

**From:** Alphonse Talarico contact@lawofficeofalphonsetalarico.com 

**Subject:**

**Date:** January 3, 2024 at 11:37 AM

**To:** Paul Dulberg Paul\_Dulberg@comcast.net, Paul Dulberg pdulberg@icloud.com, T Kost tkost999@gmail.com

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AT

Please see the attached

File Stamped  
Accept...OA.pdf

[1.1 MB](#)

FILED DATE: 12/29/2023 4:19 PM 2023CH04351

<p><b>Instructions ▼</b></p> <p>Check the box to the right if your case involves parental responsibility or parenting time (custody/visitation rights) or relocation of a child.</p> <p>Just below "Appeal to the Appellate Court of Illinois," enter the number of the appellate district that will hear the appeal and the county of the trial court.</p> <p>If the case name in the trial court began with "In re" (for example, "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties in the trial court, and check the correct boxes to show which party is filing the appeal ("appellant") and which party is responding to the appeal ("appellee").</p> <p>To the far right, enter the trial court case number, the trial judge's name, and the Supreme Court Rule that allows the appellate court to hear the appeal.</p>	<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p><input type="checkbox"/> <b>THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).</b></p> <p style="text-align: center;"><b>APPEAL TO THE APPELLATE COURT OF ILLINOIS</b></p> <p style="text-align: center;">FIRST _____ District</p> <p style="text-align: center;">from the Circuit Court of</p> <p style="text-align: center;">Cook _____ County</p> </div> <div style="width: 35%; text-align: right;"> <p><b>FILED</b> 12/29/2023 4:19 PM IRIS Y. MARTINEZ CIRCUIT CLERK COOK COUNTY, IL 2023CH04351 Calendar, 15 25779932</p> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 60%;"> <p><b>In re</b> _____</p> <p>RICHARD W. KOST and THOMAS W. KOST</p> <p>_____</p> <p><b>Plaintiffs/Petitioners</b> (<i>First, middle, last names</i>)</p> <p><input checked="" type="checkbox"/> <b>Appellants</b>    <input type="checkbox"/> <b>Appellees</b></p> <p>v.</p> <p>VILLAGE OF MOUNT PROSPECT and S.B. FRIEDMAN &amp; COMPANY et alia</p> <p>_____</p> <p><b>Defendants/Respondents</b> (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> <b>Appellants</b>    <input checked="" type="checkbox"/> <b>Appellees</b></p> </div> <div style="width: 35%; text-align: right; padding-right: 10px;"> <p><b>Trial Court Case No.:</b> 2023CH04351</p> <p><b>Honorable</b> Anna M. Loftus <b>Judge, Presiding</b></p> <p><b>Supreme Court Rule:</b> 301</p> </div> </div>
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## NOTICE OF APPEAL (CIVIL)

<p>In 1, check the type of appeal.</p> <p>For more information on choosing a type of appeal, see <i>How to File a Notice of Appeal</i>.</p>	<p><b>1. Type of Appeal:</b></p> <p><input checked="" type="checkbox"/> Appeal</p> <p><input type="checkbox"/> Interlocutory Appeal</p> <p><input type="checkbox"/> Joining Prior Appeal</p> <p><input type="checkbox"/> Separate Appeal</p> <p><input type="checkbox"/> Cross Appeal</p>												
<p>In 2, list the name of each person filing the appeal and check the proper box for each person.</p>	<p><b>2. Name of Each Person Appealing:</b></p> <p>Name: RICHARD W. KOST</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;"><i>First</i></td> <td style="width: 33%; text-align: center;"><i>Middle</i></td> <td style="width: 33%; text-align: center;"><i>Last</i></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/> Plaintiff-Appellant</td> <td colspan="2" style="text-align: center;"><input type="checkbox"/> Petitioner-Appellant</td> </tr> <tr> <td colspan="3" style="text-align: center; padding-top: 10px;"><b>OR</b></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> Defendant-Appellant</td> <td colspan="2" style="text-align: center;"><input type="checkbox"/> Respondent-Appellant</td> </tr> </table>	<i>First</i>	<i>Middle</i>	<i>Last</i>	<input checked="" type="checkbox"/> Plaintiff-Appellant	<input type="checkbox"/> Petitioner-Appellant		<b>OR</b>			<input type="checkbox"/> Defendant-Appellant	<input type="checkbox"/> Respondent-Appellant	
<i>First</i>	<i>Middle</i>	<i>Last</i>											
<input checked="" type="checkbox"/> Plaintiff-Appellant	<input type="checkbox"/> Petitioner-Appellant												
<b>OR</b>													
<input type="checkbox"/> Defendant-Appellant	<input type="checkbox"/> Respondent-Appellant												

Name: THOMAS W. KOST

*First**Middle**Last*☒ Plaintiff-Appellant☐ Petitioner-Appellant

OR

☐ Defendant-Appellant☐ Respondent-Appellant

In 3, identify every order or judgment you want to appeal by listing the date the trial court entered it.

**3. List the date of every order or judgment you want to appeal:**

12/04/2023

*Date**Date**Date*

In 4, state what you want the appellate court to do. You may check as many boxes as apply.

**4. State your relief:**

- ☒ reverse the trial court's judgment (*change the judgment in favor of the other party into a judgment in your favor*) and ☒ send the case back to the trial court for any hearings that are still required;
- ☒ vacate the trial court's judgment (*erase the judgment in favor of the other party*) and ☒ send the case back to the trial court for a new hearing and a new judgment;
- ☒ change the trial court's judgment to say: Village Defendant's Motion to Dismiss is denied, SB Friedman Defendants' Motion to dismiss is denied, all pending claims and Parties are not dismissed, all Orders are without prejudice
- ☒ order the trial court to: take judicial notice that the change of a burden of proof from preponderance of the evidence to clear and convincing as applied to an eminent domain action by creating a TIF area is a USC14 Amendment & Ill. BOR taking without due process
- ☒ other: Defendants' actions violated the TIF act requirements and additional public use taking rules, instruct Defendants to refile all pleading in accordance with 735 ILCS 1-109 and grant any other relief that the court finds appropriate.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name. Fill in your address, telephone number, and email address, if you have one.

/s/ Richard W. Kost  
*Your Signature*

423 Dempster St.  
*Street Address*

Richard W. Kost  
*Your Name*

Mt. Prospect, Ill. 60056  
*City, State, ZIP*

*Email**Telephone**Attorney # (if any)***Additional Appellant Signature**

/s/ Thomas W. Kost  
*Signature*

423 Dempster St.  
*Street Address*

Thomas W. Kost  
*Name*

Mt. Prospect, Ill. 60056  
*City, State, ZIP*

tkost999@gmail.com  
*Email*

(847) 439-2198  
*Telephone*

*Attorney # (if any)*

All appellants must sign this form. Have each additional appellant sign the form here and enter their complete name, address, telephone number, and email address, if they have one.

**GETTING COURT DOCUMENTS BY EMAIL:** You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

**PROOF OF SERVICE (You must serve the other party and complete this section)**

In **1a**, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In **1b**, check the box to show how you sent the document, and fill in any other information required on the blank lines.

In **1b**, check the box to show how you are sending the document.

**CAUTION:** If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options.

In **c**, fill in the date and time that you sent the document.

In **2**, if you sent the document to more than 1 party or lawyer, fill in **a**, **b**, and **c**. Otherwise leave **2** blank.

## 1. I sent this document:

## a. To:

Name: Michael J. Pollock

First Middle Last

Address: 161 North Clark Street Ste. 4200 Chicago Illinois 60601

Street, Apt # City State ZIP

Email address: michael.pollock@saul.com

## b. By:

☒ An approved electronic filing service provider (EFSP)☐ Email (not through an EFSP)

Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.

☐ Personal hand delivery to:☐ The party☐ The party's family member who is 13 or older, at the party's residence☐ The party's lawyer☐ The party's lawyer's office☐ Mail or third-party carrier

## c. On: 12/29/2023

Date

At: 4:45 ☐ a.m. ☒ p.m.

Time

## 2. I sent this document:

## a. To:

Name: Howard C. Jablecki

First Middle Last

Address: 15010 S. Ravinia Ave. Ste. 10 Orland Park Illinois 60462

Street, Apt # City State ZIP

Email address: hcjablecki@ktjlaw.com

## b. By:

☒ An approved electronic filing service provider (EFSP)☐ Email (not through an EFSP)

Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.

☐ Personal hand delivery to:☐ The party☐ The party's family member who is 13 or older, at the party's residence☐ The party's lawyer☐ The party's lawyer's office☐ Mail or third-party carrier

## c. On: 12/29/2023

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At: 4:45 ☐ a.m. ☒ p.m.

Time

In 3, if you sent the document to more than 1 party or lawyer, fill in **a**, **b**, and **c**. Otherwise leave 2 blank.

3. I sent this document:

a. To:

Name:

*First*

*Middle*

*Last*

Address:

*Street, Apt #*

*City*

*State*

*ZIP*

Email address:

b. By:

☐ An approved electronic filing service provider (EFSP)

☐ Email (*not through an EFSP*)

*Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.*

☐ Personal hand delivery to:

☐ The party

☐ The party's family member who is 13 or older, at the party's residence

☐ The party's lawyer

☐ The party's lawyer's office

☐ Mail or third-party carrier

c. On:

*Date*

At:

*Time*

☐

a.m.

☐

p.m.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name.

**I certify that everything in the Proof of Service is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

/s/ Alphonse A. Talarico

*Your Signature*

Alphonse A. Talarico

*Print Your Name*

6184530

*Attorney # (if any)*