement to the Confidential Record has been prepared and certified in the form required for transmission to the reviewing court. *(See Appendix 14 Sample)*
 - iii. A Table of Contents for the Supplement to the Confidential Record shall be included as Page 2 and shall include hyperlinks to the three sections of the Supplement to the Confidential Record: Supplement to the Confidential Common Law Record, Supplement to the Confidential Report of Proceedings, and Supplement to the Confidential Exhibits. *(See Appendix 15 Sample)*
 - iv. A Table of Contents shall be included as the first page of each section of the Supplement to the Confidential Record and shall list items in the same manner as provided above.
- j. Supplement to the Impounded Record Section
 - i. Upon granting a motion to supplement the Impounded Record, the reviewing court shall electronically notify the circuit clerk or administrative agency by copy of the order.
 - ii. A Certification of Supplement to the Impounded Record shall be included as Page 1 of the Supplement to the Impounded Record Section. It shall state that the Supplement to the Impounded Record has been prepared and certified in the form required for transmission to the reviewing court. *(See Appendix 16 Sample)*
 - iii. A Table of Contents for the Supplement to the Impounded Record shall be included as Page 2 and shall include hyperlinks to the three sections of the Supplement to the Impounded Record: Supplement to the Impounded Common Law Record, Supplement to the Impounded Report of Proceedings, and Supplement to the Impounded Exhibits. *(See Appendix 17 Sample)*
 - iv. A Table of Contents shall be included as the first page of each section of the Supplement to the Impounded Record and shall list items in the same manner as provided above.
- k. Supplement to the Sealed Record Section
 - i. Upon granting a motion to supplement the Sealed Record, the reviewing court shall electronically notify the circuit clerk or administrative agency by copy of the order.
 - ii. A Certification of Supplement to the Sealed Record shall be included as Page 1 of the Supplement to the Sealed Record Section. It shall state that the Supplement to the Sealed Record has been prepared and certified in the form required for transmission to the reviewing court. *(See Appendix 18 Sample)*

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- iii. A Table of Contents for the Supplement to the Sealed Record shall be included as Page 2 and shall include hyperlinks to the three sections of the Supplement to the Sealed Record: Supplement to the Sealed Common Law Record, Supplement to the Sealed Report of Proceedings, and Supplement to the Sealed Exhibits. (*See Appendix 19 Sample*)
- iv. A Table of Contents shall be included as the first page of each section of the Supplement to the Sealed Record and shall list items in the same manner as provided above.

4. Assembly of the Record on Appeal

a. General Provisions

- i. Where possible, each PDF section shall include bookmarks, immediately viewable when the document is opened, to individual sections and documents in the same order as they appear in the corresponding Table of Contents to facilitate navigation and location of specific contents within the record.
- ii. Pagination shall appear at the bottom-right corner of each page of each section.
- iii. Each page of each section, including the certification page, shall be numbered with the appropriate section identification—C (Common Law Record), R (Report of Proceedings), or E (Exhibits)—followed by the sequential page number. When a section exceeds the preparation limits set in Section 3 of these Standards, second and subsequent series shall display the volume (V) followed by the sequential volume number, immediately following the section identification and page number.
- iv. Each section of the Record on Appeal shall start with Page 1 and continue sequentially to the last page of that section, even if the section contains multiple volumes. (I.e. the first page of a subsequent volume shall have the number after the last page of the preceding volume.)
- v. An indication of a supplement to the record (SUP) shall be displayed before the section identification, when appropriate. Second and subsequent supplements to the record shall include sequential volume numbers (i.e. SUP2, SUP3, etc.).
- vi. Page numbering samples are as follows:

Record Type	Common Law Record	Report of Proceeding	Exhibits
<i>Original Filing</i>	C 1	R 1	E 1
<i>Original Filing - Multiple Volumes</i>	C 123 V2	R 123 V2	E 123 V2
<i>Supplement to the Record</i>	SUP C 1	SUP R 123	SUP E 223
<i>Additional Supplement to the Record</i>	SUP2 C 1	SUP2 R 123	SUP2 E 223
<i>Confidential Record</i>	CC 1	RC 123	EC 223
<i>Impounded Record</i>	CI 1	RI 123	EI 223
<i>Sealed Record</i>	CS 1	RS 123	ES 223
<i>Supplement to the Confidential Record</i>	SUP CC 1	SUP RC 123	SUP EC 223
<i>Supplement to the Impounded Record</i>	SUP CI 1	SUP RI 123	SUP EI 223
<i>Supplement to the Sealed Record</i>	SUP CS 1	SUP RS 123	SUP ES 223

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<i>Additional Supplement to the Confidential Record</i>	SUP2 CC 1	SUP2 RC 123	SUP2 EC 223
<i>Additional Supplement to the Impounded Record</i>	SUP2 CI 1	SUP2 RI 123	SUP2 EI 223
<i>Additional Supplement to the Sealed Record</i>	SUP2 CS 1	SUP2 RS 123	SUP2 ES 223

b. Record on Appeal

- i. The Common Law Record Section shall begin with the Certification Page, followed by the Common Law Record Table of Contents, the record sheet, and all remaining pages in sequential order by file-mark date, oldest to most recent.
- ii. The Report of Proceedings Table of Contents shall be the first page of this section, followed by each report of proceedings in sequential order by proceeding date, oldest to most recent.
- iii. The Exhibits Table of Contents shall be the first page of this section, followed by each exhibit in sequential order by date admitted or offered, oldest to most recent.
- iv. When a section contains multiple volumes, the Table of Contents shall be included in its entirety at the beginning of each volume, containing links to only the documents contained in that volume.
- v. Records in second and subsequent appeals shall be recompiled and renumbered as provided in these Standards.

c. Supplements to the Record; Confidential, Impounded, and Sealed Records; and Supplements to Confidential, Impounded, and Sealed Records

- i. Supplements to the record; confidential, impounded, and sealed records; and supplements to confidential, impounded, and sealed records shall be assembled in separate PDF documents as follows: Supplement to the Record on Appeal, Confidential Record on Appeal, Impounded Record on Appeal, Sealed Record on Appeal, Supplement to the Confidential Record on Appeal, Supplement to the Impounded Record on Appeal, and Supplement to the Sealed Record on Appeal.
- ii. Each of these PDF documents shall be assembled and ordered as follows:
 1. The Common Law Record shall be the first section and shall begin with the Certification Page, followed by the Table of Contents for the entire PDF document, the Table of Contents for the Common Law Record, and all remaining pages in sequential order by file-mark date, oldest to most recent.
 2. The Report of Proceedings Table of Contents shall be included immediately following the Common Law Record Section, followed by each report of proceedings in sequential order by proceeding date, oldest to most recent. The first page of the Report of Proceedings Section shall have the number after the last page of the Common Law Record Section, if any.
 3. The Exhibits Table of Contents shall be included immediately following the Report of Proceedings Section, followed by each exhibit in sequential order by

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date admitted or offered, oldest to most recent. The first page of the Exhibits Section shall have the number after the last page of the Report of Proceedings Section, if any.

- iii. Each of these PDF documents shall otherwise comply with the provisions of section 3 of these Standards.

5. Transmission of the Record on Appeal

- a. Once the electronic Record on Appeal has been prepared and assembled per these Standards, the circuit clerk or administrative agency shall transmit all sections of the electronic Record on Appeal to the reviewing court. Each section shall be labeled in accordance with these Standards and transmitted as a separate lead document within the same transaction envelope, if possible.
- b. A verification shall be provided to the circuit court or administrative agency when the record is transmitted. The verification shall include the date and time of the record's transmission.
- c. Filings that do not comply with the format specified by any applicable rule, statute, or standard may be rejected by the reviewing court. If a filing is rejected, the reviewing court clerk shall provide the reason(s) for rejection.
- d. Once the Record on Appeal is accepted, the reviewing court clerk shall affix the electronic file mark setting forth, at a minimum, the court, the clerk, and the date and time of filing. The transmission date and time shall govern the electronic file mark, unless the transmission occurs on a day the clerk's office is not open for business, in which case the electronic file mark shall indicate the next business day.
- e. No administrative agency, court, or clerk shall be liable for malfunctions or errors occurring in the transmission, receipt, or access of electronically filed documents.
- f. If a Record on Appeal submitted electronically is rejected or not filed due to a malfunction, the reviewing court may, upon good cause shown, enter an order permitting the Record on Appeal to be filed as of the date of submission.

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Appendix 1 – Certification of Record Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

_____ Plaintiff/Petitioner	Reviewing Court No.: _____ Circuit Court/Agency No.: _____ Trial Judge/Hearing Officer: _____
v.	
_____ Defendant/Respondent	

CERTIFICATION OF RECORD

The record has been prepared and certified in the form required for transmission to the reviewing court.
It consists of:

_____ Volume(s) of the Common Law Record, containing _____ pages
_____ Volume(s) of the Report of Proceedings, containing _____ pages
_____ Volume(s) of the Exhibits, containing _____ pages

I hereby certify this record pursuant to Supreme Court Rule 324, this _____ day of _____,
20__.

(Clerk of the Circuit Court or Administrative Agency)

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Appendix 2 – Common Law Record Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

COMMON LAW RECORD – TABLE OF CONTENTS

Page ____ of ____

<u>Date Filed</u>	<u>Title/Description</u>	<u>Page No.</u>
	Record sheet	C 4-C 5
06/18/2014	Information	C 6
06/18/2014	Entry of Appearance	C 7
07/16/2014	Amended Information	C 8-C 11

C 2

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Appendix 3 – Report of Proceedings Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

_____ Plaintiff/Petitioner	Reviewing Court No.: _____ Circuit Court/Agency No.: _____ Trial Judge/Hearing Officer: _____
v.	
_____ Defendant/Respondent	

REPORT OF PROCEEDINGS – TABLE OF CONTENTS

Page ____ of ____

<u>Date of</u>	<u>Proceeding</u>	<u>Title/Description</u>	<u>Page No.</u>
06/18/2014		Motion to Compel Hearing	R 2-R 3
07/15/2014		Sentencing Hearing	R 4-R 6

R 1

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Appendix 4 – Exhibits Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

_____ Plaintiff/Petitioner	Reviewing Court No.: _____ Circuit Court/Agency No.: _____ Trial Judge/Hearing Officer: _____
v.	
_____ Defendant/Respondent	

EXHIBITS – TABLE OF CONTENTS

Page ____ of ____

<u>Party</u>	<u>Exhibit #</u>	<u>Description/Possession</u>	<u>Page No.</u>
People	1	Bank Statement	E 2-E 8
Defendant	1	Flash Drive - Sent via US Mail on <i>(date)</i>	E 9
People	2	Not Admitted - <i>(description of exhibit)</i>	E 10
People	3	Knife - Retained by Circuit Clerk	E 11

E 1

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Appendix 5 – Receipt of Exhibit(s) Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

RECEIPT OF EXHIBIT(S)

I, _____, Clerk of the _____ Court, _____ District (if applicable), have received the following Exhibit(s) from _____, Clerk of the Circuit Court, _____ Judicial Circuit, or administrative agency, and will cause the same to be filed in the _____ Court, _____ District (if applicable), as provided by law.

<u>Party</u>	<u>Exhibit #</u>	<u>Description</u>
People	3	Knife

Date Exhibit(s) Received: _____, 20____

Signature of _____ Court Clerk: _____

CERTIFICATE OF MAILING/DELIVERY

I, _____ (sender), Clerk of the Circuit Court, _____ Judicial Circuit, or administrative agency, hereby certify that I have mailed/delivered the aforesaid Exhibit(s) to _____ (recipient) on _____ (date mailed/delivered) via _____ (method of delivery).

(Clerk of the Circuit Court or Administrative Agency)

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Appendix 6 – Certification of Confidential Record Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

_____ Plaintiff/Petitioner	Reviewing Court No.: _____ Circuit Court/Agency No.: _____ Trial Judge/Hearing Officer: _____
-------------------------------	---

v.

Defendant/Respondent

CERTIFICATION OF CONFIDENTIAL RECORD

The confidential record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

_____ Volume(s) of the Confidential Record on Appeal

_____ pages of the Confidential Common Law Record Section

_____ pages of the Confidential Report of Proceedings Section

_____ pages of the Confidential Exhibits Section

I hereby certify this record pursuant to Supreme Court Rule 324, this _____ day of _____, 20__.

(Clerk of the Circuit Court or Administrative Agency)

CC 1

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Appendix 7 – Confidential Record - Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

_____ Plaintiff/Petitioner	Reviewing Court No.: _____ Circuit Court/Agency No.: _____ Trial Judge/Hearing Officer: _____
-------------------------------	---

v.

Defendant/Respondent

CONFIDENTIAL RECORD - TABLE OF CONTENTS

Page ____ of ____

<u>Section</u>	<u>Page</u>
CONFIDENTIAL COMMON LAW RECORD SECTION	CC 2 – CC 39
CONFIDENTIAL REPORT OF PROCEEDINGS SECTION	RC 40 – RC 97
CONFIDENTIAL EXHIBITS SECTION	EC 98 – EC 99

CC 2

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Appendix 8 – Certification of Impounded Record Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

CERTIFICATION OF IMPOUNDED RECORD

The impounded record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

_____ Volume(s) of the Impounded Record on Appeal

_____ pages of the Impounded Common Law Record Section

_____ pages of the Impounded Report of Proceedings Section

_____ pages of the Impounded Exhibits Section

I hereby certify this record pursuant to Supreme Court Rule 324, this _____ day of _____, 20__.

(Clerk of the Circuit Court or Administrative Agency)

CI 1

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Appendix 9 – Impounded Record - Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

IMPOUNDED RECORD - TABLE OF CONTENTS

Page ____ of ____

<u>Section</u>	<u>Page</u>
IMPOUNDED COMMON LAW RECORD SECTION	CI 2 – CI 39
IMPOUNDED REPORT OF PROCEEDINGS SECTION	RI 40 – RI 97
IMPOUNDED EXHIBITS SECTION	EI 98 – EI 99

CI 2

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Appendix 10 – Certification of Sealed Record Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

CERTIFICATION OF SEALED RECORD

The sealed record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

_____ Volume(s) of the Sealed Record on Appeal

_____ pages of the Sealed Common Law Record Section

_____ pages of the Sealed Report of Proceedings Section

_____ pages of the Sealed Exhibits Section

I hereby certify this record pursuant to Supreme Court Rule 324, this _____ day of _____, 20__.

(Clerk of the Circuit Court or Administrative Agency)

CS 1

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Appendix 11 – Sealed Record - Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

_____ Plaintiff/Petitioner	Reviewing Court No.: _____ Circuit Court/Agency No.: _____ Trial Judge/Hearing Officer: _____
-------------------------------	---

v.

Defendant/Respondent

SEALED RECORD - TABLE OF CONTENTS

Page ____ of ____

<u>Section</u>	<u>Page</u>
SEALED COMMON LAW RECORD SECTION	CS 2 – CS 39
SEALED REPORT OF PROCEEDINGS SECTION	RS 40 – RS 97
SEALED EXHIBITS SECTION	ES 98 – ES 99

CS 2

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Appendix- 12 – Certification of Supplement to the Record Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____

Circuit Court/Agency No.: _____

Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

CERTIFICATION OF SUPPLEMENT TO THE RECORD

The supplement to the record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

_____ Volume(s) of the Supplement to the Common Law Record Section, containing _____ pages

_____ Volume(s) of the Supplement to the Report of Proceedings Section, containing _____ pages

_____ Volume(s) of the Supplement to the Exhibits Section, containing _____ pages

I hereby certify this record pursuant to Supreme Court Rule 324, this _____ day of _____, 20__.

(Clerk of the Circuit Court or Administrative Agency)

SUP C 1

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Appendix 13 – Supplement to the Record - Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

SUPPLEMENT TO THE RECORD - TABLE OF CONTENTS

Page ____ of ____

<u>Section</u>	<u>Page</u>
SUPPLEMENT TO THE COMMON LAW RECORD SECTION	SUP C 2 – SUP C 39
SUPPLEMENT TO THE REPORT OF PROCEEDINGS SECTION	SUP R 40 – SUP R 97
SUPPLEMENT TO THE EXHIBITS SECTION	SUP E 98 – SUP E 99

SUP C 2

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Appendix 14 – Certification of Supplement to the Confidential Record Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

CERTIFICATION OF SUPPLEMENT TO THE CONFIDENTIAL RECORD

The supplement to the confidential record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

_____ Volume(s) of the Supplement to the Confidential Common Law Record Section,
containing _____ pages

_____ Volume(s) of the Supplement to the Confidential Report of Proceedings Section,
containing _____ pages

_____ Volume(s) of the Supplement to the Confidential Exhibits Section,
containing _____ pages

I hereby certify this record pursuant to Supreme Court Rule 324, this _____ day of _____,
20__.

(Clerk of the Circuit Court or Administrative Agency)

SUP CC 1

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Appendix 15 – Supplement to the Confidential Record - Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

_____ Plaintiff/Petitioner	Reviewing Court No.: _____ Circuit Court/Agency No.: _____ Trial Judge/Hearing Officer: _____
v.	
_____ Defendant/Respondent	

SUPPLEMENT TO THE CONFIDENTIAL RECORD - TABLE OF CONTENTS

Page ____ of ____

<u>Section</u>	<u>Page</u>
SUPPLEMENT TO THE CONFIDENTIAL COMMON LAW RECORD 39	SUP CC 2 – SUP CC
SUPPLEMENT TO THE CONFIDENTIAL REPORT OF PROCEEDINGS RC 97	SUP RC 40 – SUP
SUPPLEMENT TO THE CONFIDENTIAL EXHIBITS 99	SUP EC 98 – SUP EC

SUP CC 2

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Appendix 16 – Certification of Supplement to the Impounded Record Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

CERTIFICATION OF SUPPLEMENT TO THE IMPOUNDED RECORD

The supplement to the impounded record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

____ Volume(s) of the Supplement to the Impounded Common Law Record Section,
containing ____ pages

____ Volume(s) of the Supplement to the Impounded Report of Proceedings Section,
containing ____ pages

____ Volume(s) of the Supplement to the Impounded Exhibits Section,
containing ____ pages

I hereby certify this record pursuant to Supreme Court Rule 324, this ____ day of _____,
20__.

(Clerk of the Circuit Court or Administrative Agency)

SUP CI 1

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Appendix 17 – Supplement to the Impounded Record - Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

SUPPLEMENT TO THE IMPOUNDED RECORD - TABLE OF CONTENTS

Page ____ of ____

<u>Section</u>	<u>Page</u>
SUPPLEMENT TO THE IMPOUNDED COMMON LAW RECORD	SUP CI 2 – SUP CI 39
SUPPLEMENT TO THE IMPOUNDED REPORT OF PROCEEDINGS	SUP RI 40 – SUP RI 97
SUPPLEMENT TO THE IMPOUNDED EXHIBITS	SUP EI 98 - SUP EI 99

SUP CI 2

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Appendix 18 – Certification of Supplement to the Sealed Record Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____

Circuit Court/Agency No.: _____

Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

CERTIFICATION OF SUPPLEMENT TO THE SEALED RECORD

The supplement to the sealed record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

_____ Volume(s) of the Supplement to the Sealed Common Law Record Section,

containing _____ pages

_____ Volume(s) of the Supplement to the Sealed Report of Proceedings Section,

containing _____ pages

_____ Volume(s) of the Supplement to the Sealed Exhibits Section,

containing _____ pages

I hereby certify this record pursuant to Supreme Court Rule 324, this _____ day of _____,
20__.

(Clerk of the Circuit Court or Administrative Agency)

SUP CS 1

Supreme Court of Illinois
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Appendix 19 – Supplement to the Sealed Record - Table of Contents Sample

APPEAL TO THE _____ COURT OF ILLINOIS
_____ JUDICIAL DISTRICT (if applicable)
FROM THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS (or administrative agency)

Plaintiff/Petitioner

Reviewing Court No.: _____
Circuit Court/Agency No.: _____
Trial Judge/Hearing Officer: _____

v.

Defendant/Respondent

SUPPLEMENT TO THE SEALED RECORD - TABLE OF CONTENTS

Page ____ of ____

<u>Section</u>	<u>Page</u>
SUPPLEMENT TO THE SEALED COMMON LAW RECORD	SUP CI 2 – SUP CI 39
SUPPLEMENT TO THE SEALED REPORT OF PROCEEDINGS	SUP RI 40 – SUP RI 97
SUPPLEMENT TO THE SEALED EXHIBITS	SUP EI 98 – SUP EI 99

SUP CS 2

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(Revised - Effective March 1, 2022)

Appendix 20 – Case Categories

Family & Juvenile:

<u>Category Code</u>	<u>Category Title</u>	<u>Category Description</u>
DC	Dissolution with Children	Dissolution of marriage or civil union, declaration of invalidity (annulment), petitions for legal separation, or separate maintenance as defined in 750 ILCS 5/303 when at the time of filing there are minor children
DN	Dissolution without Children	Dissolution of marriage or civil union, declaration of invalidity (annulment), petition for legal separation, or separate maintenance as defined in 750 ILCS 5/303 when at the time of filing there are no minor children
JD	Juvenile Delinquent	Addicted minors as defined by the Substance Use Disorder Act (20 ILCS 301/1-1 et seq.) in the Juvenile Court Act of 1987 (705 ILCS 405/4-1 et seq.) or delinquent minors as defined by the Juvenile Court Act of 1987 (705 ILCS 405/5-101 et seq.)
JA	Juvenile Abuse & Neglect	Dependent, neglected or abused minor as defined by 705 ILCS 405/2-1, et seq. of the Juvenile Court Act of 1987
JV	Juvenile	Minors requiring authoritative intervention as defined by 705 ILCS 405/3-1 et seq. of the Juvenile Court Act of 1987 or to any other proceedings initiated under 705 ILCS 405/1-1 et seq. of the Juvenile Court Act of 1987
FA	Family	Proceedings to establish the parent-child relationship, notice to putative fathers, and certain actions relating to child support
AD	Adoption	Cases filed pursuant to 750 ILCS 50/0.01 et seq

Criminal & Quasi-Criminal:

<u>Category Code</u>	<u>Category Title</u>	<u>Category Description</u>
CF	Criminal Felony	Complaint, information, or indictment is filed in which at least one count charges a felony as defined in the Unified Code of Corrections (730 ILCS 5/5-1 et seq.) (Class M, X, 1, 2, 3, or 4)
CM	Criminal Misdemeanor	most serious charge carries a penalty of less than one-year imprisonment, limited to Class A, B or C offenses as defined in the Unified Code of Corrections (730 ILCS 5/5-1 et seq.)
DV	Domestic Violence	Violation of domestic battery under Section 12-3.2 of the Criminal Code (720 ILCS 5/12-3.2).
DT	Driving Under the Influence (DUI)	charging a violation of a statute, ordinance, or regulation governing driving or operating under the influence of alcohol, other drug, or combination thereof under Section 11-501 of the Illinois Vehicle

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		Code (625 ILCS 5/11-501), Section 5-7 of the Snowmobile Registration and Safety Act (625 ILCS 40/5-7), and Section 5-16 of the Boat Registration and Safety Act (625 ILCS 45/5-16) and not classified as a felony
MT	Major Traffic	Class A, B, or C as defined by Supreme Court Rule 501(f)(1)(i), except DUI cases.
TR	Minor Traffic	Class P or B as defined by Supreme Court Rule 501(f)(1)(ii)
OV	Ordinance Violation	violation of a local ordinance is charged, other than a traffic ordinance
QC	Quasi-Criminal	Any offense classified as Petty or Business as defined in the Unified Code of Corrections (730 ILCS 5/5-1 et seq.), which is not otherwise defined as a DT, MT, TR, or CV case
CV	Conservation	As defined by Supreme Court Rule 501(c)

Civil:

<u>Category Code</u>	<u>Category Title</u>	<u>Category Description</u>
ED	Eminent Domain	Proceedings involving compensation to an owner for property taken for public use
FC	Foreclosure	Residential or commercial foreclosure proceedings
LA	Law	Tort, contract, and a variety of other actions in which the damages sought are greater than \$50,000
CH	Chancery	Complaints for equitable relief in matters such as contract actions, trusts, and title to real property
PR	Probate	Estates of decedents and missing persons
AR	Arbitration	Arbitration-eligible cases are defined by Supreme Court Rules 86 - 95
GC	Governmental Corporation	Petition seeking consideration by the court on new matters not included in the permanent case containing such matters as organization, appointment of officers, approval of bonds, and routine orders confirming annexation
LM	Law Magistrate	Tort, contract, and a variety of other actions in which the damages sought are \$50,000 or less
MR	Miscellaneous Remedy	Review of administrative decisions (other than of a tax commission) and a variety of other actions that include change of name, demolition, and corporation dissolution
EV	Eviction	Commercial or residential eviction proceedings and for any proceeding for ejectionment
MH	Mental Health	Proceedings involving hospitalization, discharge, or restoration to legal status
SC	Small Claims	Tort or contract for money not in excess of \$10,000, exclusive of interest and costs (defined in Supreme Court Rule 281)

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TX	Tax	Annual tax sale, petitions for tax deed, objections, and a variety of other actions relating to the collection of taxes
GR	Guardianship	Guardianship of a minor, person with a disability, or an estate of any person under the Probate Act of 1975, as amended

Other:

<u>Category Code</u>	<u>Category Title</u>	<u>Category Description</u>
CC	Contempt of Court	Direct or indirect contempt of court, for charges initiated against a person who is not a party to the action in which the contemptuous conduct allegedly occurred, including a juror who has been impaneled
OP	Order of Protection	Any petition for an order of protection, petition for stalking no contact order, firearms restraining order, or civil no contact order
CL	Civil Law	Civil law violations as defined in Supreme Court Rule 585
MX	Miscellaneous Criminal	Variety of actions for civil processes relating to criminal proceedings such as search warrants, grand jury proceedings, statutory summary suspensions (when no DT case exists), probationer transfers, eavesdropping, seized property, sealing and expungement petitions (when no criminal case exists), habeas corpus and administrative subpoenas

Case Categories prior to 1/1/2022 not included:

D = Dissolution

F = Family

J = Juvenile

L = Law

MC = Municipal Corporation

P = Probate

Date : 5/22/2023 2:22:21 PM

From : "Paul Dulberg"

To : "Law Office Of Alphonse Talarico"

BCc : "Paul Dulberg"

Subject : Re: ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf additional issues

Dear Mr Talarico,

Below is unfinished but shows the issues I found with
the ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf so far.
If you need help deciphering this give me a call.

Missing:

2018-01-10_17LA377_Report of Proceeding_WALCZYK-FLYNN_Stacey A Collins-Judge
MEYER.pdf

2018-02-27_17LA377_Report of Proceeding_FLYNN_Stacey A Collins-Judge MEYER.pdf

Mismatched:

04/23/2021 MOTION - COMPEL R 160-R 176 (Volume 1)

Should be 2021-04-01_17LA377_Report of Proceeding_TALARICO-FLYNN_Stacey A
Collins-Judge MEYER.pdf

Missing:

12/07/2021 MOTION - COMPEL R 216-R 222 (Volume 1)

12/07/2021 STATUS - CHECK R 223-R 229 (Volume 1)

2021-12-07_17LA377_Report of Proceeding_TALARICO-FLYNN_Heather Voska Hartwig-
Judge MEYER.pdf

R28 - Page is up side down

R176 - Page is up side down

09/16/2022 MOTION - SUMMARY JUDGMENT R 389-R 401 (Volume 1)

Missing one of the transcripts (original or corrected?):

2022-09-16_17LA377_Addendum to Report of Proceeding_TALARICO-FLYNN_Kathleen
Strombach-Judge MEYER.pdf

2022-09-16_17LA377_Original Report of Proceeding_TALARICO-FLYNN_Kathleen
Strombach - Challenged for accuracy on 9-27-2022-Judge MEYER.pdf

2022-09-16_R 389-R 401_ROP_Vol_1_of_1_230421_1628_8FF9DDF1 (dragged).pdf

Did someone manually splice this one together combining the court order title page with the
body of the original rather than use the corrected-revised version I received from the court
reporter on March 24, 2022? Why? Need to revisit and check word for word.

2021-02-10_17LA377_Report of Proceeding_FILE STAMPED 3-24-2022_MEYER_Stacey A Collins-Judge MEYER_AMENDED-Court Order and Title Page Only.pdf
2021-02-10_17LA377_Report of Proceeding_TALARICO-FLYNN_Stacey A Collins-Judge MEYER_ORIGINAL.pdf
2021-02-10_17LA377_Report of Proceeding_TALARICO-FLYNN_Stacey A Collins-Judge MEYER_REVISED-Title Page Only.pdf
2021-02-10_R 101-R 124_ROP_Vol_1_of_1_230421_1628_8FF9DDF1_REVISED-Title Page Only-Matches Court Order and body of Original but has a line in center of body-Does not match the Revised version I was sent on 03-24-2022.pdf

MANUAL OVERLAY WORD BY WORD COMPARISON Results (UNFINISHED)-
completed through April 5, 2022:

2018-05-10_R 3-R 14_ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf
- The signature on the certification page is slightly out of position. It's higher and to the right.

2018-09-12_R 19-R 28_ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf
- The certification page is rotated 180 degrees and the signature is a different size and out of position. The signature is a different size, higher, to the right and at a different angle.

2019-02-25_R 38-R 42_ROP_Vol_1_of_1_230421_1628_8FF9DDF1_ORIGINAL-George Floyd.pdf
- The signature on the certification page is printed text on my copy and a signature on the clerks copy.

2019-02-25_R 43-R 47_ROP_Vol_1_of_1_230421_1628_8FF9DDF1_REVISED WITHOUT MOTION TO AMEND.pdf
- The signature on the certification page is a signature on my copy and missing on the clerks copy.

2019-11-04_R 59-R 63_ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf
- The signature on the certification page is slightly out of position. It's to the right left and at a slight angle.

2021-02-10_R 101-R 124_ROP_Vol_1_of_1_230421_1628_8FF9DDF1_REVISED-several issues-Does not match the Revised version I was sent on 03-24-2022.pdf
- The clerks file is missing the original before the court order allowing changes for scriveners error.
- The title page does not match the original or revised copy I was sent, has a vertical line through it and is smaller.
- The searchable text is different. Below I copied and pasted a random line of text from the original and did the same line of text from the revised copy and the clerks file. Example:
Original Page 2 line 20: Plaintiff has admitted that it filed its complaint --

Revised Page 2 line 20: Plaintiff has admitted that it filed its complaint --

Clerks File Page 2 line 20: Plaintiff has admitted that it filed its complaint --

- The signature on the certification page of the clerks file is positioned closer to the signature on the original and not the revised copy.

- I believe the Clerks file is 2 different files combined (the body of the original with the certification page and the hand written corrected title page attached to the court order), was printed out at a fit to page setting (making it smaller and leaving the vertical line), scanned in and then run through an optical character recognition software (creating the issue with the searchable text throughout the whole document in the clerks file).

2021-04-01_R 160-R 176_ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf

- The certification page is rotated 180 degrees and the signature is a different size and out of position. The signature is a different size (Larger) and lower on the page than the copy I was provided directly (via email) from the court reporter.

Page 1

File Date: 4/24/2023 10:00 AM

<</CreationDate(D:20230424093130-05'00')/ModDate(D:20230428154111+00'00')/PagesOfCLR(2148)/PagesOfExhibit(0)/PagesOfROP(512)/VolCLR(2)/VolExhibit(0)/VolROP(1)/Producer(Aspose.PDF for .NET 21.5.0)/Creator(Aspose Ltd.)>>

On May 22, 2023, at 1:21 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

Dear Mr Talarico,

In addition to the 2 reports of proceedings missing, below shows an oddity that I can't explain and should not be possible.

1. The due date for the APPEAL - ROP DUE is April 21, 2023 by 5:00 PM a Friday afternoon and the APPEAL - RECORD DUE is May 5, 2023 at 5:00 PM. See (C) below.
2. The Certification of Record, page "C 1" signed by Katherine M. Keefe is date April 21, 2023. See (D) below.
3. The file stamp from the appellate clerk is April 24, 2023 at 10:03 AM a Monday morning. See "(B)" below.
4. The date "ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf" was created is April 25, 2023 at 8:06 AM. See "(A)" below.

5. In addition I am not sure why the APPEAL - ROP DUE was due two weeks earlier than the APPEAL - RECORD DUE since Supreme Court Rule 321. Contents of the Record on Appeal defines the Record of Appeal as the ROP and the CLR together. "The record on appeal shall consist of the judgment appealed from, the notice of appeal, and the entire original common law record, unless the parties stipulate for, or the trial court, after notice and hearing, or the reviewing court, orders less. The common law record includes every document filed, judgment, and order entered and any exhibit offered and filed by any party. Upon motion the reviewing court may order that other exhibits be included in the record. The record on appeal shall also include any report of proceedings prepared in accordance with Rule 323. There is no distinction between the common law record and the report of proceedings for the purpose of determining what is properly before the reviewing court." See (E) below.

6. On page 9 Number 5. Subpart d in "Standards eFiling Record on Appeal 2022.pdf" it says; "Once the Record on Appeal is accepted, the reviewing court clerk shall affix the electronic file mark setting forth, at a minimum, the court, the clerk, and the date and time of filing. The transmission date and time shall govern the electronic file mark, unless the transmission occurs on a day the clerk's office is not open for business, in which case the electronic file mark shall indicate the next business day. See (F) below.

This begs the questions; how was "ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf" created after it was certified by Keefe and stamped by the appellate clerk? And is all this moot since the APPEAL - RECORD DUE is May 5, 2023

(A) In the metadata of the file "ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf" the creation date is April 25, 2023 at 8:06 AM

Copy of metadata below:

```
<</CreationDate(D:20230425080607-05'00')/ModDate(D:20230428154117+00'00')/Producer(Aspose.PDF for .NET 21.5.0)/Creator(Aspose Ltd.)>>
```

Attached is a screen shot of the metadata.

<Screenshot 2023-05-22 at 12.05.04 PM.png>

(B) On page "R 1" of the file "ROP_Vol_1_of_1_230421_1628_8FF9DDF1.pdf" is the appellate clerks stamp with a File Date: 4/24/2023 10:03 AM or April 24, 2023 at 10:03AM

Attached is the page R 1

<ROP_Vol_1_of_1_230421_1628_8FF9DDF1 (dragged).pdf>

(C) On page "C 8" of "CLR_Vol_1_of_2_230421_1627_D4CDE198.pdf" under a section titled "Future Scheduled Dates" is the date the APPEAL - ROP DUE and APPEAL - RECORD DUE were due.

Attached is page C 8

<CLR_Vol_1_of_2_230421_1627_D4CDE198 (dragged).pdf>

(D)

<CLR_Vol_1_of_2_230421_1627_D4CDE198 (dragged).pdf>

(E) Rule 321

<Rule 321.pdf>

(F)

<Standards efilng Record on Appeal 2022.pdf>