

**IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL COURT
McHENRY COUNTY, ILLINOIS**

PAUL R. DULBERG, INDIVIDUALLY
AND THE PAUL R. DULBERG
REVOCABLE TRUST,

Plaintiff,

v.

THOMAS W. GOOCH, SABINA SERSHON,
EDWARD X. CLINTON, JULIA WILLIAMS,
ALPHONSE TALARICO, GEORGE FLYNN,
THOMAS J. POPOVICH, HANS MAST, THE
GOOCH FIRM, CLINTON LAW FIRM, LLC.,
LAW OFFICE OF ALPHONSE A. TALARICO

Defendants.

Case No. 2025LA360

**DEFENDANTS MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE
PLEADING TO PLAINTIFF'S COMPLAINT**

Defendant GEORGE K. FLYNN, by and through himself and his undersigned attorneys, KAUFMAN DOLOWICH, LLP, and for his Motion for Extension of Time to File Responsive Pleading to Plaintiff's Complaint, states as follows:

1. Paul Dulberg "Dulberg" has sued a number of his former lawyers in connection with an underlying chainsaw accident and subsequent underlying legal malpractice action. However, in the instant case he has now also included a frivolous conspiracy claim against movant attorney George K. Flynn ("Flynn"), who represented Dulberg's adversaries—Dulberg's former lawyers Popovich and Mast, whom Dulberg unsuccessfully sued for legal malpractice. It

bears repeating, Flynn is now being sued due to his successful defense of Popovich and Mast in Dulberg's failed malpractice lawsuit against them.

2. Despite the fact that Flynn is a resident of DuPage County, Illinois, in violation of 735 ILCS 5/2-203 Dulberg did not even attempt to personally serve Flynn at his residence, or even in his county of residence. Instead, Dulberg's initial attempts at service were solely directed at Flynn's place of employment. Section 5/2-203 reads in pertinent part:

- a) Except as otherwise expressly provided, service of summons upon an individual defendant shall be made (1) by leaving a copy of the summons with the defendant personally, (2) by leaving a copy at the defendant's usual place of abode, with some person of the family or a person residing there, of the age of 13 years or upwards, and informing that person of the contents of the summons...

3. Despite Dulberg's failure to follow the Rules of Civil Procedure, Flynn has entered his appearance and brings this motion seeking 60 days to answer or otherwise plead, up to and including April 27, 2026. Flynn seeks a longer than traditional period to answer or otherwise plead in order to afford Dulberg a "safe harbor" period to consider voluntarily dismissing his claim against Flynn, or face Flynn's planned motion for all available sanctions under Illinois Supreme Court Rule 137.

4. Dulberg has purportedly brought the instant lawsuit "*pro-se*" but ignorance of the law is no excuse, and pro-se litigants still must be held accountable under the Illinois Code of Civil Procedure and the applicable Illinois Supreme Court Rules. Dulberg has menaced the legal system and legal community and his violations of courtroom decorum and of the law should be ceased. For example, during Flynn's defense of Popovich and Mast in the underlying legal malpractice case, Flynn personally observed the assigned Judge, Thomas Meyer, admonish Dulberg on at least 2 occasions (on the record) during which Judge Meyer warned Dulberg that it

came to the judge's attention that Dulberg had been illegally and improperly recording court hearings that were conducted by Zoom videoconferencing, and by which Dulberg appeared remotely. In his current complaint, Dulberg, a non-lawyer, purports to represent himself and the Paul L. Dulberg Revocable Trust ("Dulberg Trust"), *pro-se*. The law allows Dulberg to represent himself *pro-se*, but 1) Dulberg fails to identify how the Dulberg Trust has any standing in this case and 2) his representation of the Dulberg Trust, as a non-lawyer, constitutes the unauthorized practice of law (in movant's legal opinion, an attorney with nearly 29 years of experience including the representation of attorneys in civil and disciplinary matters).

5. Dulberg's sole count against Flynn for Conspiracy fails to plead sufficient facts under Illinois fact pleading requirements, and is barred by the Absolute Litigation Privilege. (Notably, Dulberg has informed himself regarding judicial immunity, but has apparently failed to conduct any research regarding the Attorney Absolute Litigation Privilege or Qualified Privilege). Again, ignorance of the law is no excuse.

6. The absolute litigation privilege immunizes an attorney from any liability to a non-client for communications made in connection with a pending or potential judicial proceeding. *Johnson v. Johnson & Bell, Ltd.*, 2014 IL App (1st) 122677, ¶15; *Nix v. Sawyer*, 466 A.2d 407, 410-11 (Del. Super. 1983); *Levin, Middlebrooks, Mabie, Thomas, Mayes & Mitchell, P.A. v. United States Fire Ins. Co.*, 639 So. 2d 606, 608 (Fla. 1994). The privilege is by its name absolute, meaning the attorney's motives are irrelevant. *O'Callaghan*, 2015 IL App (1st) 142152, ¶25. The privilege applies to an attorney's communications before, during, and after litigation, and includes statements both in and out of court. *Scarpelli v. McDermott Will & Emery LLP*, 2018 IL App (1st) 170874, ¶20. The privilege has been applied to "out-of-court communications

between attorneys representing different parties suing the same entities.” *Id.*, citing *Atkinson v. Affronti*, 369 Ill. App. 3d 828, 832 (1st Dist. 2006). The absolute litigation privilege bars all claims arising out of any communications related to litigation, regardless of the legal theory pled, as a plaintiff cannot use creative pleading in an attempt to circumvent this doctrine. *Johnson*, 2014 IL App (1st) 122677, ¶¶14, 17 (affirming dismissal of claims for invasion of privacy, negligence, negligent infliction of emotional distress, and breach of oral and written contracts); see also *O’Callaghan*, 2015 IL App (1st) 142152, ¶1 (affirming dismissal of claims for intentional infliction of emotional distress and strict liability for ultrahazardous activity); *Scarpelli*, 2018 IL App (1st) 170874, ¶28 (affirming dismissal of claim for intrusion upon seclusion). Section 587 of the Restatement (Second) of Torts extends the privilege to parties to litigation, not just their lawyers. Illinois has adopted Section 587. *Bushell v. Caterpillar, Inc.*, 291 Ill. App. 3d. 559, 561 (3d Dist. 1997).

7. In the event this Court were to find that the absolute litigation privilege does not apply, it would follow that Dulberg’s conspiracy claim would be barred by the Qualified Attorney Privilege, which more broadly applies to all of an attorney’s actions taken on behalf of a client, even if such work does not occur in connection with litigation. *Schott v. Glover*, 109 Ill. App. 3d 230, 234-35 (1st Dist. 1982); see also *Davis v. W. Ctr. City Neighborhood Planning Advisory Comm.*, 2003 Del. Super. LEXIS 81, *9-12, 2003 WL 908885 (Del. Super. Mar. 7, 2003), *aff’d* 836 A.2d 513, 2003 Del. LEXIS 538 (Del. 2003); *Sussman v. Damian*, 355 So. 2d 809, 812 (Fla. 3d DCA 1977). This qualified privilege insulates an attorney from liability to a non-client for any claims that relate to the attorney’s actions taken or communications made in the performance of legal services (while such claims are also barred by the absolute litigation privilege, discussed in paragraph 6, *supra*, to the extent such legal services pertain to litigation). *Schott*, 109 Ill. App. 3d

at 234-35. This privilege is rooted in the public policy principle that attorneys generally only owe a duty to their clients and thus do not face liability to third-parties. *Id.* The privilege can only be defeated if the non-client pleads actual malice, meaning the attorney must have intended to harm the non-client in a manner independent of and unrelated to the attorney's efforts to serve the client. *Id.* This qualified privilege has been applied to defeat a multitude of causes of action brought by non-clients against attorneys. *Id.* at 234-36 (tortious interference with contract and with business expectancy); *Salaymeh v. InterQual, Inc.*, 155 Ill. App. 3d 1040, 1046 (5th Dist. 1987) (conspiracy and intentional interference with contract); *Farwell v. Senior Servs. Assocs.*, 2012 IL App (2d) 110669, ¶23 (malicious prosecution and abuse of process); *Thrall Car Mfg. Co. v. Lindquist*, 145 Ill. App. 3d 712, 717-18 (1st Dist. 1986) (conspiracy to defraud, and inducement to defraud and breach an agreement); *Boyd Real Estate, Inc. v. Shissler Seed Co.*, 213 Ill. App. 3d 648, 652-53 (3rd Dist. 1991) (tortious interference with contract and with prospective economic advantage); *Gold v. Vasileff*, 160 Ill. App. 3d 125, 127-28 (5th Dist. 1987) (fraud).

8. In order to allow Dulberg a “safe harbor” to consider and execute a voluntary dismissal, Flynn respectfully requests an extension of time of 60 days to file his motion to dismiss and Motion for Sanctions under Illinois Supreme Court Rule 137.

Wherefore, movant George K. Flynn respectfully requests an extension of 60 days from the date of entry of the order on the instant motion, up to and including April 27, 2026 in order file a Motion to Dismiss and Motion for Sanctions under Illinois Supreme Court Rule 137, and for any additional relief this court deems fair and proper.

Dated: February 20, 2026

Respectfully submitted,

/s/ George K. Flynn

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