



T Kost <tkost999@gmail.com>

Statute of limitations and "other legal disability" to toll the statute of limitations10 messages

Paul Dulberg <Paul_Dulberg@comcast.net>

Sun, Jun 4, 2023 at 5:21 PM

To: Tom Kost <tkost999@gmail.com>, Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

We have both the social security disability finding and the Illinois secretary of states finding of of disability

Neither defines me as an individual unable to enter into a contract but both fall into the "other legal disability" category in the statute of limitations

Attached I have included my state ID showing a class P2A disability and the statute I found.

P is permanate
2A is the class

(15 ILCS 335/4A) (from Ch. 124, par. 24A)

Sec. 4A. (a) "Person with a disability" as used in this Act

means any person who is, and who is expected to indefinitely continue to be, subject to any of the following five types of disabilities:

...

Type Two: Developmental disability. Developmental disability means "developmental disability" as defined in Section 1-106 of the Mental Health and Developmental Disabilities Code. The Secretary of State shall establish standards not inconsistent with this provision necessary to determine the presence of a developmental disability.


...

(b) For purposes of this Act, a disability shall be classified as follows:

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Class 2 disability: A Class 2 disability is any type disability which renders a person unable to engage in any substantial gainful activity, which substantially impairs his ability to live independently without supervision or in-home support services, or which substantially impairs his ability to perform labor or services for which he is qualified or significantly restricts the labor or services which he is able to perform. The Secretary of State shall establish standards not inconsistent with this Section necessary to determine the presence of a Class 2 disability. Class 2A disability: A Class 2A disability is a Class 2 disability which renders a person unable to walk 200 feet or more unassisted by another person or without the aid of a walker, crutches, braces, prosthetic device or a wheelchair or without great difficulty or discomfort due to the following impairments: neurologic, orthopedic, oncological, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb or limbs. The Secretary of State shall establish standards not inconsistent with this Section necessary to determine the presence of a Class 2A disability.

2 attachments

 **Illinois General Assembly - Illinois Compiled Statutes.pdf**
187K

 **State ID.pdf**
99K

Paul Dulberg <Paul_Dulberg@comcast.net>

Sun, Jun 4, 2023 at 6:20 PM

To: Tom Kost <tkost999@gmail.com>, Law Office Of Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

Does a legal disability sufficient to delay the commencement of the limitations period need to be resolved by affidavits and perhaps a hearing or is it a question that is to be determined by the trier of fact?

In the attached is a letter from Dr Kujawa to Baudins from before the social security determination. Because of this letter, I believe we can get an affidavit from Dr Kujawa and I can provide one on how my friends and family have helped me day to day.

This of course does not address my disabled left arm which was the result of a car accident long before the chainsaw. I have a letter from Dr Levin with Dr Grobman's notes on the left arm and the surgeries.

I have dual impairments - both arms - we keep forgetting that the chainsaw injury to the right arm was what put my disability rating over the top but not the only impairment I suffer from.

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<Illinois General Assembly - Illinois Compiled Statutes.pdf>
<State ID.pdf>



2016-04-04_Dr Kujawa Supplemental Letter.pdf
339K

Paul Dulberg <Paul_Dulberg@comcast.net>

Sun, Jun 4, 2023 at 8:09 PM

To: Tom Kost <tkost999@gmail.com>, Law Office Of Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

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I think fraudulent concealment may be a better route for tolling but still looking.

[Quoted text hidden]

[Quoted text hidden]

<2016-04-04_Dr Kujawa Supplemental Letter.pdf>

[Quoted text hidden]

[Quoted text hidden]

<Illinois General Assembly - Illinois Compiled Statutes.pdf>

<State ID.pdf>

T Kost <tkost999@gmail.com>

Mon, Jun 5, 2023 at 8:38 AM

To: Paul Dulberg <Paul_Dulberg@comcast.net>

[Quoted text hidden]



Dulberg's Response to Baudin's 735 ILCS 52-619.1 Motion to Dismiss .docx
28K

T Kost <tkost999@gmail.com>

Mon, Jun 5, 2023 at 7:42 PM

To: Paul Dulberg <Paul_Dulberg@comcast.net>

In this edit I have only edited argument #2. See attached

[Quoted text hidden]



Dulberg's Response to Baudin's 735 ILCS 52-619.1 Motion to Dismiss .docx
32K

Paul Dulberg <Paul_Dulberg@comcast.net>
To: Tom Kost <tkost999@gmail.com>

Mon, Jun 5, 2023 at 8:38 PM

Found this when trying to find what the P officially means. I think this tells us who certifies the classification recorded by the Secretary of State.

"The card may be used for identification purposes, in the same manner as a driver's license. Also, the card may be used as proof of disability when such proof is required under any State law. If you have this card, you do not need to present further medical documentation of your disability."

...

"The completed form requires your doctor to confirm the nature and severity of your disability. Your doctor must state the type of your disability. This can be physical, developmental, visual, hearing or mental. Your doctor should then include the class of your disability (see discussion of "class" of disability below). "

illinoislegalaid.org



[Quoted text hidden]

[Quoted text hidden]

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Paul Dulberg <Paul_Dulberg@comcast.net>
To: Tom Kost <tkost999@gmail.com>

Mon, Jun 5, 2023 at 10:01 PM

All remarks and possible edits are in red on the attached PDF. If you don't see the red notes let me know asap, I can make it so you do.

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Tom2 - Dulberg's Response to Baudin's 735 ILCS 52-619.1 Motion to Dismiss .pdf
896K

Paul Dulberg <Paul_Dulberg@comcast.net>
To: Tom Kost <tkost999@gmail.com>

Mon, Jun 5, 2023 at 10:03 PM

Not in the notes, should we add the state ID as an exhibit?

On Jun 5, 2023, at 10:01 PM, Paul Dulberg <Paul_Dulberg@comcast.net> wrote:

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[Quoted text hidden]

T Kost <tkost999@gmail.com>
To: Paul Dulberg <Paul_Dulberg@comcast.net>

Tue, Jun 6, 2023 at 7:50 AM

[Quoted text hidden]



Dulberg's Response to Baudin's 735 ILCS 52-619.1 Motion to Dismiss .docx
32K

Paul Dulberg <Paul_Dulberg@comcast.net>
To: Tom Kost <tkost999@gmail.com>, Law Office Of Alphonse Talarico <contact@lawofficeofalphonsetalarico.com>

Tue, Jun 6, 2023 at 9:32 AM

Source of 2016-04-04_Dr Kujawa Supplimental Letter.pdf

Dulberg Master File/Dulberg Gooch File/Dulberg UNDERLYING CASE DOCS/Files From Baudin's Office/Special Damages/Alexian Bro Letter to Bauden From Kujawa 4.4.16.pdf

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