

Date : 7/12/2021 5:51:51 PM

From : "Paul Dulberg"

To : "Alphonse Talarico"

BCc : "Paul Dulberg"

Subject : 222(b) and summons issued on same day

Dear Mr Talerico,

I know we won't talk for a few days but I wanted to share this with you before we do so maybe you could help explain to me the differences I point out below.

On May 15th Mast files the 222(b) affidavit swearing that our case is not to exceed \$50,000 with the complaint to the clerk of the circuit court

On the same day Mast goes to the clerk of the circuit court and files summons for both McGuire's and Gagnon (POP 001184 thru POP 001186) and on those summons the Amount Claimed is \$50,000+

I admit that I am not entirely sure how summons work

Doesn't Mast have to swear to the information he provided in the summons to be truthful before the county clerk or can summons simply be made up with lies willy nilly style in Illinois?

If Mast has to swear that the information he provided in the summons is truthful and Mast swore to the 222(b) affidavit as truthful

On another note,

The Gagnon summons (POP 001184 and its affidavit POP 001188) were issued on May 15, 2012 and delivered to Gagnon on June 14, 2012

The summons states basically that defendants have 30 days to answer the complaint or file an appearance after the service date which was June 14, 2012 and that "IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT"

Mast allows Gagnon to ignore the summons in violation for 53 days after it was due until Perry Accardo appears and files a bunch of documents on 9/5/2012

That was 53 days after the allotted time they had to do it.

Now looking at the date they did finally decide to appear and file the answer to the complaint, 9/5/2012, Mr Accardo filed enough stuff to say he had been working on this case for sometime before he actually decided to join the party 53 days late.

Yet Mast does not attempt to get the court to do anything to compel Gagnon to either file an appearance or an answer to the complaint in the 53 days of being tardy.

How long would Mast allow Gagnon to break the rules if Mr Accardo didn't show up on 9/5/2012?

Keep this in mind because this theme of letting Gagnon slide without playing by the rules is going to play itself out again when it comes to answering Dulberg's written interrogatories to Gagnon. I still haven't seen those answers and its been over 8 years I think.

And on yet another note, the Missouri court of appeals just found all statutory limits on punitive damages awarded by jury's unconstitutional based on the same provision in their constitution that exists in the Illinois constitution:

SECTION 13. TRIAL BY JURY

The right of trial by jury as heretofore enjoyed shall remain inviolate.

(Source: Illinois Constitution.)

Thank You and I Look forward to talking in a few days,
Paul