

**From:** Julia Williams juliawilliams@clintonlaw.net  
**Subject:** Dulberg v Mast; Cicero France Barch Production  
**Date:** March 4, 2020 at 11:34 AM  
**To:** Paul Dulberg paul\_dulberg@comcast.net, Paul Dulberg pdulberg@comcast.net  
**Cc:** Ed Clinton ed@clintonlaw.net, Mary Winch marywinch@clintonlaw.net

---

JW

Dear Paul,

Attached are the documents we received in response to our subpoena to Cicero, France, and Alexander P.C., the successor to Mr. Ronald Barch's former firm, Cicero, France, Barch & Alexander PC.

Sincerely,

Julia Williams  
Of Counsel  
The Clinton Law Firm  
111 W. Washington, Ste. 1437  
Chicago, IL 60602  
P: 312.357.1515  
F: 312.201.0737  
[juliawilliams@clintonlaw.net](mailto:juliawilliams@clintonlaw.net)

This message may be privileged and confidential. If you are not the intended recipient, please delete the email and notify the sender immediately.

[Click to Download](#)

Dulberg Cicero France Barch Production Complete.zip  
30.8 MB

**CICERO, FRANCE & ALEXANDER, P.C.**

**ATTORNEYS AT LAW**

**6323 EAST RIVERSIDE BOULEVARD**

**ROCKFORD, ILLINOIS 61114**

**PAUL R. CICERO  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH  
ERIK K. JACOBS  
KIMBERLY A. KOVANDA**

**TEL: (815) 226-7700  
FAX: (815) 226-7701**

**JOHN W. FRANCE  
RETIRED**

February 19, 2020

Edward X. Clinton  
Julia C. Williams  
The Clinton Law Firm, LLC  
111 W. Washington Street  
Suite 1437

**Re:               Response to Records Subpoena  
                    Your Client – Paul Dulberg  
                    Your Case No - 17 LA 377**

Dear Mr. Clinton and Ms. Williams:

In follow-up to our prior communications regarding the above-referenced case, please find, enclosed, one DVD containing my firm's response to your records subpoena. Please note that, for the sake of completeness and convenience, the DVD contains all of the documents previously sent via email as well as the remaining documents I am producing.

Regarding the medical records and bills in my possession, due to the volume, I have included a list of the facilities from which we have records/bills and identified the source of the records (for example, Complex Legal Services).

I have included a similar list of the deposition transcripts in my possession along with the relevant court reporters so that you may order same if you wish.

Finally, I do have in my possession a copy of the MT 3500 Operator's Instruction Manual. However, due to the physical nature of the document, producing a copy would require sending it to an outside copying service. If you would like me to do so at your firm's expense, please let me know.

If you have any questions concerning this, do not hesitate to contact me.



Very truly yours,

Cicero, France & Alexander, P.C.

A handwritten signature in black ink, reading "Chantel R. Bielskis". The signature is written in a cursive, flowing style with a large, prominent initial "C".

CHANTEL R. BIELSKIS

Enclosure

rb/closed.files/dulberg/subpoena.response/01ltrClinton.Law.Firm.2.19.20.docx

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

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PAUL R. CICERO

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April 17, 2014

TEL: (815) 226-7700

FAX: (815) 226-7701

COPY

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Accardo:

Enclosed you will find a copy of the Order that entered on April 16, 2014. Please call if you have any questions.

Very truly yours,



RONALD A. BARCH

RB:mj:47ltr.PAA

Encl.

April 4, 2014

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re: *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually* - Case No. 12 LA 178**

Dear Clerk:

Please find enclosed McGuire Defendants' Motion To Vacate Protective Order and Notice Of Motion with regard to the above-captioned lawsuit. Per today's phone conversation between my secretary and your clerk, the motion is scheduled for April 16, 2014, at 9:00 a.m.

Please file said documents. Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc10.ltr  
encls.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS  
ANDREW T. SMITH

February 12, 2014

TEL: (815) 226-7700  
FAX: (815) 226-7701

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of Steven A. Lihosit  
200 N. LaSalle Street, Suite 2550  
Chicago, IL 60601

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

With my departure from the case I feel compelled to address the subject of the chain saw that was involved in Mr. Dulberg's injury. Early on in the case a protective order was entered which prohibited Mr. and Mrs. McGuire from destroying or otherwise disposing of the chain saw and any associated documentation. The primary purpose behind the order of protection was to preserve the chainsaw and associated documentation until such time that Plaintiff's counsel could inspect and photograph same.

On March 20, 2013, the chain saw and owner's manual were made available for inspection and photographing. Plaintiff's counsel inspected and photographed the chainsaw. Plaintiff's counsel also secured a photocopy of the owner's manual.

On April 3, 2013, the protective order was modified to allow the Plaintiffs to use the subject chainsaw, owner's manual and associated paperwork in the ordinary course. The order further provides, however, that the owners may not destroy, dispose of, or sell the items without further order of the court.

Given the above, I am concerned about the possibility of a spoliation claim in the event the McGuires destroy, dispose of, or otherwise sell the chainsaw following my departure from the case. Please advise in writing whether you believe there is any reason to maintain the protective order as it currently exists. If not, I believe it makes sense to have the April 3, 2013 version of the protective order vacated.

I look forward to hearing from both of you at your earliest convenience.

Very truly yours,

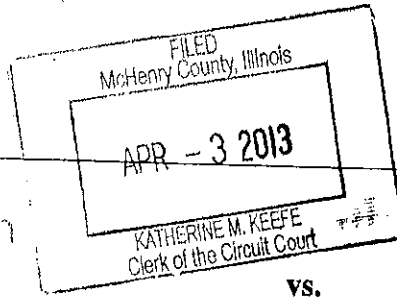
A handwritten signature in black ink, appearing to be 'RAB' with a stylized flourish at the end.

RONALD A. BARCH

RB:mj\44ltr.OC

Encl.

CC Tom Malatia (13-2779-11)

STATE OF ILLINOIS  
COUNTY OF MCHENRY } SS

GEN. NO. 12LA178

☐ Jury ☐ Non-Jury

PAUL DUBOIS

VS.

DAVID GAGNON, et al.

Date 4/3/13 Plaintiff's Attorney MAST Defendant's Attorney MCHENRY & BACH  
GAGNON -> ALCAPO

## ORDER

Came for all parties appearing, and  
 the Court being advised that the McHenry  
 Defendant's chainsaw and associated materials were  
 presented for inspection, photographing and  
 copying on March 11, 2013.

It is ORDERED:

AND The Protective Order entered on  
 August 17, 2012 is hereby modified  
 and amended as follows:

The owner of said chain saw and associated  
 parts, accessories, manual and paperwork are  
 free to use same in the ordinary course;  
 provided, however, that owner shall not  
 sell or otherwise dispose of ~~the~~ <sup>parts, accessories, manual or</sup>  
 chainsaw without further order of the court.

Prepared by: \_\_\_\_\_

Attorney for: \_\_\_\_\_

Attorney Registration No.: \_\_\_\_\_ Judge \_\_\_\_\_

G. M.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

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ANDREW T. SMITH

February 12, 2014

TEL: (815) 226-7700

FAX: (815) 226-7701

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

Enclosed herewith you will find the settlement draft necessary to conclude the settlement between Mr. Dulberg and Bill and Carolyn McGuire. I am also providing you with a copy of the "Filed" stamped Good Faith Finding and Order of Dismissal.

Please feel free to call if you have any questions concerning the above or the enclosed. I otherwise wish you and Mr. Accardo well with the remainder of the case.

Very truly yours,



RONALD A. BARCH

RB:mj\42ltr.HAM

Encl.

cc Tom Malatia (Claim No. 13-2779-11)  
Attorney Perry Accardo

## GENERAL RELEASE AND SETTLEMENT AGREEMENT

NOW COMES PAUL DULBERG, and in consideration of the payment of Five-Thousand (\$5,000.00) Dollars to him, by or on behalf of the WILLIAM MCGUIRE and CAROLYN MCGUIRE (aka Bill McGuire; improperly named as Caroline McGuire) and AUTO-OWNERS INSURANCE COMPANY, the payment and receipt of which is hereby acknowledged, PAUL DULBERG does hereby release and discharge the WILLIAM MCGUIRE and CAROLYN MCGUIRE and AUTO-OWNERS INSURANCE COMPANY, and any agents or employees of the WILLIAM MCGUIRE and CAROLYN MCGUIRE and AUTO-OWNERS INSURANCE COMPANY, of and from any and all causes of action, claims and demands of whatsoever kind or nature including, but not limited to, any claim for personal injuries and property damage arising out of a certain chain saw incident that allegedly occurred on or about June 28, 2011, within and upon the premises known commonly as 1016 West Elder Avenue, City of McHenry, County of McHenry, State of Illinois.

IT IS FURTHER AGREED AND UNDERSTOOD that there is presently pending a cause of action in the Circuit Court of the 22<sup>nd</sup> Judicial Circuit, McHenry County, Illinois entitled "Paul Dulberg, Plaintiff, vs. David Gagnon, Individually, and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, Individually, Defendants", Cause No. 2012 LA 178, and that this settlement is contingent upon WILLIAM MCGUIRE and CAROLYN MCGUIRE being dismissed with prejudice as parties to said lawsuit pursuant to a finding by the Circuit Court that the settlement between the parties constitutes a good faith settlement for purposes of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 100/0.01, *et seq.*

IT IS FURTHER AGREED AND UNDERSTOOD that as part of the consideration for this agreement the undersigned represents and warrants as follows (check applicable boxes):

- ☒ I was not 65 or older on the date of the occurrence.
- ☒ I was not receiving SSI or SSDI on the date of the occurrence.
- ☐ I am not eligible to receive SSI or SSDI.
- ☒ I am not currently receiving SSI or SSDI.

IT IS FURTHER AGREED AND UNDERSTOOD:

- a. That any subrogated claims or liens for medical expenses paid by or on behalf of PAUL DULBERG shall be the responsibility PAUL DULBERG, including, but not limited to, any Medicare liens. Any and all reimbursements of medical expenses to subrogated parties, including Medicare's rights of reimbursement, if any, shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released herein.
- b. That any outstanding medical expenses are PAUL DULBERG's responsibility and all payment of medical expenses hereafter shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released



- c. That PAUL DULBERG agrees to save and hold harmless and indemnify the parties released herein against any claims made by any medical providers, including, but not limited to Medicare or parties subrogated to the rights to recover medical or Medicare payments.

IT IS FURTHER AGREED AND UNDERSTOOD by the parties hereto that this agreement contains the entire agreement between the parties with regard to materials set forth herein, and shall be binding upon and inure to the benefit of the parties hereto, jointly and severally, and the executors, conservators, administrators, guardians, personal representatives, heirs and successors of each.

IT IS FURTHER AGREED AND UNDERSTOOD that this settlement is a compromise of a doubtful and disputed claim and no liability is admitted as a consequence hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the dates set forth below.

Dated: 1-29-2014

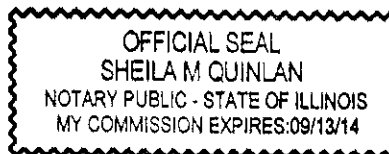
*Paul Dulberg*  
PAUL DULBERG

STATE OF ILLINOIS     )  
                                      ) SS.  
COUNTY OF MCHENRY    )

PAUL DULBERG personally appeared before me this date and acknowledged that she executed the foregoing Release and Settlement Agreement as his own free act and deed for the uses and purposes set forth therein.

Dated this 29th day of January, 2014.

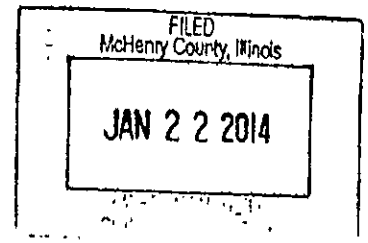
*Sheila M. Quinlan*  
Notary Public



ORD 1

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,	)	
	)	
Plaintiff,	)	Case No. 12 LA 178
	)	
vs.	)	
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE MCGUIRE and BILL	)	
MCGUIRE, and CAROLINE MCGUIRE	)	
and BILL MCGUIRE, Individually,	)	
	)	
Defendants.	)	



**GOOD FAITH FINDING AND ORDER OF DISMISSAL**

THIS CAUSE coming on to be heard on the Motion for Good Faith Finding and for Order of Dismissal with Prejudice filed by Defendants Bill McGuire and Carolyn McGuire, and the Court being fully advised in the premises,

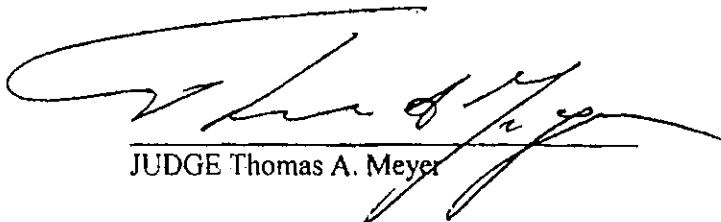
IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That settlement between Plaintiff Paul Dulberg and Defendants Bill McGuire and Carolyn McGuire (improperly named Caroline) constitutes a fair and reasonable and good faith settlement within the meaning of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 0.01 et seq.
2. That the good faith settlement shall henceforth constitute a bar to any and all claims that Plaintiff Paul Dulberg and Defendant David Gagnon and other known or unknown tortfeasors may have against Defendants Bill McGuire and Carolyn McGuire on account of or arising out of the injuries, if any, sustained by Plaintiff Paul Dulberg as a result of the alleged chain saw accident that occurred on June 28, 2011, whether by way of original action, third party claim, cross-claim, counterclaim, claim for contribution or otherwise.

3. That Defendants Bill McGuire and Carolyn McGuire be and are hereby dismissed from the above-captioned lawsuit as party defendants and cross-claimants, with prejudice, and in bar of further suit.

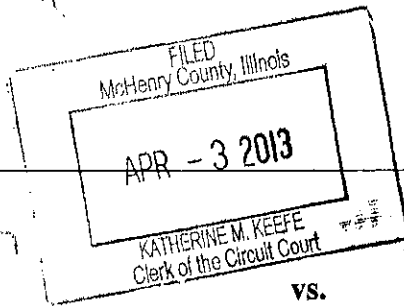
4. That that there is no just reason to delay the enforcement or appeal of this good faith finding and order of dismissal.

DATED: \_\_\_\_\_

  
JUDGE Thomas A. Meyer

Prepared by:  
Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700

## CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

STATE OF ILLINOIS }  
COUNTY OF MCHENRY } SS

GEN. NO. 12LA178

☐ Jury ☐ Non-Jury

PAUL DULBERG

VS.

DAVID GAGNON, et al.

Date 4/3/13 Plaintiff's Attorney MAST Defendant's Attorney WACHSBERG & BARNHART  
GAGNON → A CANDO

## ORDER

Came for all parties appearing, and the Court being advised that the McHenry Defendant's chainsaw and associated manual were presented for inspection, photographing and copying on April 11, 2013.

It is ordered:

The Protective Order entered on August 17, 2012 is hereby modified and amended as follows:

The items of said chain saw and associated parts, accessories, manual and paperwork are free to use same in the ordinary course; provided, however, that same shall not be sold or otherwise disposed of <sup>parts, accessories, manual or</sup> ~~otherwise~~ without further order of the Court.

Prepared by: \_\_\_\_\_

Attorney for: \_\_\_\_\_

Attorney Registration No.: \_\_\_\_\_ Judge \_\_\_\_\_

G. AM

# CLAIM PAYMENT

353319777

ELGIN CLAIM BRANCH  
PO BOX 39  
DUNDEE IL 60118-0039



MAJOR HILL INSURANCE  
PO BOX 146  
FOX LAKE IL 60020-0146

CLAIM NUMBER	PAID DATE	AMOUNT PAID
013-0002779-2011	02/10/2014	\$*****5,000.00
LOSS DATE	STATUS	POLICY NUMBER
06/28/2011	CLOSE COVERAGE	48 010965 01
INSURED		
WILLIAM MCGUIRE & CAROLYN MCGUIRE		

ON BEHALF OF:  
PAUL DULBERG

RONALD BARCH  
CICERO FRANCE BARCH & ALEXANDER  
6323 E RIVERSIDE BLVD  
ROCKFORD, IL 61114-4414

COVERAGE:  
442 - HOL - HOMEOWNERS LIABILITY (INCL MED)

DETACH HERE AND KEEP FOR YOUR RECORDS

THIS DOCUMENT HAS A COLORED BACKGROUND, VOID PANTOGRAPH, AND MICROPRINTING IN THE BORDER

**Auto-Owners Insurance**

Life Home Car Business  
*The No Problem People*

OWNERS INSURANCE CO. - CLAIM PAYMENT CHECK

353319777

BANK OF AMERICA, NA  
CHICAGO IL 60610

70-2328  
719 IL

02/10/2014

FIVE THOUSAND AND 00/100 DOLLARS

PAY TO THE  
ORDER OF PAUL DULBERG & HIS ATTORNEYS  
THOMAS J POPOVICH PC

INSURED: WILLIAM MCGUIRE & CAROLYN MCGUIRE		
CLAIM NUMBER	LOSS DATE	
013-0002779-2011	06/28/2011	
POLICY NUMBER	AGENCY	
48 010965 01	04-0517-00	\$*****5,000.00

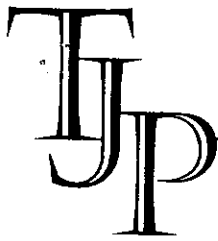
IN PAYMENT OF:  
PAYMENT ON BEHALF OF PAUL DULBERG  
FULL AND FINAL SETTLEMENT

*Jeffrey J. Hunsaker*

SIGNATURE HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

0353319777 071923284 8765818149

11085 (06-10)



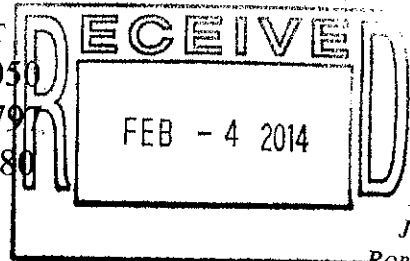
The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050

TELEPHONE: 815.344.3797

FACSIMILE: 815.344.5280

[www.popovichlaw.com](http://www.popovichlaw.com)



THOMAS J. POPOVICH

HANS A. MAST

JOHN A. KORNAK

January 31, 2014

MARK J. VOGG

JAMES P. TUTAJ

ROBERT J. LUMBER

THERESA M. FREEMAN

VIA FACSIMILE: 815/226-7701

& FIRST CLASS MAIL:

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*  
McHenry County Case: 12 LA 178

Dear Mr. Barch:

Please find enclosed with this letter the executed Release in the above-referenced matter. Please forward the settlement draft to my attention at your earliest convenience.

As I understand it, you have no liens on the file other than our attorney's lien.

Thank you for your cooperation.

Very truly yours,



HANS A. MAST

smq

Enclosure

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**

3416 West Elm Street

McHenry, IL 60050

Telephone: 815-344-3797

Facsimile: 815-344-5280

**PERSONAL & CONFIDENTIAL**  
**TELECOPY COVER SHEET**

DATE:

2.4.14

TO:

Marleen

FACSIMILE:

815/226-7701

FROM:

Sheila**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**

3416 West Elm Street

McHenry, IL 60050

815-344-3797 Fax: 815-344-5280

NUMBER OF PAGES:

2

(INCLUDING COVER SHEET)

MESSAGE:

Dulberg

**CONFIDENTIALITY NOTICE**  
THE INFORMATION CONTAINED IN THIS FAX AND ANY ACCOMPANYING DOCUMENTS ARE ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR USE BY THE ADDRESSEE. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS IN ERROR, PLEASE RETURN THE ORIGINALS TO THE SENDER VIA THE U.S. POSTAL SERVICE. THANK YOU.

**Form W-9**  
(Rev. January 2011)  
Department of the Treasury  
Internal Revenue Service

# Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

Print or type  
See Specific Instructions on page 2.

Name (as shown on your income tax return)  
**Law Offices of Thomas J. Popovich, P.C.**

Business name/disregarded entity name, if different from above

Check appropriate box for federal tax classification (required):  
☐ Individual/sole proprietor  
☒ C Corporation  
☐ S Corporation  
☐ Partnership  
☐ Trust/estate  
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶  
☐ Other (see instructions) ▶  
☐ Exempt payee

Address (number, street, and apt. or suite no.)  
**3416 W. Elm Street**

City, state, and ZIP code  
**McHenry, IL 60050**

Requester's name and address (optional)

List account number(s) here (optional)

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

Employer identification number

3 6 - 4 2 7 5 0 8 5

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here Signature of U.S. person ▶ *Thomas J. Popovich* Date ▶ *2-4-14*

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

## Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

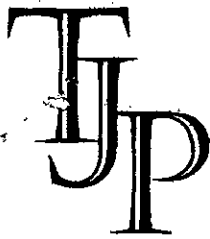
Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.





The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280  
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THOMAS J. POPOVICH  
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MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

January 31, 2014

VIA FACSIMILE: 815/226-7701  
& FIRST CLASS MAIL:

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*  
McHenry County Case: 12 LA 178

Dear Mr. Barch:

Please find enclosed with this letter the executed Release in the above-referenced matter. Please forward the settlement draft to my attention at your earliest convenience.

As I understand it, you have no liens on the file other than our attorney's lien.

Thank you for your cooperation.

Very truly yours,

HANS A. MAST

smq  
Enclosure

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

## GENERAL RELEASE AND SETTLEMENT AGREEMENT

NOW COMES PAUL DULBERG, and in consideration of the payment of Five-Thousand (\$5,000.00) Dollars to him, by or on behalf of the WILLIAM MCGUIRE and CAROLYN MCGUIRE (aka Bill McGuire; improperly named as Caroline McGuire) and AUTO-OWNERS INSURANCE COMPANY, the payment and receipt of which is hereby acknowledged, PAUL DULBERG does hereby release and discharge the WILLIAM MCGUIRE and CAROLYN MCGUIRE and AUTO-OWNERS INSURANCE COMPANY, and any agents or employees of the WILLIAM MCGUIRE and CAROLYN MCGUIRE and AUTO-OWNERS INSURANCE COMPANY, of and from any and all causes of action, claims and demands of whatsoever kind or nature including, but not limited to, any claim for personal injuries and property damage arising out of a certain chain saw incident that allegedly occurred on or about June 28, 2011, within and upon the premises known commonly as 1016 West Elder Avenue, City of McHenry. County of McHenry, State of Illinois.

IT IS FURTHER AGREED AND UNDERSTOOD that there is presently pending a cause of action in the Circuit Court of the 22<sup>nd</sup> Judicial Circuit, McHenry County, Illinois entitled "Paul Dulberg, Plaintiff, vs. David Gagnon, Individually, and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, Individually, Defendants", Cause No. 2012 LA 178, and that this settlement is contingent upon WILLIAM MCGUIRE and CAROLYN MCGUIRE being dismissed with prejudice as parties to said lawsuit pursuant to a finding by the Circuit Court that the settlement between the parties constitutes a good faith settlement for purposes of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 100/0.01, *et seq.*

IT IS FURTHER AGREED AND UNDERSTOOD that as part of the consideration for this agreement the undersigned represents and warrants as follows (check applicable boxes):

- ☒ I was not 65 or older on the date of the occurrence.
- ☒ I was not receiving SSI or SSDI on the date of the occurrence.
- ☐ I am not eligible to receive SSI or SSDI.
- ☒ I am not currently receiving SSI or SSDI.

IT IS FURTHER AGREED AND UNDERSTOOD:

- a. That any subrogated claims or liens for medical expenses paid by or on behalf of PAUL DULBERG shall be the responsibility PAUL DULBERG, including, but not limited to, any Medicare liens. Any and all reimbursements of medical expenses to subrogated parties, including Medicare's rights of reimbursement, if any, shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released herein.
- b. That any outstanding medical expenses are PAUL DULBERG's responsibility and all payment of medical expenses hereafter shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released


- c. That PAUL DULBERG agrees to save and hold harmless and indemnify the parties released herein against any claims made by any medical providers, including, but not limited to Medicare or parties subrogated to the rights to recover medical or Medicare payments.

IT IS FURTHER AGREED AND UNDERSTOOD by the parties hereto that this agreement contains the entire agreement between the parties with regard to materials set forth herein, and shall be binding upon and inure to the benefit of the parties hereto, jointly and severally, and the executors, conservators, administrators, guardians, personal representatives, heirs and successors of each.

IT IS FURTHER AGREED AND UNDERSTOOD that this settlement is a compromise of a doubtful and disputed claim and no liability is admitted as a consequence hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the dates set forth below.

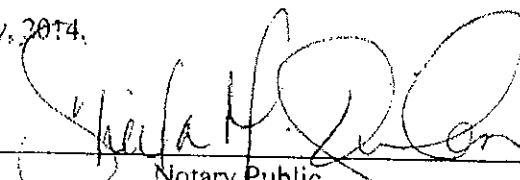
Dated: 1-29-2014

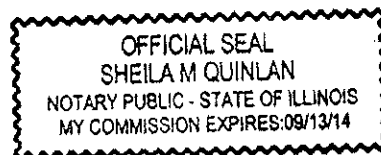
  
\_\_\_\_\_  
PAUL DULBERG

STATE OF ILLINOIS       )  
                                      ) SS.  
COUNTY OF MCHENRY    )

PAUL DULBERG personally appeared before me this date and acknowledged that she executed the foregoing Release and Settlement Agreement as his own free act and deed for the uses and purposes set forth therein.

Dated this 29<sup>th</sup> day of January, 2014.

  
\_\_\_\_\_  
Notary Public



February 4, 2014

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re: *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually* - Case No. 12 LA 178**

Dear Clerk:

A Good Faith Finding And Order Of Dismissal was entered by Judge Meyer on January 22, 2014, with regard to the above-captioned lawsuit. Please forward a file-stamped copy of the signed order to me in the stamped, self-addressed envelope which I am providing herewith for this purpose. I have also enclosed my check in the amount of \$2.50 to cover the cost.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc9.ltr  
encls.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

JOHN W. FRANCE

RONALD A. BARCH

CHARLES P. ALEXANDER

TEL: (815) 226-7700

FAX: (815) 226-7701

January 22, 2014

CHANTEL R. BIELSKIS

ANDREW T. SMITH

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

COPY

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

As you likely know, on January 22, 2014, the trial court granted my Motion for Good Faith Finding and Dismissal. I understand that copies of the signed original order should be available through the Circuit Clerk's office within a few days.

My clients and I are interested in wrapping up our settlement as soon as possible. All I need from you at this time is the fully executed release and a fully executed IRS Form W-9. I supplied both original documents to you under cover dated January 9, 2014. Please attend to these items at your earliest convenience. Thank you.

Very truly yours,



RONALD A. BARCH

RB:mj\40ltr.HAM

cc Tom Malatia (Claim No. 13-2779-11)

Attorney Perry Accardo

January 9, 2014

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re: *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually* - Case No. 12 LA 178**

Dear Clerk:

Please find enclosed an original Notice of Motion and Motion for Good Faith Finding and for Order of Dismissal with Prejudice by Defendants Bill McGuire and Carolyn McGuire. Please file said documents.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc8.ltr  
encls.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
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CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700  
FAX: (815) 226-7701

January 9, 2014

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

In view of the settlement documented by your letter of December 26, 2013, I am enclosing herewith a Notice of Motion and a Motion for Good Faith Finding and Dismissal. The motion is scheduled for presentation before Judge Thomas A. Meyer on Wednesday, January 22, 2014, at 9:00 a.m.

Enclosed herewith you will also find a proposed General Release and Settlement Agreement for execution by Mr. Dulberg. Please have Mr. Dulberg execute the release before a Notary Public and return it to me. In the alternative, please call me with any questions or requested modifications you may have.

Based upon our earlier exchange of communications on the subject, it does not appear that we have any known liens to deal with other than your Attorneys' Lien. That being the case, I can secure a single settlement draft payable to you and your client as soon as I receive and executed IRS Form W-9. I am enclosing a blank IRS Form W-9 to facilitate your quick response. If you return the executed W-9 right away I may have the settlement draft by the time you are in a position to furnish me with the executed release.

Please do not hesitate to call me if you have any questions concerning the above or the enclosed. I otherwise look forward to receiving the executed IRS Form W-9 and the executed release at your earliest convenience. I will also see you or one of your colleagues on January 15.

Very truly yours,



RONALD A. BARCH

RB:mj\39ltr.HAM  
Encl.  
cc Tom Malatia (Claim No. 13-2779-11)

## GENERAL RELEASE AND SETTLEMENT AGREEMENT

NOW COMES PAUL DULBERG, and in consideration of the payment of Five-Thousand (\$5,000.00) Dollars to him, by or on behalf of the WILLIAM MCGUIRE and CAROLYN MCGUIRE (aka Bill McGuire; improperly named as Caroline McGuire) and AUTO-OWNERS INSURANCE COMPANY, the payment and receipt of which is hereby acknowledged, PAUL DULBERG does hereby release and discharge the WILLIAM MCGUIRE and CAROLYN MCGUIRE and AUTO-OWNERS INSURANCE COMPANY, and any agents or employees of the WILLIAM MCGUIRE and CAROLYN MCGUIRE and AUTO-OWNERS INSURANCE COMPANY, of and from any and all causes of action, claims and demands of whatsoever kind or nature including, but not limited to, any claim for personal injuries and property damage arising out of a certain chain saw incident that allegedly occurred on or about June 28, 2011, within and upon the premises known commonly as 1016 West Elder Avenue, City of McHenry, County of McHenry, State of Illinois.

IT IS FURTHER AGREED AND UNDERSTOOD that there is presently pending a cause of action in the Circuit Court of the 22<sup>nd</sup> Judicial Circuit, McHenry County, Illinois entitled "Paul Dulberg, Plaintiff, vs. David Gagnon, Individually, and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, Individually, Defendants", Cause No. 2012 LA 178, and that this settlement is contingent upon WILLIAM MCGUIRE and CAROLYN MCGUIRE being dismissed with prejudice as parties to said lawsuit pursuant to a finding by the Circuit Court that the settlement between the parties constitutes a good faith settlement for purposes of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 100/0.01, *et seq.*

IT IS FURTHER AGREED AND UNDERSTOOD that as part of the consideration for this agreement the undersigned represents and warrants as follows (check applicable boxes):

- ☐ I was not 65 or older on the date of the occurrence.
- ☐ I was not receiving SSI or SSDI on the date of the occurrence.
- ☐ I am not eligible to receive SSI or SSDI.
- ☐ I am not currently receiving SSI or SSDI.

IT IS FURTHER AGREED AND UNDERSTOOD:

- a. That any subrogated claims or liens for medical expenses paid by or on behalf of PAUL DULBERG shall be the responsibility PAUL DULBERG, including, but not limited to, any Medicare liens. Any and all reimbursements of medical expenses to subrogated parties, including Medicare's rights of reimbursement, if any, shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released herein.
- b. That any outstanding medical expenses are PAUL DULBERG's responsibility and all payment of medical expenses hereafter shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released



- c. That PAUL DULBERG agrees to save and hold harmless and indemnify the parties released herein against any claims made by any medical providers, including, but not limited to Medicare or parties subrogated to the rights to recover medical or Medicare payments.

IT IS FURTHER AGREED AND UNDERSTOOD by the parties hereto that this agreement contains the entire agreement between the parties with regard to materials set forth herein, and shall be binding upon and inure to the benefit of the parties hereto, jointly and severally, and the executors, conservators, administrators, guardians, personal representatives, heirs and successors of each.

IT IS FURTHER AGREED AND UNDERSTOOD that this settlement is a compromise of a doubtful and disputed claim and no liability is admitted as a consequence hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the dates set forth below.

Dated: \_\_\_\_\_

\_\_\_\_\_  
PAUL DULBERG

STATE OF ILLINOIS     )  
                                  ) SS.  
COUNTY OF MCHENRY    )

PAUL DULBERG personally appeared before me this date and acknowledged that she executed the foregoing Release and Settlement Agreement as his own free act and deed for the uses and purposes set forth therein.

Dated this \_\_\_\_\_ day of January, 2014.

\_\_\_\_\_  
Notary Public

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,	)	
	)	
Plaintiff,	)	Case No. 12 LA 178
	)	
vs.	)	
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE MCGUIRE and BILL	)	
MCGUIRE, and CAROLINE MCGUIRE	)	
and BILL MCGUIRE, Individually,	)	
	)	
Defendants.	)	

**GOOD FAITH FINDING AND ORDER OF DISMISSAL**

THIS CAUSE coming on to be heard on the Motion for Good Faith Finding and for Order of Dismissal with Prejudice filed by Defendants Bill McGuire and Carolyn McGuire, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That settlement between Plaintiff Paul Dulberg and Defendants Bill McGuire and Carolyn McGuire (improperly named Caroline) constitutes a fair and reasonable and good faith settlement within the meaning of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 0.01 et seq.
2. That the good faith settlement shall henceforth constitute a bar to any and all claims that Plaintiff Paul Dulberg and Defendant David Gagnon and other known or unknown tortfeasors may have against Defendants Bill McGuire and Carolyn McGuire on account of or arising out of the injuries, if any, sustained by Plaintiff Paul Dulberg as a result of the alleged chain saw accident that occurred on June 28, 2011, whether by way of original action, third party claim, cross-claim, counterclaim, claim for contribution or otherwise.

3. That Defendants Bill McGuire and Carolyn McGuire be and are hereby dismissed from the above-captioned lawsuit as party defendants and cross-claimants, with prejudice, and in bar of further suit.

4. That that there is no just reason to delay the enforcement or appeal of this good faith finding and order of dismissal.

DATED: \_\_\_\_\_

\_\_\_\_\_  
JUDGE Thomas A. Meyer

Prepared by:  
Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700

# Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

**Name** (as shown on your income tax return)

**Business name/disregarded entity name**, if different from above

Check appropriate box for federal tax classification (required): ☐ Individual/sole proprietor ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶

☐ Other (see Instructions) ▶

☐ Exempt payee

**Address** (number, street, and apt. or suite no.)

**City, state, and ZIP code**

**List account number(s) here** (optional)

**Requester's name and address** (optional)

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number								

Employer identification number								

## Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification Instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

**Sign Here** Signature of U.S. person ▶

Date ▶

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

#### Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

#### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

#### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

#### Specific Instructions

##### Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Disregarded entity.** Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

### Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
  2. The United States or any of its agencies or instrumentalities,
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
  7. A foreign central bank of issue,
  8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
  9. A futures commission merchant registered with the Commodity Futures Trading Commission,
  10. A real estate investment trust,
  11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
  12. A common trust fund operated by a bank under section 584(a),
  13. A financial institution,
  14. A middleman known in the investment community as a nominee or custodian, or
  15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its Instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

### Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

### Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

### What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>3</sup> The actual owner <sup>4</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>4</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

### Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-828-4059.

### Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-368-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

### Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

January 9, 2014

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

In view of the settlement documented by your letter of December 26, 2013, I am enclosing herewith a Notice of Motion and a Motion for Good Faith Finding and Dismissal. The motion is scheduled for presentation before Judge Thomas A. Meyer on Wednesday, January 22, 2014, at 9:00 a.m.

Enclosed herewith you will also find a proposed General Release and Settlement Agreement for execution by Mr. Dulberg. Please have Mr. Dulberg execute the release before a Notary Public and return it to me. In the alternative, please call me with any questions or requested modifications you may have.

Based upon our earlier exchange of communications on the subject, it does not appear that we have any known liens to deal with other than your Attorneys' Lien. That being the case, I can secure a single settlement draft payable to you and your client as soon as I receive and executed IRS Form W-9. I am enclosing a blank IRS Form W-9 to facilitate your quick response. If you return the executed W-9 right away I may have the settlement draft by the time you are in a position to furnish me with the executed release.

Please do not hesitate to call me if you have any questions concerning the above or the enclosed. I otherwise look forward to receiving the executed IRS Form W-9 and the executed release at your earliest convenience. I will also see you or one of your colleagues on January 15.

Very truly yours,



RONALD A. BARCH

RB:mj\39ltr.HAM

Encl.

cc Tom Malatia (Claim No. 13-2779-11)



CICERO, FRANCE, BARCH & ALEXANDER, P.C.

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Attorneys at Law  
6323 EAST RIVERSIDE BOULEVARD  
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ANDREW T. SMITH

TEL: (815) 226-7700  
FAX: (815) 226-7701

January 8, 2014

Mr. Mike Thomas  
460 Walbeck Drive  
Twin Lakes, WI 53181

COPY

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Thomas:

I am writing in follow-up to my letter of November 4, 2013, which included a deposition subpoena and notice of deposition requiring your appearance for an oral examination under oath on January 17, 2014, at 1:00 p.m. in the law offices of Thomas J. Popovich, 3416 West Elm Street, McHenry, Illinois. In this regard, I note that the letter, subpoena and notice were sent to you via regular U.S. Mail and by certified mail. My office received a return receipt indicating Todd Tedrow signed for the certified letter on your behalf.

In any event, this letter will confirm that I am withdrawing my subpoena and my notice of deposition, as both of my clients have reached a settlement with Mr. Paul Dulberg. You are therefore no longer obligated to appear for deposition on January 17, 2014. With this in mind, kindly return the witness fee that accompanied the subpoena and deposition notice that accompanied the certified mailing.

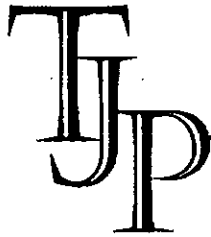
If you have any questions, please do not hesitate to call. I otherwise thank you in advance for the prompt return of the \$41.00 witness fee.

Very truly yours,



RONALD A. BARCH

RB:mj:38ltr.MT  
CC Perry Accardo  
Hans Mast  
Tom Malatia (Claim No. 13-2779-11)



## The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280

[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK

December 26, 2013

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

VIA FACSIMILE: 815/226-7701

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*  
McHenry County Case: 12 LA 178

Dear Mr. Barch:

Please be advised that we will accept your \$5,000 settlement offer on behalf of you clients, Caroline and Bill McGuire. Please forward your settlement agreement to my attention. Also, please present a motion for good faith finding with regard to the settlement.

As I understand it, you have no liens on the file other than our attorney's lien.

Thank you for your cooperation.

Very truly yours,



HANS A. MAST

smq

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

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PAUL R. CICERO

JOHN W. FRANCE

RONALD A. BARCH

CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

November 18, 2013

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

**Issued For Settlement Purposes Only**

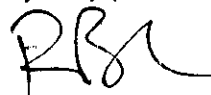
Dear Mr. Mast:

I am writing to confirm our telephone conversation earlier this morning, wherein I advised you that I was authorized to propose settlement of Mr. Dulberg's claim against Carolyn and Bill McGuire for a lump-sum total of \$5,000.00. The settlement would of course be contingent upon customary settlement documents, including a release, a good faith settlement finding and dismissal.

Pursuant to your request, I searched my file materials for lien notices. The only notice of lien contained in my file at this time is your Attorney's Lien (enclosed). I have asked my contact at Auto-Owners Insurance Company to confirm no lien notices have arrived on his end since Mr. Dulberg's case was assigned to me for the defense of Mr. and Mrs. McGuire. I do not anticipating any lien notices, but just wanted to be safe.

I understand that you intend to run my settlement proposal by Mr. Dulberg. I look forward to hearing from you once you have had a chance to confer with him.

Very truly yours,

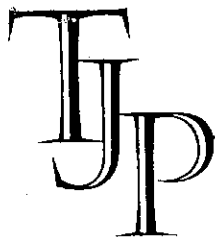


RONALD A. BARCH

RB:mj\37ltr.HAM

cc Tom Malatia (Claim No. 13-2779-11)

Encl.



The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280  
[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH

HANS A. MAST  
JOHN A. KORNAK<sup>†</sup>  
DIANA M. REITER

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

December 5, 2011

**VIA CERTIFIED MAIL:**

Auto Owners Insurance  
Tom Malatia, Adjuster  
6000 Tallgate Road, Suite D  
Elgin, IL 60123

DEC - 7 2011

RE:	Claimant:	Paul Dulberg
	Your Insured:	Caroline and Bill McGuire
	Claim No.:	13-2779-11
	DOA:	06/28/11

Dear Mr. Malatia:

Please be advised that I have been retained to represent Paul Dulberg for personal injuries he suffered in a chainsaw accident on June 28, 2011. Enclosed is our Notice of Attorney's Lien.

Please contact me to discuss this matter as soon as possible.

Very truly yours,

HANS A. MAST

smq  
Enclosure

S:\Main\DULBERG, PAUL\Letters\Letter to Auto Owners Ins def's Ins 12-5-11.wpd

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**

3416 WEST ELM STREET

MC HENRY, IL 60050

PHONE: 815-344-3797

FAX: 815-344-5280

**NOTICE OF ATTORNEY'S LIEN**

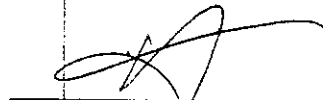
TO: Auto Owners Insurance  
Tom Malatia, Adjuster  
6000 Tallgate Road, Suite D  
Elgin, IL 60123

RE: Claimant: Paul Dulberg  
Your Insured: Caroline and Bill McGuire  
Claim No.: 13-2779-11  
DOA: 06/28/11

You are hereby notified that **PAUL DULBERG**, has placed in my hands as his attorney, for suit or collection, a claim, demand or cause of action against the Defendant in the above matter growing out of a certain accident that occurred on or about **June 28, 2011, at 1016 W. Elder Avenue, McHenry, Illinois, McHenry County** and has agreed to pay me for my services certain legal fees not exceeding one-third of whatever amount may be recovered therefrom by suit, settlement or otherwise, plus costs and that a lien is hereby made and placed upon said claim, demand or cause of action of such fee.

  
\_\_\_\_\_  
Hans A. Mast

I, Han A. Mast, an attorney, on oath state that I served this Notice by mailing a true and correct copy of the same to the party(s) listed above and depositing the same in the U.S. Mail at McHenry, Illinois before 5:00 p.m. on December 5, 2011.

  
\_\_\_\_\_  
Hans A. Mast

**LAW OFFICES OF THOMAS J. POPOVICH**

3416 West Elm Street

McHenry, IL 60050

815-344-3797

TRANSMISSION VERIFICATION REPORT

TIME : 11/18/2013 11:52  
NAME : CICERO FRANCE ET AL  
FAX : 8152267701  
TEL :  
SER.# : G9N312399

DATE, TIME	11/18 11:51
FAX NO./NAME	8153445280
DURATION	00:01:07
PAGE(S)	04
RESULT	OK
MODE	STANDARD ECM

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

**A Professional Corporation**

**Attorneys at Law**

**6323 RIVERSIDE BLVD.**

**ROCKFORD, IL 61114**

**TELEPHONE: (815) 226-7700**

**FACSIMILE: (815) 226-7701**

**FACSIMILE TRANSMISSION**

DATE: November 18, 2013 TIME: 11:45 a.m.

RECEIVING LOCATION: Law Offices of Thomas J. Popovich, PC

RECEIVER'S FACSIMILE NUMBER: 815/344-5280

ATTENTION: Attorney Hans A. Mast

FROM: RONALD A. BARCH

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 4

COMMENTS AND/OR SPECIAL INSTRUCTIONS: SEE ATTACHED

IF PROBLEMS OCCUR DURING TRANSMISSION,  
PLEASE CALL (815) 226-7700 AS SOON AS POSSIBLE.

TO THE RECIPIENT:

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

THANK YOU.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

November 4, 2013

Mr. Mike Thomas  
460 Walbeck Drive  
Twin Lakes, WI 53181

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Thomas:

Enclosed you will find a deposition subpoena and notice of deposition setting your deposition for January 17, 2014, at 1:00 p.m. in the law offices of Thomas J. Popovich, 3416 West Elm Street, McHenry, Illinois. For planning purposes, I am predicting that your deposition will last about an hour or so.

Upon receipt of this letter and the enclosed subpoena, please give me a call at 815/226-7700 to confirm that you are available for deposition on the date and at the time selected. If the date or time selected poses a schedule conflict for you, we can make an attempt to secure a date and time convenient to you, the court reporter and the attorneys involved. When you call I also want to secure an accurate phone number from you so that I have a way to communicate with you if any problems develop on your end or ours.

I look forward to hearing from you at your earliest convenience. Thank you.

Very truly yours,



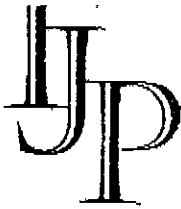
RONALD A. BARCH

RB:mj:34ltr.MT

Encl.

CC Perry Accardo  
Hans Mast  
Tom Malatia (Claim No. 13-2779-11)





The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
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MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

October 22, 2013

VIA FACSIMILE: 815/226-7701

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*  
McHenry County Case: 12 LA 178

Dear Mr. Barch:

I recently discussed this claim with my client. We are prepared to let your clients out of the case for \$7,500 at this point. Please advise how you wish to proceed.

Thank you for your cooperation.

Very truly yours,

HANS A. MAST

smq

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

November 4, 2013

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re:   *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually*   -   Case No. 12 LA 178**

Dear Clerk:

Please find enclosed a Subpoena for Discovery Deposition and Notice of Subpoenaed  
Discovery Deposition with regard to the above-captioned lawsuit. Please file said documents.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc,ltr  
encls.

## Ron Barch

---

**From:** Ron Barch  
**Sent:** Friday, October 18, 2013 1:51 PM  
**To:** 'Accardo, Perry'  
**Cc:** Chantel Bielskis; Marlene Johnson  
**Subject:** Dulberg v. McGuire and Gagnon

Perry:

From our conversation at the conclusion of Dr. Talerico's deposition last Wednesday it is my understanding that you plan to continue the discovery deposition of Dr. Ford, which is currently scheduled for Wednesday, October 23, 2013. As of the date and time of writing, however, I have not received a formal cancellation or continuance.

I will be out of the office all next week on a vacation. Accordingly, my colleague, Chantel Bielskis, is currently scheduled to cover Dr. Ford's deposition if it goes forward. Attorney Bielskis remains available for next Wednesday if you have changed your mind.

In any event, kindly confirm one way or the other whether Dr. Ford's deposition is going forward next week. Please "Reply to All" so Attorney Bielskis gets the information she needs. Thanks, and have a great weekend.

Ronald A. Barch  
Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)  
[Rb@cicerofrance.com](mailto:Rb@cicerofrance.com)

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Joseph P. Callahan  
Christine Chrobak-Wastyn  
Adam J. Coombe  
Valerie E. Davis  
Tammy S. Doran  
Martin D. Kennelly  
David Kihen  
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October 15, 2013

Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
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815 344-5280 Attention Sheila

Cicero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
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815 226-7701 Attention Marlene

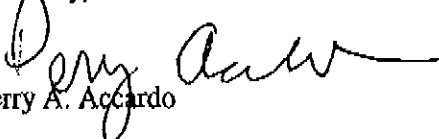
Re: Dulberg vs. Gagnon, et al.  
Court Number: 12LA000178  
Date of Loss: June 28, 2011  
Our File Number: 0245281968.1 SKO

Dear Counsel:

Please be advised that the deposition of Dr. Marcus Talerico has been confirmed for tomorrow 10/16 at 1:00 PM. The location has been changed to Mid America Orthopedics 1419 Peterson Road, Libertyville, IL 60048 and not in Schaumburg. Please call my assistant Diane at 312 558-9849 if you have any questions regarding this matter.

Thank you for your cooperation.

Sincerely,

  
Perry A. Accardo

Drp



THE LAW OFFICES OF THOMAS J. POPOVICH P.C.

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September 25, 2013



THOMAS J. POPOVICH  
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JOHN A. KORNAK

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

VIA FACSIMILE: 815/226-7701

VIA FACSIMILE: 312/558-9357

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Rockford, IL 61114

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*  
McHenry County Case: 12 LA 178

Dear Counselors:

I have tried to contact Mr. Michael Thomas, but apparently he does not want to get involved in the suit. If we have named him as a witness I am happy to withdraw him as a witness. However, if you wish to contact him yourself, you may subpoena him at his home at 406 Waldeck Drive, Twin Lakes, WI 53181.

Very truly yours,

  
HANS A. MAST

smq

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

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September 4, 2013

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

COPY

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

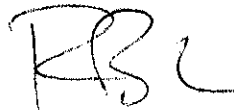
Back in early July we discussed my desire to depose Mike Thomas. You advised that you would reach out to your client for contact information on Mr. Thomas. Shortly thereafter (July 15, 2013), you issued a letter advising that you would make arrangements for Mr. Thomas' deposition. Your letter requested that I propose some open dates for his deposition.

On July 25, 2013, I sent a letter to you offering up seven dates for Mr. Thomas' deposition. Apparently none of the dates worked, as I did not hear back from you or your office.

Following the hearing on August 14, 2013, I asked your colleague (Theresa Freeman) to follow-up with you about Mr. Thomas' deposition. I am not sure if the message got to you but I did not hear from you or your office.

In any event, I remain interested in deposing Mr. Thomas. Please check with him and offer two or three deposition dates in September or October so we can get his deposition done. I look forward to hearing from you. Thank you.

Very truly yours,



RONALD A. BARCH

RB:mj33ltr.HAM

cc Tom Malatia (Claim No. 13-2779-11)  
Attorney Perry Accardo

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

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PAUL R. CICERO  
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August 15, 2013

COPY

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Accardo:

Enclosed you will find a copy of the Order that entered on August 14, 2013. Please call if you have any questions.

Very truly yours,



RONALD A. BARCH

RB:mj:31ltr.PAA  
Encl.

Perry A. Accardo  
Mary Jo Bonamino  
Joseph P. Callahan  
Christine Chrobak-Wasyly  
Adam J. Coombe  
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August 9, 2013

VIA FACSIMILE

Ronald A. Barch  
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6323 East Riverside Blvd  
Rockford, IL 61114

Hans A. Mast  
The Law Offices of Thomas J. Popovich, P.C.  
3416 W. Elm Street  
McHenry, IL 60050

Re: Dulberg vs. Gagnon, et al.  
Court Case Number: 12LA000178  
Date of Loss: June 28, 2011  
Our File Number: 0245281968.1 SKO

Dear Mr. Barch and Mr. Mast:

I am writing to inform you both that I will be unable to appear for the status hearing currently scheduled for August 14, 2013 in McHenry County as I will be out of the office on vacation.

However, I did wish to inform you that my office is working to secure dates for the discovery depositions of Dr. Apiwat Ford, Dr. Scott Sagerman, Dr. Karen Levin and Dr. Marcus Talerico.

In my absence, I have advised my secretary to work on scheduling those depositions and to inform your offices of the progress prior to the next status date.

Sincerely,

  
Perry A. Accardo





**Allstate.**  
You're in good hands.

**FAX**

**Date** Friday, August 09, 2013 5:24:12 PM Central Time

**Number of Pages** 03  
(Including Cover Sheet)

**To** Ronald Barch

**Company** \_\_\_\_\_

**Phone** \_\_\_\_\_ **Fax** 8152267701

**From** Accardo, Perry

**Department** \_\_\_\_\_

**Phone** \_\_\_\_\_ **Fax** \_\_\_\_\_

**Notes:** Dulberg v Gagnon 12 LA 178

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## **Facsimile From The Desk Of**

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July 25, 2013

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

With respect to Mike Thomas' discovery deposition, I am currently available during the afternoon of August 13, after court on August 14, the afternoon of August 15, and any time on August 20, August 21, August 22 or August 23.

Thank you for agreeing to make arrangements for Mr. Thomas to appear. I look forward to hearing back from you on a date that works for you, Mr. Thomas and Mr. Accardo.

For communication purposes, I will be out of the office 7/26 through 8/5. In my absence, feel free to have your deposition assistant work with my assistant Marlene Johnson. Hopefully we can report the deposition scheduled when we are next in court.

Very truly yours,



RONALD A. BARCH

RB:mj30ltr.HAM

cc Tom Malatia (Claim No. 13-2779-11)  
Attorney Perry Accardo

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July 25, 2013

COPY

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Accardo:

I am writing in follow-up to our chance conversation this morning in Winnebago County Courthouse. I tried to reach you this afternoon by phone to discuss the deposition issue further or to secure an email address but was unable to crack the electronic barriers and stop gap measures in place at your firm.

In any event, as I mentioned, I will be contacting Attorney Mast with some dates for the deposition of Mike Thomas. I will copy you on the letter. Hopefully we can report the deposition scheduled when we are next in court (August 14, 2013).

We also discussed medical discovery. Mr. Mast has authorized us to contact medical providers for scheduling purposes only. His only request is that we run the target depositions and dates by his "deposition assistant" (see enclosed letter). While we initially spoke about two depositions, after reviewing the medical records we may want to explore some additional depositions as well. We definitely need to do the ER doctor (Apiwat W. Ford, MD @ Northern Illinois Medical Center) and the surgeon that worked on his arm (Dr. Scott Sagerman @ Hand Surgery Associates). I think we also need to consider two other depositions (Dr. Karen Levin @ Associated Neurology and Dr. Marcus Talerico @ Mid America Hand to Shoulder). Dr. Levin did an EMG in late July 2011 which suggested no median or ulnar nerve injury. Dr. Talerico evaluated Dulberg in December 2011 and January 2012 and each time concluded there was no need for surgical intervention.

Inasmuch as I will be out of the office July 26 thru August 5, I appreciate you taking the lead on the scheduling side of things. Perhaps we can report that one or more of the doctor depositions are also scheduled when we are next in court. Please let your assistant know that Marlene can help her confirm open dates on my calendar. Thank you.

Let me know if you have any questions concerning the above. I otherwise look forward to touching base with you sometime between August 5, 2013 and the next court date.

Very truly yours,

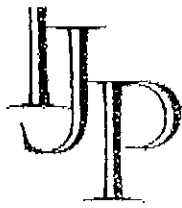
A handwritten signature in black ink, appearing to read 'RBA', with a stylized flourish at the end.

RONALD A. BARCH

RB:mj29ltr.PAA

Encl.

cc Tom Malatia (Claim No. 13-2779-11)



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THERESA M. FREEMAN

July 15, 2013

**VIA FACSIMILE: 815/226-7701**

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Mr. Barch:

Thank you for your recent correspondence. You may call the physicians you wish to depose and schedule them with the deposition assistant.

As to the witness, please advise when you are available for his deposition and I will contact my client and try to arrange the deposition through our office.

Thank you for your cooperation.

Very truly yours,

HANS A. MAST

smq

c: Perry Accardo (fax: 312/558-9357)

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KING JR. AVENUE  
WAUKEGAN, IL 60085

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**RONALD A. BARCH**

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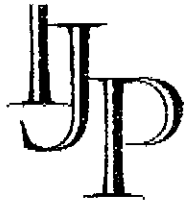
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July 15, 2013

**VIA FACSIMILE: 815/226-7701**

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Mr. Barch:

Thank you for your recent correspondence. You may call the physicians you wish to depose and schedule them with the deposition assistant.

As to the witness, please advise when you are available for his deposition and I will contact my client and try to arrange the deposition through our office.

Thank you for your cooperation.

Very truly yours,

HANS A. MAST

smq

c: Perry Accardo (fax: 312/558-9357)

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July 11, 2013

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

When we spoke by phone prior to the last status hearing I mentioned a desire to depose Mike Thomas. He is apparently an acquaintance of Mr. Dulberg's. If memory serves, you mentioned that you were trying to track down a phone and address for him as well. My clients believe he resides somewhere in Wisconsin. Please check with Mr. Dulberg and let me know if he has an address and phone for Mr. Thomas. Thank you.

As an aside, I recently called Attorney Accardo to discuss target medical discovery. As it turns out, Mr. Accardo is out of the office until July 15. Upon his return I will speak to Mr. Accardo and one of us will contact you about scheduling medical discovery. In the interim, please let me know whether your office will take the lead on scheduling the medical depositions or whether you will grant me or Attorney Accardo permission to contact Mr. Dulberg's providers for the sole purposes of scheduling.

I hope this letter finds you doing well and look forward to hearing from you at your convenience.

Very truly yours,



RONALD A. BARCH

RB:mj\26ltr.HAM

cc Tom Malatia (Claim No. 13-2779-11)  
Attorney Perry Accardo

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

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CHARLES P. ALEXANDER  
\_\_\_\_\_  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

July 11, 2013

COPY

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Accardo:

I tried to reach you by phone on Thursday, July 11, 2013, but learned from your voice mail that you would be out of the office until July 15, 2013. The reason I called was to reach a plan regarding target medical discovery. On your return, please call me to discuss the matter. I have alerted Attorney Mast that we will be submitting a list of target medical deponents so that we can get moving on Rule 213(f)(2) discovery.

I hope your time away was all you anticipated and look forward to hearing from you.  
Thank you.

Very truly yours,



RONALD A. BARCH

RB:mj\28ltr.PAA

Encl.

cc Tom Malatia (Claim No. 13-2779-11)

5/28/13

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of Steven A. Lihosit  
200 N. LaSalle Street, Suite 2550  
Chicago, IL 60601

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

I am writing to let you know that I have a schedule conflict for Wednesday, June 5, 2013. My colleague, Chantel Bielskis, will therefore be covering the status hearing.

I note that the last order entered indicates that the case is set for status on the completion of fact discovery (non-medical). I believe we have deposed all the major non-medical fact witnesses. The only lingering deposition for me is Mike Thomas. He has been disclosed as an individual that may have information about what and how Mr. Dulberg was doing following the chainsaw incident and prior to his surgery. It is my understanding that Mr. Thomas may reside in Twin Lakes, WI but I do not have an address or phone for him at this time. If either of your clients have an address and/or phone number, please advise.

With the above in mind, I am amenable to an order that closes non-medical fact discovery for all persons other than Mike Thomas (and any others you wish to include). We can then move on with medical discovery and accomplish Mr. Thomas' deposition if and when I locate him.

If you have any objections to the above, please give me a call. I am hopeful that we will have an agreement when the case is next in court.

Very truly yours,

RONALD A. BARCH

RB:mj\24ltr.OC  
CC Tom Malatia (13-2779-11)

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

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March 5, 2013

*Copy*

Attorney Hans A. Mast  
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Attorney Perry A. Accardo  
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200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

Long ago Attorney Mast filed a Motion for Protective Order wherein he expressed a desire to photograph and inspect the chainsaw involved in Mr. Dulberg's injury.

I will be bringing the chainsaw and manual to Mr. and Mrs. McGuire's depositions on March 20, 2013. Please be prepared to conduct any visual inspections you desire. I also ask that you be prepared to take any photographs you desire. The user's manual will be available for copying as well.

Please feel free to call if you have any questions concerning the above.

Very truly yours,



RONALD A. BARCH

RB:mj\23ltr.OC

CC Tom Malatia (13-2779-11)

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

March 5, 2013

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

In reviewing the medical expense summary that was used as Exhibit 2 to Mr. Dulberg's discovery deposition, I noticed that I do not have copies of bills from Moraine Emergency Physicians, McHenry Radiologists Imaging Associates, Open Advanced MRI of Round Lake or Walgreens. When you get a moment, please forward copies to me.

During his deposition Mr. Dulberg testified that he is now suffering with "Tennis Elbow" in his left arm. He claims his doctor told him the Tennis Elbow is the result of overuse due to the right arm injury. If Mr. Dulberg will be making that claim for left elbow problems at trial it would be helpful to have a medical records update on that injury.

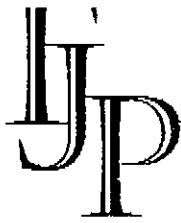
Lastly, the current Medical Expense Summary does not include any of the expenses associated with the right elbow surgery, the related PT or the Tennis Elbow treatment and evaluation. If you are in a position to do so, please furnish an updated Medical Expense Summary as well.

Very truly yours,



RONALD A. BARCH

RB:mj\21ltr.HAM  
cc Tom Malatia (Claim No. 13-2779-11)  
Attorney Perry Accardo



## The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280  
[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

February 7, 2013

VIA FACSIMILE: 312/558-9357

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*  
McHenry County Case: 12 LA 178

Dear Mr. Accardo:

Please be advised that you were served with Interrogatories and Production Requests on October 30, 2012. To date we have not received your answers to the above-referenced discovery. Please respond without further delay.

Very truly yours,



HANS A. MAST

smq  
Enclosure

c: Ronald A. Barch (fax: 815/226-7701)

S:\Mast\DUJBERG, PAUL\Letter\Letter to Atty Accardo re disc 2-6-13.wpd

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

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ROCKFORD, ILLINOIS 61114

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CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700  
FAX: (815) 226-7701

January 30, 2013

Clerk of the Circuit Court  
McHenry County Courthouse  
2200 North Seminary Avenue  
Woodstock, IL 60098

COPY

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Clerk:

On January 30, 2013, Judge Thomas A. Meyer granted Defendants Bill and Carolyn McGuire leave to file an Amended Answer and Affirmative Defense. Judge Meyer also granted the McGuires leave to file a Cross-Claim for Contribution against Co-Defendant David Gagnon.

With the above in mind, I am enclosing an executed original Amended Answer and Affirmative Defense for filing. You will also find a copy of the Amended Answer. Please file-stamp the copy and return it to me in the self-addressed, stamped return envelope.

Enclosed herewith for filing you will also find an executed original Cross-Claim for Contribution along with a check for the \$105.00 filing fee. A copy of the Cross-Claim is also enclosed. Please file-stamp the copy and return it to me in the self-addressed, stamped return envelope.

Please do not hesitate to call if you have any questions concerning the above or the enclosed. I otherwise appreciated your assistance.

Very truly yours,



RONALD A. BARCH

RB:mj/mce.ltr  
Encl.  
CC Tom Malatia (Claim No. 13-2779-11)



**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

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Attorneys at Law  
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PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

January 25, 2013

*COPY*

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

Pursuant to Carolyn and Bill McGuire's duty to seasonably update prior discovery responses, I enclose herewith copies of records received in response to the records subpoena issued to AMS Screw.

Very truly yours,



RONALD A. BARCH

RB:mj\18ltr.OC  
Encl.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

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TEL: (815) 226-7700

FAX: (815) 226-7701

January 25, 2013

Clerk of the Circuit Court  
McHenry County Courthouse  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Clerk:

Please find enclosed a Notice of Motion and Defendants' Motion to Compel for filing in connection with the above-captioned lawsuit for filing. The case is already scheduled for a status hearing before Judge Thomas A. Meyer on January 30, 2013, at 9:00 a.m. Thank you for your assistance.

Very truly yours,



RONALD A. BARCH

RB:mj\mcc.ltr  
Encl.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

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January 25, 2013

Clerk of the Circuit Court  
McHenry County Courthouse  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Clerk:

Please find enclosed a Notice of Motion and Defendants' Motion for Leave to File Cross-Claim Against Defendant David Gagnon for filing in connection with the above-captioned matter. The case is already scheduled for a status hearing before Judge Thomas A. Meyer on January 30, 2013, at 9:00 a.m. Thank you for your assistance.

Very truly yours,



RONALD A. BARCH

RB:mj/mcc.ltr  
Encl.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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January 25, 2013

Clerk of the Circuit Court  
McHenry County Courthouse  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Clerk:

Please find enclosed a Notice of Motion and Defendants' Motion for Leave to File Amended Answer and Affirmative Defense in connection with the above-captioned matter. The case is already scheduled for a status hearing before Judge Thomas A. Meyer on January 30, 2013, at 9:00 a.m. Thank you for your assistance.

Very truly yours,



RONALD A. BARCH

RB:mj/mcc.ltr  
Encl.

## Ron Barch

---

**From:** Ron Barch  
**Sent:** Thursday, January 24, 2013 10:54 AM  
**To:** 'karen@artmaterialsservice.com'  
**Subject:** Paul Dulberg Subpoena (Follow-up)  
**Attachments:** subltr.records.ams.screw.products.docx; subnot.records.ams.screw.products.docx; subpoena.records.AMS.screw.products.docx

Karen:

Please attach the subpoena response we discussed today regarding Paul Dulberg. The Word versions of the subpoena and letter are attached. We last spoke on this matter back in October. I do not have a record of ever receiving a response. Perhaps you sent one in response to Attorney Accardo's subpoena, but I did not receive a response to my subpoena. Thanks for the help.

Ronald A. Barch  
Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)  
[Rb@cicerofrance.com](mailto:Rb@cicerofrance.com)

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Circular 230 Disclosure: Any advice contained in this email (including any attachments), unless expressly stated otherwise, is not intended or written to be used, and cannot be used, for purpose of avoiding tax penalties that may be imposed upon any taxpayer.

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

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Attorneys at Law

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ANDREW T. SMITH

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FAX: (815) 226-7701

January 24, 2013

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**VIA HAND-DELIVERY on January 24, 2013.**

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

Pursuant to Carolyn and Bill McGuire's duty to seasonably update prior discovery responses, I enclose herewith copies of records received in response to subpoenas issued to the following entities/providers:

- a. Mid America Hand to Shoulder Clinic;
- b. Mid America Orthopedics.

I still have not received a response from either Dr. Sek or AMS Screw.

Very truly yours,



RONALD A. BARCH

RB:mj\17ltr.OC

Encl.

cc Tom Malatia (Claim No. 13-2779-11)

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

A Professional Corporation  
Attorneys at Law  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

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CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700  
FAX: (815) 226-7701

January 15, 2013

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050  
(also via fax)

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092  
(also via fax)

**Re:           *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire***  
**(McHenry County Case No. 12 LA 178)**

Dear Counsel:

Per phone conversations and faxed correspondence with Attorney Mast's assistant, Sheila, on today's date, I am enclosing an amended deposition notice for Paul Dulberg for January 24, 2013, at 12:00 noon, to be taken in Attorney Mast's office. Also per our phone conversation, I am providing the following dates that I am presently available to take the defendants' depositions:

January 29, 2013  
January 30, 2013  
February 1, 2013  
February 4, 2013  
February 5, 2013  
February 6, 2013

February 7, 2013  
February 8, 2013  
February 11, 2013  
February 12, 2013  
February 14, 2013

My calendar fills up quickly as I am sure yours does. I would, therefore, ask that you let me know as soon as possible which dates work for you so that we can get the defendants' depositions scheduled on a date certain.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

  
RONALD A. BARCH

RB:mj\16ltr.cc\encl  
cc: Tom Malatia (Claim No. 13-2779-11)  
Bill and Carolyn McGuire

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

**A Professional Corporation  
Attorneys at Law**

**6323 RIVERSIDE BLVD.  
ROCKFORD, IL 61114  
TELEPHONE: (815) 226-7700  
FACSIMILE: (815) 226-7701**

**FACSIMILE TRANSMISSION**

DATE: January 15, 2013

TIME: 5:05 PM

RECEIVING LOCATION:

Attorney Hans A. Mast  
815/344-5280

Attorney Perry A. Accardo  
312/558-9357

FROM:

RONALD A. BARCH

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 3

COMMENTS AND/OR SPECIAL INSTRUCTIONS: **The original with enclosures will follow by regular U.S. mail.**

**IF PROBLEMS OCCUR DURING TRANSMISSION,  
PLEASE CALL (815) 226-7700 AS SOON AS POSSIBLE.**

TO THE RECIPIENT:

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

THANK YOU.



TRANSMISSION VERIFICATION REPORT

TIME : 01/15/2013 17:26  
NAME : CICERO FRANCE ET AL  
FAX : 8152267701  
TEL :  
SER.# : G9N312399

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

01/15 17:25  
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00:00:49  
03  
OK  
STANDARD  
ECM

TRANSMISSION VERIFICATION REPORT

TIME : 01/15/2013 17:13  
NAME : CICERO FRANCE ET AL  
FAX : 8152267701  
TEL :  
SER.# : G9N312399

DATE, TIME	01/15 17:12
FAX NO./NAME	8153445280
DURATION	00:00:59
PAGE(S)	03
RESULT	OK
MODE	STANDARD

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

A Professional Corporation  
Attorneys at Law  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER

TEL: (815) 226-7700  
FAX: (815) 226-7701

January 15, 2013

CHANTEL R. BIELSKIS  
ANDREW T. SMITH

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050  
(also via fax)

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092  
(also via fax)

**Re: Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire  
(McHenry County Case No. 12 LA 178)**

Dear Counsel:

Per phone conversations and faxed correspondence with Attorney Mast's assistant, Sheila, on today's date, I am enclosing an amended deposition notice for Paul Dulberg for January 24, 2013, at 12:00 noon, to be taken in Attorney Mast's office. Also per our phone conversation, I am providing the following dates that I am presently available to take the defendants' depositions:

~~January 29, 2013~~  
January 30, 2013 ○  
February 1, 2013 ○  
February 4, 2013 ○  
February 5, 2013 ○  
February 6, 2013 ○

February 7, 2013 ○  
February 8, 2013 ○  
February 11, 2013 ○  
February 12, 2013 ○  
February 14, 2013 ○

My calendar fills up quickly as I am sure yours does. I would, therefore, ask that you let me know as soon as possible which dates work for you so that we can get the defendants' depositions scheduled on a date certain.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj\16ltr.oo\encl

cc: Tom Malatia (Claim No. 13-2779-11)  
Bill and Carolyn McGuire

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

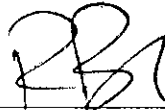
Case No. 12 LA 178

**AMENDED NOTICE OF  
DISCOVERY DEPOSITION**

TO: Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

On **January 24, 2013, at 12:00 noon**, at the Law Offices of Thomas J. Popovich, 3416 West Elm Street, McHenry, Illinois, the discovery deposition of **PAUL DULBERG** will be taken before a certified court reporter on oral interrogatories for discovery in this case.

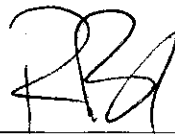


RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700 fax: 226-7701

**CERTIFICATE OF SERVICE**

I certify that on January 15, 2013, I served this notice by mailing a copy to each person to whom it is directed.



cc: Deb Fisher Reporting

depn02.plf (mj)

January 15, 2013

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re:   *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually*   -   Case No. 12 LA 178**

Dear Clerk:

Please find enclosed an Amended Notice of Discovery Deposition with regard to the above-captioned lawsuit. Please file said document.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc.ltr  
encl.



# The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
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[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

January 15, 2013

VIA FACSIMILE: 815/226-7701

VIA FACSIMILE: 312/558-9357

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

RE: ***Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Counselors:

Please be advised that we would like to produce my client for his deposition on January 24, 2013 at 12:00 p.m. at my office in McHenry. Please contact my assistant, Sheila ([squinlan@popovichlaw.com](mailto:squinlan@popovichlaw.com)) to go over new dates for defendants' depositions in the above-referenced matter.

Thank you for your cooperation.

Very truly yours,



HANS A. MAST

smq

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation  
Attorneys at Law  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

November 20, 2012

TEL: (815) 226-7700  
FAX: (815) 226-7701

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

Per Attorney Mast's invitation, I am enclosing a deposition notice for Paul Dulberg (1:30 p.m. on December 27, 2012, at Attorney Mast's Office). This letter will further confirm that Mr. and Mrs. McGuire are available for deposition on Thursday, January 24, 2013 at 12:00 noon and 1:00 p.m., respectively. I will present them in Mr. Mast's office as well.

Please call if you have any questions. I otherwise wish you both a Happy Thanksgiving.

Very truly yours,



RONALD A. BARCH

RB:mj\15ltr.OC

Encl.

cc Tom Malatia (Claim No. 13-2779-11)  
Bill and Carolyn McGuire

November 20, 2012

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re:   *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually*   -   Case No. 12 LA 178**

Dear Clerk:

Please find enclosed a Notice of Discovery Deposition with regard to the above-captioned lawsuit. Please file said document.

Thank you for your assistance.

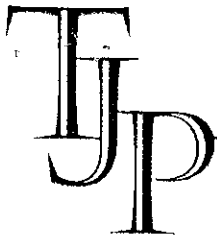
Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc.ltr  
encl.

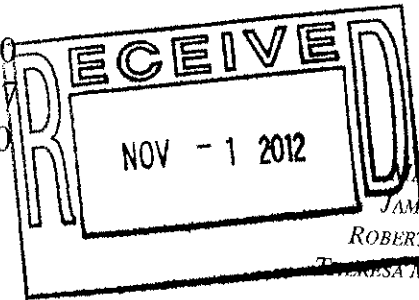




The Law Offices of Thomas J. Popovich P.C.

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TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280  
[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK



October 30, 2012

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**RE: Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire**  
**McHenry County Case: 12 LA 178**

Dear Mr. Accardo:

Enclosed please find an executed Authorization signed by my client. Please forward any copies that you receive pursuant to this Authorization to my attention and I will be happy to reimburse you for the copy charges. Thank you.

Very truly yours,

**COPY**

HANS A. MAST

smq  
Enclosure

c: Ronald A. Barch ✓

AUTHORIZATION TO FURNISH MEDICAL/EMPLOYMENT INFORMATION

I authorize

D Associates Neurology, 1900 Hollister Drive Suite 250  
Libertyville, IL 60048

D McHenry Radiologists Imaging Associates, P.O. Box 220,  
McHenry, IL 60051

D Moraine Emergency Physicians, P.O. Box 8759,  
Philadelphia, PA 19101-8759

D Northern Illinois Medical Center, 4201 Medical Center Drive,  
McHenry, IL 60050 (815) 344-5000

D Open Advanced MRI of Round Lake, 720 Rollins Road  
Round Lake Beach, IL 60073

D Mid America Hand to Shoulder, Dr. Marcus Talerico 1419  
Peterson Road Libertyville, IL 60048

D Fox Lake Dynamic Hand Therapy 498 S US Highway 12#C  
Fox Lake, IL 60020

D Sek, 4601 W Rt 120 McHenry, IL

D Hand Surgery Associates and Dr. Sagerman/Biafora 5151 W  
Algonquin Rd Suite 120 Arlington Heights, IL 6005

E AMS Screw Products High View Spring Grove, IL

to furnish medical/employment information to The Law Office of M. Gerard Gregoire or its agent Compex. Pursuant to the Health Insurance Portability and Accountability Act (H.I.P.A.A.). My understanding of this authorization is as follows:

INFORMATION TO BE FURNISHED

The Law Office of M. Gerard Gregoire may request information related to my injury on 06/28/2011, including information related to diagnoses, treatment records, bills and assessments of my current and expected physical condition. Additionally, The Law Office of M. Gerard Gregoire may request my medical history as it relates to this injury. This information may include but is not limited to historical medical records, past physical condition, diagnoses, and treatment records and bills. I further understand and consent that the released medical records may contain information on the following: HIV/AIDS related records; Mental Health information; Genetic testing information; and Drug/alcohol diagnosis, treatment or referral information. The Law Office of M. Gerard Gregoire may either review or photocopy this information.

SOURCES OF INFORMATION

The Law Office of M. Gerard Gregoire may contact any physician, surgeon, dentist, hospital, rehabilitation/convalescent/custodial facility, ambulance owner, nurse, or insurance company, and provide them with a copy of this authorization in order to obtain the necessary information.

**USE OF PROVIDED INFORMATION**

The Law Office of M. Gerard Gregoire and its representatives will use this information solely for litigation. In some instances, The Law Office of M. Gerard Gregoire may also furnish the information to professional organizations whose purpose is to detect and deter insurance fraud. We may furnish it to other insurance companies to whom a claim has or may be submitted. We may disclose copies of the bills to third parties as needed to seek reimbursement or repayment of benefits paid under the policy. I further understand that the information shall be either destroyed or returned to the provider at the end of litigation.

**TIME PERIOD OF THIS AUTHORIZATION**

I understand that this authorization will remain valid until the claim is legally concluded. I also understand that I can revoke this authorization at any time by notifying The Law Office of M. Gerard Gregoire in writing.

**COPIES OF THIS AUTHORIZATION**

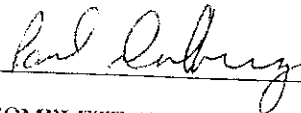
I can request a copy of this signed authorization at any time from The Law Office of M. Gerard Gregoire.

**THIS IS NOT A RELEASE OF MY CLAIM.** I understand that it is my decision whether or not to sign this form. I understand that the evaluation of my claim is based on the information available to The Law Office of M. Gerard Gregoire. I understand that signing this form does not mean I have settled my claim.

I understand that if the person or entity that receives the information is not a health care provider or health plan covered by the federal privacy regulations the information described above may be re-disclosed and no longer protected by these regulations.

Paul Dulberg  
4606 Hayden Ct., McHenry IL 60050  
323-76-4901  
03/19/1970

Signature



Date

10/29/12

PLEASE COMPLETE AND RETURN THIS FORM TO The Law Office of M. Gerard Gregoire, 200 N LaSalle St Ste 2650, Chicago, IL 60601-1092

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS  
ANDREW T. SMITH

October 24, 2012

TEL: (815) 226-7700

FAX: (815) 226-7701

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

Pursuant to Carolyn and Bill McGuire's duty to seasonably update prior discovery responses, I enclose herewith copies of records received in response to subpoenas issued to the following entities/providers:

- a. Centegra Northern Illinois Medical Center;
- b. Associated Neurology, SC.

I have yet to receive any responses to subpoenas issued to Dr. Frank Sek, MidAmerica Hand to Shoulder Clinic, MidAmerica Orthopaedics and AMS Screw Products. I will of course supplement upon receipt of any additional records.

On an additional note, I have written once and called Attorney Accardo twice regarding his Notice of Deposition scheduling David Gagnon for October 31, 2012 at 1:00 p.m. Since Mr. Gagnon is Attorney Accardo's client, I am assuming that the deposition notice contains a misnomer and that he actually intends to depose Paul Dulberg on October 31, 2012 at 1:00 p.m. It would be helpful, however, if one of you would confirm the identity of the deponent scheduled for October 31, 2012, at 1:00 p.m. I remain available to do the deposition of either Paul Dulberg or David Gagnon on that date and at that time.

Regarding Carolyn and Bill McGuire, I reiterate that I am not available on November 29, 2012 as I am already committed to depositions in a different case. I therefore will not be producing either of my clients for deposition on November 29, 2012. This letter will further confirm, however, that I am in a position to produce Mr. and Mrs. McGuire on November 26, a date already selected by Mr. Mast for the deposition of Mr. Gagnon.

I look forward to clarification on the deposition scheduled for October 31 and also look forward to hearing from both of you regarding the potential for the depositions of Mr. and Mrs. McGuire on November 26. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to be 'RAB' with a stylized flourish at the end.

RONALD A. BARCH

RB:mj\14ltr.OC

cc Tom Malatia (Claim No. 13-2779-11)

**CICERO, RANCE, BARCH & ALEXANDER, P.C.**

**A Professional Corporation  
Attorneys at Law**

**6323 RIVERSIDE BLVD.  
ROCKFORD, IL 61114  
TELEPHONE: (815) 226-7700  
FACSIMILE: (815) 226-7701**

**FACSIMILE TRANSMISSION**

**DATE:** October 24, 2012

**TIME:**

**RECEIVING LOCATION:**

Attorney Hans A. Mast  
815/344-5280

Attorney Perry A. Accardo  
312/558-9357

**FROM:**

**RONALD A. BARCH**

**TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 3**

**COMMENTS AND/OR SPECIAL INSTRUCTIONS: The original with enclosures will follow by regular U.S. mail.**

**IF PROBLEMS OCCUR DURING TRANSMISSION,  
PLEASE CALL (815) 226-7700 AS SOON AS POSSIBLE.**

**TO THE RECIPIENT:**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

**THANK YOU.**

TRANSMISSION VERIFICATION REPORT

TIME : 10/24/2012 09:29  
NAME : CICERO FRANCE ET AL  
FAX : 8152267701  
TEL :  
SER.# : G9N312399

DATE, TIME	10/24 09:29
FAX NO./NAME	8153445280
DURATION	00:00:55
PAGE(S)	03
RESULT	OK
MODE	STANDARD

TRANSMISSION VERIFICATION REPORT

TIME : 10/24/2012 09:31  
NAME : CICERO FRANCE ET AL  
FAX : 8152267701  
TEL :  
SER.# : G9N312399

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

10/24 09:30  
13125589357  
00:00:46  
03  
OK  
STANDARD  
ECM



CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS  
ANDREW T. SMITH

October 24, 2012

TEL: (815) 226-7700  
FAX: (815) 226-7701

Release of Information/Medical Records Custodian  
c/o MidAmerica Hand to Shoulder Clinic  
1419 Peterson Road  
Libertyville, IL 60048

COPY

Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire*  
McHenry County Case No. 12 LA 178  
Records of: Paul Dulberg (B/D: 3/19/70)

Dear Medical Records Custodian:

On September 4, 2012, I issued a medical records request to your facility seeking a complete set of medical records and itemized statements for the above-referenced patient (see enclosed). To date, however, our office has no record of receiving a response to the records request. Kindly forward copies of Mr. Duberg's medical records and itemized statements at your earliest convenience. Thank you.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/subltr.records.MAHSC.002  
encls.

cc: Attorney Hans A. Mast  
Attorney Perry Accardo

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

Release of Information/Medical Records Custodian  
c/o MidAmerica Hand to Shoulder Clinic  
1419 Peterson Road  
Libertyville, IL 60048

Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire*  
McHenry County Case No. 12 LA 178  
Records of: Paul Dulberg (B/D: 3/19/70)

Dear Medical Records Custodian:

Enclosed with this letter is a Subpoena for Deposition, a HIPAA Records Release Authorization and a check in the amount of \$20.00, the legal witness fee.

Please be advised that your appearance on the date indicated is not necessary. You may comply with the subpoena by mailing legible copies of all medical records, medical statements for services and medical reports of Paul Dulberg for the dates requested in the subpoena, in your possession or subject to your control.

Please note that we represent Carolyn McGuire and Bill McGuire in this case and not your patient. Since we do not represent the patient, we cannot discuss the substance of your care or the pending lawsuit with you outside the presence of your patient's attorney. If you have questions about how to comply with the subpoena, you may call my secretary, but neither she nor I can talk to you about any aspect of the lawsuit or the patient's medical treatment. Thank you in advance for your professional cooperation.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc: Attorney Hans A. Mast

OFFICIAL SEAL  
MARLENE M JOHNSON  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES: 09/29/13

### HIPAA RECORDS RELEASE AUTHORIZATION

I, the undersigned, hereby authorize and allow release of medical and personal health information and records pertaining to Plaintiff, PAUL DULBERG (DOB: March 19, 1970), to the parties, and attorneys for those parties, in the action that has been filed entitled *Paul Dulberg, Plaintiff, v. David Gagnon, individually and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, individually, Defendants*, Case No. 12 LA 178, in the Circuit Court of the 122nd Judicial Circuit, McHenry County, Illinois ("the litigation").

I understand that the information that can be obtained by presentation of this Authorization includes copies of any and all hospital, clinic or doctor's records, notes, memoranda, pathology, radiology, surgical or other specialists or consultant reports, lab or test results, physical therapy records, inpatient and outpatient records, index cards, patient information or history sheets, prescription information, correspondence, billing and payment records, insurance information, photographs and all other related information and documents concerning this patient.

This Authorization may be used by my attorney to obtain any of the above information. This Authorization may also be used by any party to this litigation, to obtain any of the above information; however, this Authorization can only be used by other parties if accompanied by a valid subpoena or production request for those records with notice of that subpoena or production request to my attorney.

I understand that this Authorization may be used to obtain records of any health care provider or health insurer that may have medical information about me.

I understand that this Authorization is being provided for purposes of the litigation. The records and information obtained by use of this Authorization may be used in that litigation by the parties, including providing this material to experts or consultants, use of it at depositions and other discovery, as well as filing such records in court with pleadings or discovery documents.

This Authorization, unless otherwise revoked, shall be valid during the course of this litigation and until its resolution.

I understand that I may revoke this Authorization by instructing my attorney to advise all parties in writing that this Authorization is revoked.

By accepting and honoring this Authorization, any entity covered by the Health Insurance Portability and Accounting Act (hereinafter referred to as "HIPAA") agrees that the disclosure of the information will have no effect on my ability or inability to receive treatment, payment, enrollment or benefits from the entity providing the records.

I understand that by signing this Authorization otherwise protected health information about me may be disclosed by the parties that receive it and that those parties are not restricted by HIPAA or its regulation as to how they may disclose the information that is provided pursuant to this Authorization.

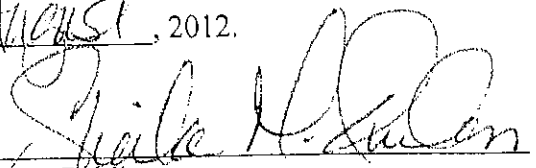
I understand that a photocopy of this Authorization shall have the same force and effect as the original.

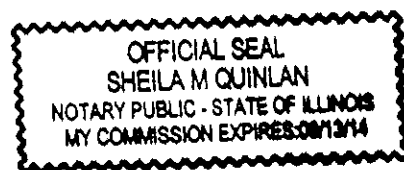
It is my earnest desire to move forward with the prosecution of the lawsuit as expeditiously as possible and I do not want to have to sign multiple authorizations as additional medical providers to myself are identified. Therefore, I specifically request that all of my medical providers honor this authorization, even though they are not specifically identified herein.

  
PAUL DULBERG, Plaintiff

Dated this 20<sup>th</sup> day of August, 2012.

Subscribed and sworn to before me this 20<sup>th</sup> day of August, 2012.

  
Notary Public



CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

JOHN W. FRANCE

RONALD A. BARCH

CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

October 24, 2012

TEL: (815) 226-7700

FAX: (815) 226-7701

COPY

Release of Information/Medical Records Custodian

c/o Dr. Frank Sek

4606 West Elm Street

McHenry, IL 60050

**Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire***  
**McHenry County Case No. 12 LA 178**  
**Records of: Paul Dulberg (B/D: 3/19/70)**

Dear Medical Records Custodian:

On September 4, 2012, I issued a medical records request to your facility seeking a complete set of medical records and itemized statements for the above-referenced patient (see enclosed). To date, however, our office has no record of receiving a response to the records request. Kindly forward copies of Mr. Dulberg's medical records and itemized statements at your earliest convenience. Thank you.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/subltr.records.Dr.Sek.002

encls.

cc: Attorney Hans A. Mast  
Attorney Perry Accardo

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

Release of Information/Medical Records Custodian  
c/o Dr. Frank Sek  
4606 West Elm Street  
McHenry, IL 60050

Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire*  
McHenry County Case No. 12 LA 178  
Records of: Paul Dulberg (B/D: 3/19/70)

Dear Medical Records Custodian:


Enclosed with this letter is a Subpoena for Deposition, a HIPAA Records Release Authorization and a check in the amount of \$20.00, the legal witness fee.

Please be advised that your appearance on the date indicated is not necessary. You may comply with the subpoena by mailing legible copies of all medical records, medical statements for services and medical reports of Paul Dulberg for the dates requested in the subpoena, in your possession or subject to your control.

Please note that we represent Carolyn McGuire and Bill McGuire in this case and not your patient. Since we do not represent the patient, we cannot discuss the substance of your care or the pending lawsuit with you outside the presence of your patient's attorney. If you have questions about how to comply with the subpoena, you may call my secretary, but neither she nor I can talk to you about any aspect of the lawsuit or the patient's medical treatment. Thank you in advance for your professional cooperation.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc: Attorney Hans A. Mast

MAILED  
MAR 10 1964  
MAR. 10 1964  
PUBLIC STATE OF ILLINOIS  
COMMISSION EXPIRES: 09/29/13



### HIPAA RECORDS RELEASE AUTHORIZATION

I, the undersigned, hereby authorize and allow release of medical and personal health information and records pertaining to Plaintiff, PAUL DULBERG (DOB: March 19, 1970), to the parties, and attorneys for those parties, in the action that has been filed entitled *Paul Dulberg, Plaintiff, v. David Gagnon, individually and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, individually, Defendants*, Case No. 12 LA 178, in the Circuit Court of the 122nd Judicial Circuit, McHenry County, Illinois ("the litigation").

I understand that the information that can be obtained by presentation of this Authorization includes copies of any and all hospital, clinic or doctor's records, notes, memoranda, pathology, radiology, surgical or other specialists or consultant reports, lab or test results, physical therapy records, inpatient and outpatient records, index cards, patient information or history sheets, prescription information, correspondence, billing and payment records, insurance information, photographs and all other related information and documents concerning this patient.

This Authorization may be used by my attorney to obtain any of the above information. This Authorization may also be used by any party to this litigation, to obtain any of the above information; however, this Authorization can only be used by other parties if accompanied by a valid subpoena or production request for those records with notice of that subpoena or production request to my attorney.

I understand that this Authorization may be used to obtain records of any health care provider or health insurer that may have medical information about me.

I understand that this Authorization is being provided for purposes of the litigation. The records and information obtained by use of this Authorization may be used in that litigation by the parties, including providing this material to experts or consultants, use of it at depositions and other discovery, as well as filing such records in court with pleadings or discovery documents.

This Authorization, unless otherwise revoked, shall be valid during the course of this litigation and until its resolution.

I understand that I may revoke this Authorization by instructing my attorney to advise all parties in writing that this Authorization is revoked.

By accepting and honoring this Authorization, any entity covered by the Health Insurance Portability and Accounting Act (hereinafter referred to as "HIPAA") agrees that the disclosure of the information will have no effect on my ability or inability to receive treatment, payment, enrollment or benefits from the entity providing the records.

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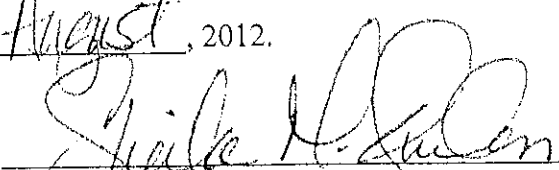
I understand that a photocopy of this Authorization shall have the same force and effect as the original.

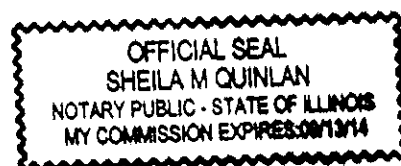
It is my earnest desire to move forward with the prosecution of the lawsuit as expeditiously as possible and I do not want to have to sign multiple authorizations as additional medical providers to myself are identified. Therefore, I specifically request that all of my medical providers honor this authorization, even though they are not specifically identified herein.

  
PAUL DULBERG, Plaintiff

Dated this 20<sup>th</sup> day of August, 2012.

Subscribed and sworn to before me this 20<sup>th</sup> day of August, 2012.

  
Notary Public



**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

A Professional Corporation  
Attorneys at Law  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
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CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700  
FAX: (815) 226-7701

October 8, 2012

COPY

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

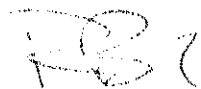
Dear Mr. Accardo:

In follow-up to my letter of September 27, 2012, I enclose a copy of Mr. McGuire's sworn and notarized answers to Defendant Gagnon's written interrogatories.

As an aside, I am still waiting to hear from you regarding a new date for the depositions of Bill McGuire and Carolyn McGuire. As I indicated, I cannot do their depositions on the date you unilaterally selected (November 26, 2012). However, I remain open on November 26, November 27 and November 28.

I note that Mr. Mast has issued a noticed scheduling Mr. Gagnon's deposition for Monday, November 26, 2012 (no time set). For economy purposes, I propose that we conduct the depositions of David Gagnon, Bill McGuire and Carolyn McGuire on November 26, 2012. I remain available for Mr. Dulberg's deposition on October 31, 2012, as previously noticed by you.

Very truly yours,

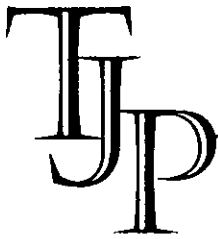


RONALD A. BARCH

RB:mj\12ltr.PAA

Encl.

cc Tom Malatia (Claim No. 13-2779-11)  
Attorney Hans A. Mast



The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
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THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

October 4, 2012

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Mr. Barch:

Pursuant to your subpoena for records from AMS Screw Products, please send me copies of what you receive pursuant to this subpoena and I would be happy to reimburse you for the duplication fee.

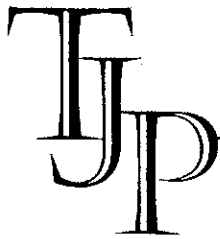
Very truly yours,

  
HANS A. MAST

smq

S:\Main\DULBERG, PAUL\Letters\Letter to Atty Barch 10-4-12.vpd

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

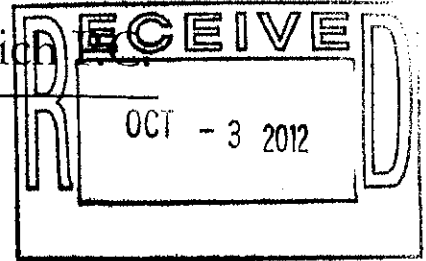


The Law Offices of Thomas J. Popovich

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[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK<sup>\*</sup>  
DIANA M. REITER



MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

October 1, 2012

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Mr. Accardo:

Please find enclosed the Plaintiffs' previously filed discovery responses from the Plaintiff in the above-referenced matter.

If you have any questions, please feel free to call.

Very truly yours,

**COPY**  
HANS A. MAST

smq  
Enclosures

c: Ronald A. Barch

S:\Main\DULBERG, PAUL\Letters\Letter to Atty Accardo re disc 9-27-12.wpd

<sup>\*</sup>Also Licensed in Wisconsin

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

October 3, 2012

Personnel Records Keeper  
c/o AMS Screw Products  
2418 Highview  
Spring Grove, IL 60081

**Re:   *Paul Dulberg v. Carolyn McGuire and Bill McGuire***  
**McHenry County Case No. 12 LA 178**  
**Personnel Records of: Paul Dulberg (B/D: 3/19/70)**

Dear Medical Records Custodian:

Enclosed with this letter is a Subpoena for Deposition and a check in the amount of \$20.00, the legal witness fee.

Please be advised that your appearance on the date indicated is **not** necessary. You may comply with the subpoena by mailing legible copies of the complete personnel record file of Paul Dulberg, as specified in the subpoena, in your possession or subject to your control.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/subltr.records.ams.screw  
encls.

cc:   Attorney Hans A. Mast  
      Attorney Perry A. Accardo

October 3, 2012

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re:   *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually*   -   Case No. 12 LA 178**

Dear Clerk:

Please find enclosed a Notice of Deposition (for Records Only) and Subpoena for Deposition (for Records Only) with regard to the above-captioned lawsuit. Please file said documents.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc,ltr  
encls.

October 3, 2012

Personnel Records Keeper  
c/o AMS Screw Products  
2418 Highview  
Spring Grove, IL 60081

**Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire***  
**McHenry County Case No. 12 LA 178**  
**Personnel Records of: Paul Dulberg (B/D: 3/19/70)**

Dear Medical Records Custodian:

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Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/subltr,records,ams.screw

encls.

cc: Attorney Hans A. Mast



September 28, 2012

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re:   *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually*   -   Case No. 12 LA 178**

Dear Clerk:

Please find enclosed two Notices of Serving Discovery with regard to the above-captioned lawsuit. Please file said documents.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc.ltr  
encls.

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

A Professional Corporation  
Attorneys at Law  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700  
FAX: (815) 226-7701

September 27, 2012

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

Plaintiff's production response included twelve (12) photocopies of photographs depicting Mr. Dulberg and his arm. I need to supply color copies of the photographs to McGuire's insurance carrier. Accordingly, please provide me with color copies of all twelve (12) photographs at your earliest convenience. Alternatively, e-mail the twelve (12) photographs to me at [Rb@cicerofrance.com](mailto:Rb@cicerofrance.com). I can print the photos on my end with a color copier.

Give me a call if you have any questions concerning this request. I otherwise look forward to receiving the color copies at your earliest convenience.

Very truly yours,



RONALD A. BARCH

RB:mj\10ltr.HAM

cc Tom Malatia (Claim No. 13-2779-11)

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

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September 27, 2012

TEL: (815) 226-7700

FAX: (815) 226-7701

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

COPY

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Accardo:

**Written Discovery**

Enclosed herewith you will find my clients' response to Mr. Gagnon's written discovery. I note that the interrogatory response is in need of Mr. McGuire's sworn signature. I anticipate having that to you in short order. I do not anticipate changes in the interrogatory answers as Mr. McGuire has already answered interrogatories issued by Plaintiff.

Enclosed herewith you will also find written discovery for response by Mr. Gagnon. Please let me know if you have any questions regarding same.

**Deposition Notices**


This letter will confirm receipt of your deposition notices: Wednesday, October 31, 2012 at 1:00 p.m. for David Gagnon and Thursday, November 29, 2012 at 1:00 p.m. for Carolyn and Bill McGuire.

Since David Gagnon is your client, I am assuming the notice contains a misnomer and that you really intend to depose Paul Dulberg on October 31, 2012. That date works for me. I can do Mr. Dulberg's deposition that day. Perhaps we can do Mr. Gagnon's deposition that day as well. If we are going to do both, I am proposing that we begin Mr. Dulberg at Noon and Mr. Gagnon at 3:00 p.m. (or immediately following Mr. Dulberg's deposition).

I have no quarrel presenting Mr. and Mrs. McGuire for deposition, but I cannot do that on November 29, as I already have depositions set. I have not cleared the dates with my clients yet, but I am open on November 26, November 27 and November 28.

Please let me know if you are amenable to the deposition schedule above and, if so, your date preference for Mr. and Mrs. McGuire's deposition. By way of carbon copy, I ask Attorney Mast to relate his position on the deposition schedule proposed above. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to be 'RAB' with a stylized flourish at the end.

RONALD A. BARCH

RB:mj08ltr.PAA

Encl.

cc Tom Malatia (Claim No. 13-2779-11)  
Attorney Hans A. Mast



# The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
MCHENRY, ILLINOIS 60050  
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THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK\*  
DIANA M. REITER

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

September 21, 2012

**VIA FACSIMILE: 815/226-7701**

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Mr. Barch:

Please find enclosed the court order entered in the above-reference matter by Judge Meyer.

Very truly yours,

**HANS A. MAST**

smq  
Enclosure

E:\Mail\DULBERG, PAUL\Letters\Letter to Abby Barch re Order 9-21-12.wpd



ASSOCIATED NEUROLOGY, S.C.

MITCHELL S. GROBMAN, M.D.  
KAREN F. LEVIN, M.D.

September 7, 2012

Cicero, France, Barch & Alexander, PC  
6323 E Riverside Boulevard  
Rockford IL 61114  
Attn: Ronald Barch

RE: Dulberg, Paul  
DOB: 3/19/1970  
McHenry County Case #: 12 LA 178

To Whom It May Concern:

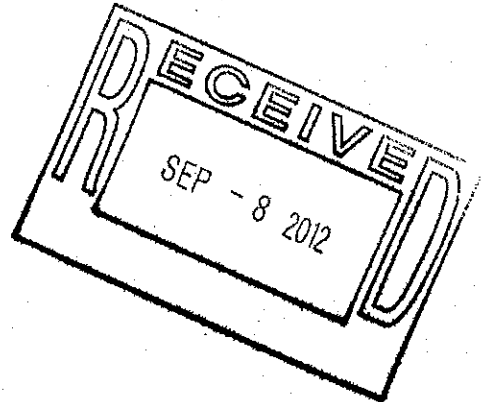
We are in receipt of your written request for medical records relative to the above patient. Our total fee for copies based on the 2012 Illinois Comptroller's annual adjustment of copying fees is \$38.37 (under 735 ILCS 5/8-2006). We received your check in the amount of \$20.00, **leaving a balance due of \$18.37.** *PA 9/11/12 1955*

Our office policy is to release only our doctors' notes. Therefore, no third party records will be provided. These should be obtained from the original source.

Sincerely,

Cheryl Johnson  
Associated Neurology, S.C.

Tax ID # 36-3949782



CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

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RONALD A. BARCH

CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

Release of Information/Medical Records Custodian  
c/o Associated Neurology, S.C.  
1900 Hollister Drive, Suite 250  
Libertyville, IL 60048

Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire*  
McHenry County Case No. 12 LA 178  
Records of: Paul Dulberg (B/D: 3/19/70)

Dear Medical Records Custodian:

Enclosed with this letter is a Subpoena for Deposition, a HIPAA Records Release Authorization and a check in the amount of \$20.00, the legal witness fee.

Please be advised that your appearance on the date indicated is not necessary. You may comply with the subpoena by mailing legible copies of all medical records, medical statements for services and medical reports of Paul Dulberg for the dates requested in the subpoena, in your possession or subject to your control.

Please note that we represent Carolyn McGuire and Bill McGuire in this case and not your patient. Since we do not represent the patient, we cannot discuss the substance of your care or the pending lawsuit with you outside the presence of your patient's attorney. If you have questions about how to comply with the subpoena, you may call my secretary, but neither she nor I can talk to you about any aspect of the lawsuit or the patient's medical treatment. Thank you in advance for your professional cooperation.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/sublir.records

encls.

cc: Attorney Hans A. Mast

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

Release of Information/Medical Records Custodian  
c/o Centegra Northern Illinois Medical Center  
4201 Medical Center Drive  
McHenry, IL 60050

**Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire***  
**McHenry County Case No. 12 LA 178**  
**Records of: Paul Dulberg (B/D: 3/19/70)**

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Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc: Attorney Hans A. Mast



CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

Release of Information/Medical Records Custodian  
c/o MidAmerica Orthopaedics  
755 South Milwaukee Avenue  
Libertyville, IL 60048-3266

Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire*  
McHenry County Case No. 12 LA 178  
Records of: Paul Dulberg (B/D: 3/19/70)

Dear Medical Records Custodian:

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Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc: Attorney Hans A. Mast

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

Release of Information/Medical Records Custodian  
c/o MidAmerica Hand to Shoulder Clinic  
1419 Peterson Road  
Libertyville, IL 60048

Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire*  
McHenry County Case No. 12 LA 178  
Records of: Paul Dulberg (B/D: 3/19/70)

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Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc: Attorney Hans A. Mast

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

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CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

Release of Information/Medical Records Custodian  
c/o Dr. Frank Sek  
4606 West Elm Street  
McHenry, IL 60050

**Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire***  
**McHenry County Case No. 12 LA 178**  
**Records of: Paul Dulberg (B/D: 3/19/70)**

Dear Medical Records Custodian:

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Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc: Attorney Hans A. Mast

### HIPAA RECORDS RELEASE AUTHORIZATION

I, the undersigned, hereby authorize and allow release of medical and personal health information and records pertaining to Plaintiff, PAUL DULBERG (DOB: March 19, 1970), to the parties, and attorneys for those parties, in the action that has been filed entitled *Paul Dulberg, Plaintiff, v. David Gagnon, individually and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, individually, Defendants*, Case No. 12 LA 178, in the Circuit Court of the 122nd Judicial Circuit, McHenry County, Illinois ("the litigation").

I understand that the information that can be obtained by presentation of this Authorization includes copies of any and all hospital, clinic or doctor's records, notes, memoranda, pathology, radiology, surgical or other specialists or consultant reports, lab or test results, physical therapy records, inpatient and outpatient records, index cards, patient information or history sheets, prescription information, correspondence, billing and payment records, insurance information, photographs and all other related information and documents concerning this patient.

This Authorization may be used by my attorney to obtain any of the above information. This Authorization may also be used by any party to this litigation, to obtain any of the above information; however, this Authorization can only be used by other parties if accompanied by a valid subpoena or production request for those records with notice of that subpoena or production request to my attorney.

I understand that this Authorization may be used to obtain records of any health care provider or health insurer that may have medical information about me.

I understand that this Authorization is being provided for purposes of the litigation. The records and information obtained by use of this Authorization may be used in that litigation by the parties, including providing this material to experts or consultants, use of it at depositions and other discovery, as well as filing such records in court with pleadings or discovery documents.

This Authorization, unless otherwise revoked, shall be valid during the course of this litigation and until its resolution.

I understand that I may revoke this Authorization by instructing my attorney to advise all parties in writing that this Authorization is revoked.

By accepting and honoring this Authorization, any entity covered by the Health Insurance Portability and Accounting Act (hereinafter referred to as "HIPAA") agrees that the disclosure of the information will have no effect on my ability or inability to receive treatment, payment, enrollment or benefits from the entity providing the records.

I understand that by signing this Authorization otherwise protected health information about me may be disclosed by the parties that receive it and that those parties are not restricted by HIPAA or its regulation as to how they may disclose the information that is provided pursuant to this Authorization.

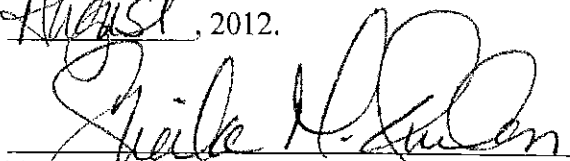
I understand that a photocopy of this Authorization shall have the same force and effect as the original.

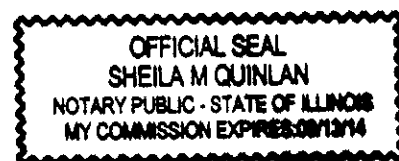
It is my earnest desire to move forward with the prosecution of the lawsuit as expeditiously as possible and I do not want to have to sign multiple authorizations as additional medical providers to myself are identified. Therefore, I specifically request that all of my medical providers honor this authorization, even though they are not specifically identified herein.

  
PAUL DULBERG, Plaintiff

Dated this 20<sup>th</sup> day of August, 2012.

Subscribed and sworn to before me this 20<sup>th</sup> day of August, 2012.

  
Notary Public



September 4, 2012

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re:   *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually*   -   Case No. 12 LA 178**

Dear Clerk:

Please find enclosed a Notice of Depositions (for Records Only) and five Subpoenas for Depositions (for Records Only) with regard to the above-captioned lawsuit. Please file said documents.

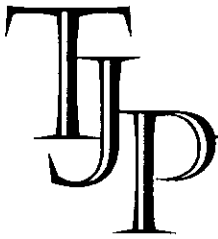
Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

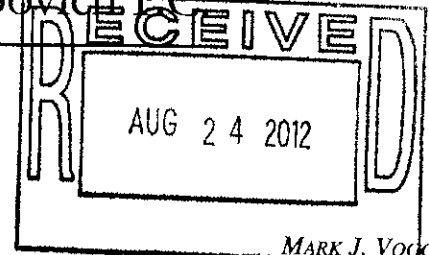
RONALD A. BARCH

RB:mj/mcc.ltr  
encls.



The Law Offices of Thomas J. Popovich PC

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280  
[www.popovichlaw.com](http://www.popovichlaw.com)



THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK†  
DIANA M. REITER

MARK J. VOOG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

August 22, 2012

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Mr. Barch:

Please be advised that to my knowledge, David Gagnon has been served in the suit. I do not believe he has appeared yet in the case.

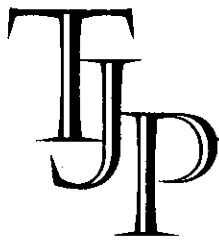
Please advise.

Very truly yours,

HANS A. MAST

smq

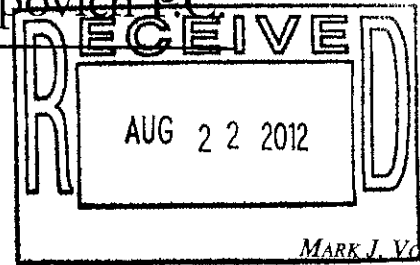
S:\Main\DULBERG, PAUL\Letters\Letter to Atty Barch R-22-12.wpd



The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
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[www.popovichlaw.com](http://www.popovichlaw.com)



THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK†  
DIANA M. REITER

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

August 20, 2012


Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Mr. Barch:

Enclosed please find an executed Authorization signed by my client. Please forward any copies that you receive pursuant to this Authorization to my attention and I will be happy to reimburse you for the copy charges. Thank you.

Very truly yours,



HANS A. MAST

smq  
Enclosure

S:\Main\DULBERG, PAUL\Letters\Letter to Atty Barch re Auth 8-20-12.wpd



August 6, 2012

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re:   *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually*   -   Case No. 12 LA 178**

Dear Clerk:

Please find enclosed Defendant's Notice of Serving Discovery with regard to the above-captioned lawsuit. Please file said document.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc.ltr  
encl.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

August 6, 2012

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

Enclosed herewith you will find my clients' response to Mr. Dulberg's written discovery.

This letter will further confirm that I am in receipt of Plaintiff's response to the written interrogatories and request to produce that I propounded on July 10, 2012. However, I do not have Plaintiff's answer to the Supplemental Interrogatories (Medicare) or an executed original of the HIPAA Records Release Authorization that was served contemporaneously with the written interrogatories and request to produce.

With the above in mind, please check your file and provide a response to the supplemental interrogatories and an executed original of the HIPAA Records Release Authorization at your earliest convenience. Thank you.

Very truly yours,



RONALD A. BARCH

RB:mj07ltr.HAM

Encl.

cc Tom Malatia (Claim No. 13-2779-11)

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

JOHN W. FRANCE

RONALD A. BARCH

CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

July 30, 2012

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

Thanks for calling me back last Friday. As we discussed, I was able to confirm through my clients (Bill and Carolyn McGuire) that the chain saw still exists. They also believe they have the manual and will be searching for same.

We also discussed moving the Motion for Protective Order from Tuesday, July 31, 2012, at 9:00 a.m. to Wednesday, August 1, 2012, at 9:00 a.m. You indicated that somebody from your office would appear on Tuesday and simply set the matter over. Attorney Chantel Bielskis from my office will be there on Wednesday. Thank you for the accommodation.

As to your desire for an inspection and photo shoot of the chain saw and related manual, I have no problem making the arrangements but would prefer to do so only once. Accordingly, it is my understanding that the inspection will be deferred until such time that the co-defendant is of record and ready to proceed as well.

Lastly, upon return to my office this morning I noted that Judge Michael Caldwell has issued a notice recusing himself from the *Dulberg* case. The matter has apparently been re-assigned to Judge Thomas A. Meyer and is currently scheduled for status on August 8, 2012 at 9:00 a.m. If possible, it probably makes sense to move the status date out 60 days when the case is called on Wednesday morning. We can then avoid another trip to court next week.

Very truly yours,



RONALD A. BARCH

RB:mj05ltr.HAM

cc Tom Malatia (Claim No. 13-2779-11)

**CICERO, RANCE, BARCH & ALEXANDER, P.C.**

**A Professional Corporation**

**Attorneys at Law**

**6323 RIVERSIDE BLVD.**

**ROCKFORD, IL 61114**

**TELEPHONE: (815) 226-7700**

**FACSIMILE: (815) 226-7701**

**FACSIMILE TRANSMISSION**

**DATE:** July 30, 2012

**TIME:** 9:15 a.m.

**RECEIVING LOCATION:**

Law Offices of Thomas J. Popovich, PC

**RECEIVER'S FACSIMILE NUMBER:**

815/344-5280

**ATTENTION:**

**Attorney Hans A. Mast**

**FROM:**

**RONALD A. BARCH**

**TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 2**

**COMMENTS AND/OR SPECIAL INSTRUCTIONS: SEE ATTACHED**

**IF PROBLEMS OCCUR DURING TRANSMISSION,  
PLEASE CALL (815) 226-7700 AS SOON AS POSSIBLE.**

**TO THE RECIPIENT:**

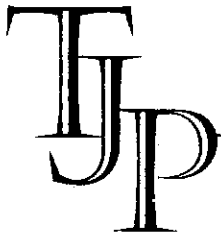
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THANK YOU.

TRANSMISSION VERIFICATION REPORT

TIME : 07/30/2012 08:24  
NAME : CIGERO FRANCE ET AL  
FAX : 8152267701  
TEL :  
SER.# : G9N312399

DATE, TIME	07/30 08:24
FAX NO./NAME	8153445280
DURATION	00:00:45
PAGE(S)	02
RESULT	OK
MODE	STANDARD



The Law Offices of Thomas J. Popovich P.C.

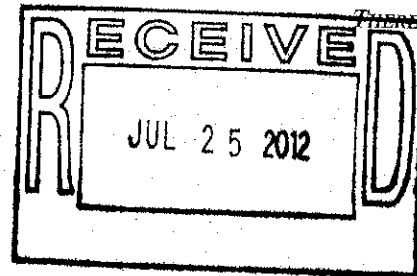
3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280

[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK<sup>†</sup>  
DIANA M. REYER

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

July 24, 2012



Honorable Michael T. Caldwell  
Circuit Court of McHenry County  
2200 N. Seminary Avenue  
Woodstock, IL 60098

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Judge Caldwell:

Please find enclosed a courtesy copy of Plaintiff's Motion for Protective Order in the above-referenced matter. The hearing set before you on July 31, 2012 at 9:00 a.m.

Very truly yours,

**COPY**  
HANS A. MAST

smq  
Enclosure

S:\Main\DULBERG, PAUL\Letters\Letter to Judge Caldwell 7-24-12.wpd

July 10, 2012

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re: *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually* - Case No. 12 LA 178**

Dear Clerk:

Please find enclosed our Answer To Complaint, Demand For Jury and Notice Of Serving Discovery on behalf of the Defendants, Bill McGuire and Caroline McGuire. Please file said documents. My check in the amount of \$212.50 is also enclosed to cover the jury demand fee.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc2.ltr  
encls.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
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CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS  
ANDREW T. SMITH

July 10, 2012

TEL: (815) 226-7700

FAX: (815) 226-7701

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

Enclosed you will find a Jury Demand and Answer by Defendants Bill McGuire and Carolyn McGuire. At this time my office will not be appearing or pleading for David Gagnon. It is my understanding that the lawsuit has been tendered to a different carrier.

If you have information indicating that the suit has not been (or will not be) tendered to Mr. Gagnon's own carrier, please advise immediately. I also ask that you forward service information and copies of any pleadings filed by any attorney on behalf of Mr. Gagnon.

Please call me if you have any questions concerning the above. I otherwise thank you again for the pleading extension you granted. I am working on a response to the discovery you issued and anticipate issuing written discovery for a response by your client in short order.

Very truly yours,



RONALD A. BARCH

RB:mj04ltr.HAM

Encl.

cc Tom Malatia (Claim No. 13-2779-11)



June 12, 2012

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re: *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually* - Case No. 12 LA 178**

Dear Clerk:

Please find enclosed my law firm's Appearance to be filed on behalf of Caroline McGuire and Bill McGuire with regard to the above-captioned lawsuit. Also enclosed is my check in the amount of \$136 to cover the appearance fee.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc1.ltr  
encls.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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CHARLES P. ALEXANDER

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TEL: (815) 226-7700

FAX: (815) 226-7701

June 11, 2012

Attorney Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

COPY

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Popovich:

Please be advised that Mr. and Mrs. McGuire's insurance carrier (Auto-Owners Insurance Company) has asked our office to appear and defend Mr. and Mrs. McGuire in connection with the above-captioned matter. To that end, you will find enclosed herewith my Appearance for both Mr. and Mrs. McGuire.

At this time I am uncertain whether I will be appearing as counsel for Mr. Gagnon as well. I first need to meet with Mr. and Mrs. McGuire and then report to their insurance carrier. I cannot do that, however, until I return from a small vacation that runs from June 13 through June 19, 2012.

Given the above, I am requesting 21 days from today's date (through July 2, 2012) within which to file a responsive pleading on behalf of Mr. and Mrs. McGuire. I am also asking for a similar extension of time to sort out whether Mr. Gagnon will be furnished a defense by Mr. and Mrs. McGuire's carrier.

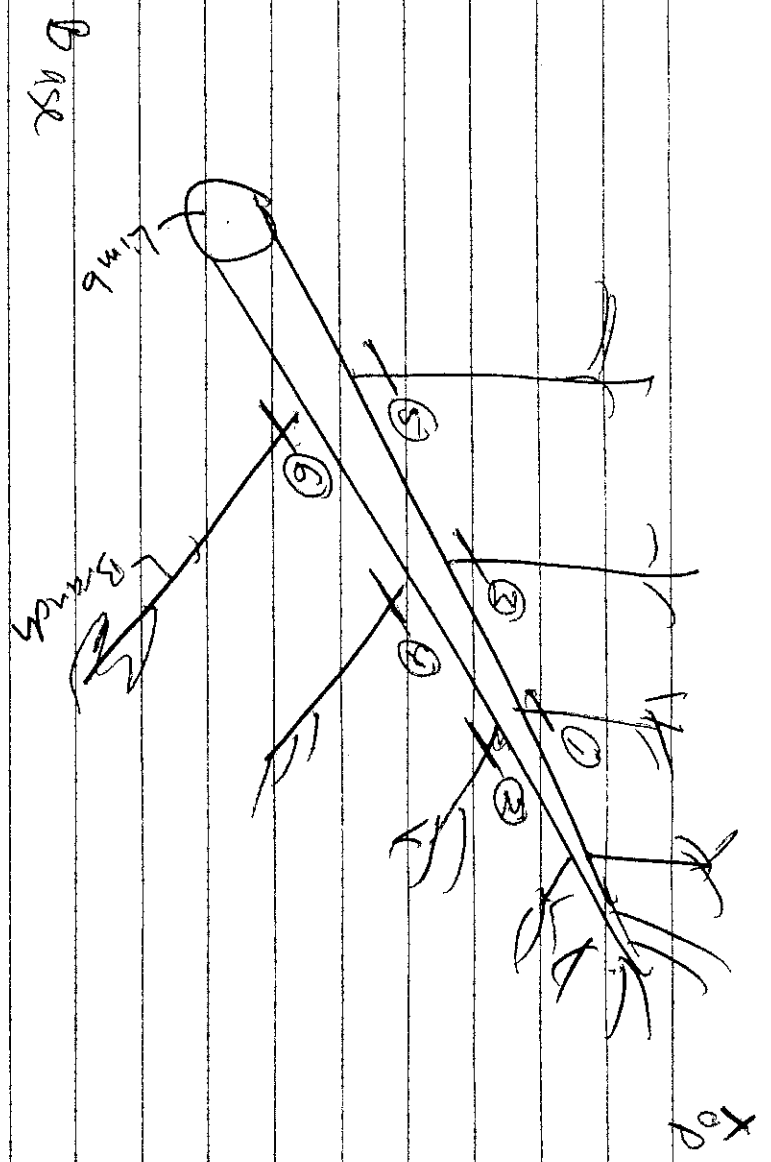
Please call me if you have any opposition to my request for an extension. I otherwise thank you in advance for your consideration and look forward to working with you on this matter.

Very truly yours,



RONALD A. BARCH

RB:mj03ltr.TJP  
Encl.



PENGAD 800-831-6989  
EXHIBIT  
Cajon 1  
MM6



## The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
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MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

July 15, 2013

**VIA FACSIMILE: 815/226-7701**

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Mr. Barch:

Thank you for your recent correspondence. You may call the physicians you wish to depose and schedule them with the deposition assistant.

As to the witness, please advise when you are available for his deposition and I will contact my client and try to arrange the deposition through our office.

Thank you for your cooperation.

Very truly yours,

HANS A. MAST

smq

c: Perry Accardo (fax: 312/558-9357)

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085



CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
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CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

July 30, 2012

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

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Very truly yours,



RONALD A. BARCH

RB:mj05ltr.HAM  
cc Tom Malatia (Claim No. 13-2779-11)

Called want

- told him activity of  
up to \$5000. - I set
- He wants to know if PB  
has any live notes. PB  
will send some free +  
send. He'll then take  
to Duberg.



**Sent:** Wednesday, January 08, 2014 3:26 PM

**To:** Chantel Bielskis

**Subject:** RE: Dulberg

Chantel, I'm so sorry but I forgot to scan myself a copy of the order before I sent it into the office for processing! UGH...

The next status date is 4/4/14 at 9:00 a.m. Rm 201 if that helps.

I can send you and Ron a copy once it gets scanned into our system.

Perry A. Accardo

Law Office of Steven A. Lihosit

**From:** Chantel Bielskis [<mailto:CB@cicerofrance.com>]

**Sent:** Friday, January 03, 2014 10:21 AM

**To:** Accardo, Perry

**Subject:** Dulberg

Hello again –

Will you please email Ron a copy of today's order (and copy me) so he has it for his file? Thanks.

Chantel R. Bielskis

***Cicero, France, Barch & Alexander, P.C.***

6323 E. Riverside Blvd.

Rockford, IL 61114

(815)226-7700 – Office Phone

(815)226-7701 – Office Fax

[cb@cicerofrance.com](mailto:cb@cicerofrance.com)

9/23/13

- TC with Hans Most. More Than  
Not calling bank. use firm  
address so RB can subpoena  
him.



10/29/12

NOTE  
Dulberg

— cc w/ Hans Mast

— He has no notes  
for 10/31/12 —

— He is not producing  
his client on 10/31

— He has notice for  
Gagnon on 11/26 —

— DB maybe to Dulberg  
+ then Gagnon  
same day 11/26?

— looks for him if  
okay for Accardo

(AITE/Dulberg)

10/24/12

called AMS Screen Products

915/675-9094 —

Spoke with Joe Graves

— Rec'd request forwarded  
to corp. office in NJ

— call Karen —

732/545-8888

x 231

10/24/12

Called Karen. She

has been out for 2 weeks  
with death in family

Has subpoena — will

forward by Friday —

~~Karen @  
AMS  
Antimaterials service  
can~~

815/344-2382

7/27/12

@ 2:23

Dulberg

Sheila

344-3797

Have Mass

→ Can we move to 8/1.

→ Okay just call for  
day will work for  
you. Just call

Sheila to set a  
day that works.

7/27/(3:00 pm)

Called ~~Plan of Mass~~

TC →

Have Mass. No problem  
w/ Protective Order — Set  
over to 8/1 @ 9:00 —  
No inspection until Co-D  
on board. — OK



EXHIBIT

2 A

tabbles®





EXHIBIT

2 B

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EXHIBIT

tabbles

2 c





EXHIBIT

2 D

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EXHIBIT  
2 E





**EXHIBIT**  
tabbles® 2 F





EXHIBIT

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2 G



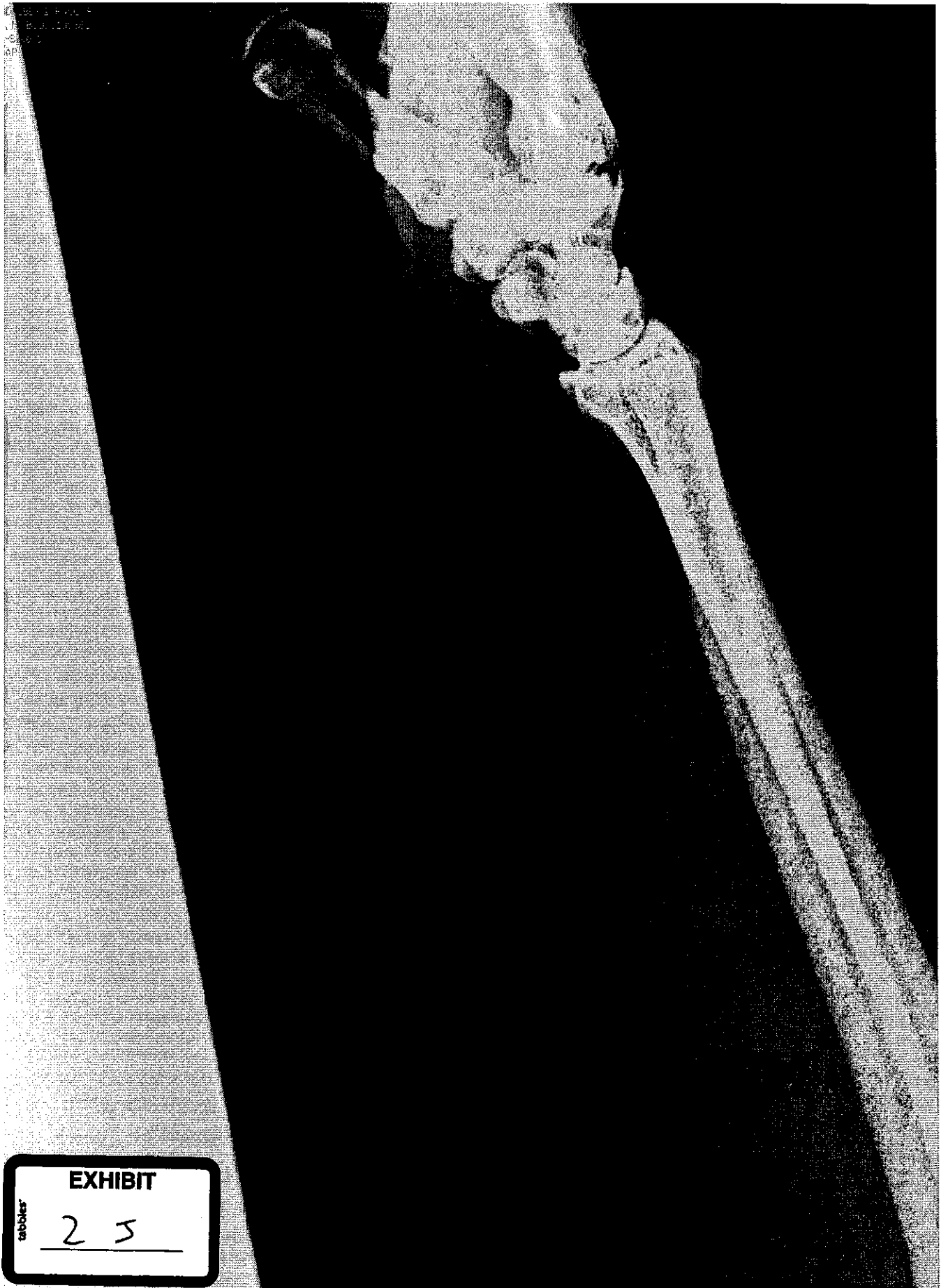


tabbies®  
**EXHIBIT**  
2 H





EXHIBIT  
2 I



## Ron Barch

---

**From:** Karen Nagy <karen@artmaterialsservice.com>  
**Sent:** Thursday, January 24, 2013 12:20 PM  
**To:** Ron Barch  
**Cc:** Gerald Lee  
**Subject:** Re: Paul Dulberg Subpoena (Follow-up)  
**Attachments:** PAULDULBERG2011.pdf

Hello Ron: Please find attached the information you requested. Please note Mr. Dulberg worked for AMS for approximately 3 weeks.: 03/09/11 to 03/30/11

Karen Nagy  
Art Materials Service  
732.545.8888 ext 231

----- Original Message -----

**From:** Ron Barch  
**To:** karen@artmaterialsservice.com  
**Sent:** Thursday, January 24, 2013 11:53 AM  
**Subject:** Paul Dulberg Subpoena (Follow-up)

Karen:

Please attach the subpoena response we discussed today regarding Paul Dulberg. The Word versions of the subpoena and letter are attached. We last spoke on this matter back in October. I do not have a record of ever receiving a response. Perhaps you sent one in response to Attorney Accardo's subpoena, but I did not receive a response to my subpoena. Thanks for the help.

Ronald A. Barch  
Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)  
[Rb@cicerofrance.com](mailto:Rb@cicerofrance.com)

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Circular 230 Disclosure: Any advice contained in this email (including any attachments), unless expressly stated otherwise, is not intended or written to be used, and cannot be used, for purpose of avoiding tax penalties that may be imposed upon any taxpayer.

3/9/11 - 3/30/11

Copy D For Employer  
Form W-2 Wage And Tax Statement

2011

Department of the Treasury - Internal Revenue Service

A. Employee's social security number 323-76-4001		OMB No. 1545-0008		1 Wages, tips, other compensation 2,154.00		2 Federal income tax withheld 237.72	
B. Employer identification number 22-2159516		D. Control number 326 5		3 Social security wages 2,154.00		4 Social security tax withheld 90.47	
C. Employer's name, address, and ZIP code ART MATERIALS SERVICE INC 625 JOYCE KILMER AVENUE NEW BRUNSWICK, NJ 08901		E. Employer's name, address, and ZIP code PAUL DULBERG 4606 HAYDEN CT. MCHEENRY, IL 60051		5 Med care wages and tips 2,154.00		6 Med care tax withheld 31.23	
				7 Social security tips		8 Allocated tips	
				9		10 Dependent care benefits	
				11 Nonqualified plans		12 a-d See instructions for box 12	
				14 Other		13 <input type="checkbox"/> Statutory employee <input type="checkbox"/> Retirement plan <input type="checkbox"/> Third-party sick pay	
15 State IL	Employer's state ID number 22-2159516 000	16 State wages, tips, etc. 2,154.00	17 State income tax 107.70	18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Copy D For Employer  
Form W-2 Wage And Tax Statement

2011

Department of the Treasury - Internal Revenue Service

\$12.00/Per hr. Rate \$ - 55.00

# Form W-4 (2011)

**Purpose.** Complete Form W-4 so that your employer can withhold the correct federal income tax from your pay. Consider completing a new Form W-4 each year and when your personal or financial situation changes.

**Exemption from withholding.** If you are exempt, complete only lines 1, 2, 3, 4, and 7 and sign the form to validate it. Your exemption for 2011 expires February 15, 2012. See Pub. 505, Tax Withholding and Estimated Tax.

**Note.** If another person can claim you as a dependent on his or her tax return, you cannot claim exemption from withholding if your income exceeds \$200 and includes more than \$300 of unearned income (for example, interest and dividends).

**Basic instructions.** If you are not exempt, complete the Personal Allowances Worksheet below. The worksheet on page 2 further adjusts your withholding allowances based on itemized deductions, certain credits, adjustments to income, or two-earner/multiple job situations.

Complete all worksheets that apply. However, you may claim fewer (or zero) allowances. For regular wages, withholding must be based on allowances you claimed and may not be a flat amount or percentage of wages.

**Head of household.** Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependents or other qualifying individuals. See Pub. 501, Exemptions, Standard Deduction, and Filing Information, for information.

**Tax credits.** You can take projected tax credits into account in figuring your allowable number of withholding allowances. Credits for child or dependent care expenses and the child tax credit may be claimed using the Personal Allowances Worksheet below. See Pub. 919, How Do I Adjust My Tax Withholding, for information on converting your other credits into withholding allowances.

**Nonwage income.** If you have a large amount of nonwage income, such as interest or dividends, consider making estimated tax payments using

Form 1040-ES, Estimated Tax for Individuals. Otherwise, you may owe additional tax. If you have pension or annuity income, see Pub. 919 to find out if you should adjust your withholding on Form W-4 or W-4P.

**Two earners or multiple jobs.** If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. Your withholding usually will be most accurate when all allowances are claimed on the Form W-4 for the highest paying job and zero allowances are claimed on the others. See Pub. 919 for details.

**Nonresident alien.** If you are a nonresident alien, see Notice 1392, Supplemental Form W-4 Instructions for Nonresident Aliens, before completing this form.

**Check your withholding.** After your Form W-4 takes effect, use Pub. 919 to see how the amount you are having withheld compares to your projected total tax for 2011. See Pub. 919, especially if your earnings exceed \$130,000 (single) or \$160,000 (married).

## Personal Allowances Worksheet (Keep for your records.)

<b>A</b>	Enter "1" for yourself if no one else can claim you as a dependent.	<b>A</b>	0
<b>B</b>	Enter "1" if: <ul style="list-style-type: none"> <li>You are single and have only one job; or</li> <li>You are married, have only one job, and your spouse does not work; or</li> <li>Your wages from a second job or your spouse's wages (for the total of both) are \$1,500 or less.</li> </ul>	<b>B</b>	
<b>C</b>	Enter "1" for your spouse. But, you may choose to enter "0" if you are married and have either a working spouse or more than one job. (Entering "0" may help you avoid having too little tax withheld.)	<b>C</b>	
<b>D</b>	Enter number of dependents (other than your spouse or yourself) you will claim on your tax return.	<b>D</b>	
<b>E</b>	Enter "1" if you will file as head of household on your tax return (see conditions under Head of household above).	<b>E</b>	
<b>F</b>	Enter "1" if you have at least \$1,500 of child or dependent care expenses for which you plan to claim a credit. (Note. Do not include child support payments. See Pub. 503, Child and Dependent Care Expenses, for details.)	<b>F</b>	
<b>G</b>	Child Tax Credit (including additional child tax credit). See Pub. 972, Child Tax Credit, for more information. <ul style="list-style-type: none"> <li>If your total income will be less than \$41,000 (\$40,000 if married), enter "2" for each eligible child; then less "1" if you have three or more eligible children.</li> <li>If your total income will be between \$41,000 and \$84,000 (\$40,000 and \$119,000 if married), enter "1" for each eligible child plus "1" additional if you have six or more eligible children.</li> </ul>	<b>G</b>	
<b>H</b>	Add lines A through G and enter total here. (Note. This may be different from the number of exemptions you claim on your tax return.)	<b>H</b>	0

For accuracy, complete all worksheets that apply.

- If you plan to itemize or claim adjustments to income and want to reduce your withholding, see the Deductions and Adjustments Worksheet on page 2.
- If you have more than one job or are married and you and your spouse both work and the combined earnings from all jobs exceed \$40,000 (\$10,000 if married), see the Two-Earner/Multiple Jobs Worksheet on page 2 to avoid having too little tax withheld.
- If neither of the above situations applies, stop here and enter the number from line H on line 5 of Form W-4 below.

Cut here and give Form W-4 to your employer. Keep the top part for your records.

<b>Form W-4</b> Department of the Treasury Internal Revenue Service		<b>Employee's Withholding Allowance Certificate</b> Whether you are entitled to claim a certain number of allowances or exemption from withholding is subject to review by the IRS. Your employer may be required to send a copy of this form to the IRS.		OMB No. 1545-0074 <b>2011</b>
1 Type or print your first name and middle initial <u>Paul R.</u>		2 Last name <u>Dulberg</u>		3 Your social security number <u>328-76-4001</u>
4 Home address (number and street or rural route) <u>4606 Hayden Ct.</u> City or town, state, and ZIP code <u>Mt. Airy, N.C. 27025</u>		5 <input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Married, but withheld at higher Single rate. Note. If married, but legally separated, or spouse is a nonresident alien, check the "Single" box. 6 If your last name differs from that shown on your social security card, check here. You must call 1-800-778-1215 for a replacement card. <input type="checkbox"/>		
7 Total number of allowances you are claiming (from line H above or from the applicable worksheet on page 2) <u>0</u>		8 Additional amount, if any, you want withheld from each paycheck <u>\$0</u>		
9 I claim exemption from withholding for 2011, and I certify that I meet both of the following conditions for exemption. <ul style="list-style-type: none"> <li>Last year I had a right to a refund of all federal income tax withheld because I had no tax liability and</li> <li>This year I expect a refund of all federal income tax withheld because I expect to have no tax liability.</li> </ul> If you meet both conditions, write "Exempt" here. <u>Exempt</u>				
Under penalties of perjury, I declare that I have examined this certificate and to the best of my knowledge and belief, it is true, correct, and complete.				
Employee's signature (This form is not valid unless you sign it.) <u>Paul R. Dulberg</u>		Date <u>2-3-11</u>		
10 Employer's name and address (Employer: Complete line 10 only if reporting to the IRS)		11 Office use (optional)		

For Privacy Act and Paperwork Reduction Act Notice, see page 2.

Oct. No. 102200

Form W-4 (2011)





**FAXSERVER TRANSMITTAL**

**DATE:** 11/29/2012  
**TO:** AMS SCREW PRODUCTS  
**ATTN:** KAREN  
**FAX#:** 17325459166  
**FROM:** COMPEX LEGAL SERVICES  
**ORDER#:** E39572 J

**COMMENTS**

PLEASE FAX ALL EMPLOYMENT AND PAYROLL RECORDS TO  
855-818-5269 ALONG WITH THE AFFIDAVIT PAGE, THANK YOU

**COMPEX LEGAL SERVICES**

325 Maple Avenue,  
Torrance, CA 90503  
TEL 800-426-6739  
FAX 800-479-3365 ✓

To →

*med*

12/11/12

# Application *Start 3/9/11* For Employment

Proof Of Social Security # &  
Citizenship Or Immigration  
Status Required Upon  
Employment

**FAXED**

We consider applicants for all positions without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status.

(PLEASE PRINT)

Position(s) Applied For <i>Material Handler</i>		Date of Application <i>3-3-11</i>	
How Did You Learn About Us?			
<input type="checkbox"/> Advertisement	<input checked="" type="checkbox"/> Friend	<input type="checkbox"/> Walk-In	
<input type="checkbox"/> Employment Agency	<input type="checkbox"/> Relative	<input type="checkbox"/> Other	
Last Name <i>DULBERG</i>	First Name <i>PAUL</i>	Middle Name <i>R.</i>	
Address <i>4406 HAYDEN CT.</i>	City <i>McHENRY</i>	State <i>IL.</i>	Zip Code <i>60051</i>
Telephone Number(s) <i>847-497-4250 (4)</i>		Social Security Number <i>323 74 4001</i>	

If you are under 18 years of age, can you provide required proof of your eligibility to work?

☐ Yes ☐ No

Have you ever filed an application with us before?

☐ Yes ☒ No

If Yes, give date

Have you ever been employed with us before?

☐ Yes ☒ No

If Yes, give date

Are you currently employed?

☐ Yes ☒ No

May we contact your present employer?

☐ Yes ☐ No

Are you prevented from lawfully becoming employed in this country because of Visa or Immigration Status?

*Proof of citizenship or immigration status will be required upon employment.*

☐ Yes ☒ No

On what date would you be available for work?

*3-7-11*

Are you available to work: ☒ Full Time ☒ Part Time ☒ Shift Work ☒ Temporary

Are you currently on "lay-off" status and subject to recall?

☐ Yes ☒ No

Can you travel if a job requires it?

☒ Yes ☐ No

Have you been convicted of a felony within the last 7 years?

☐ Yes ☒ No

*Conviction will not necessarily disqualify an applicant from employment.*

If Yes, please explain

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

# Education

	Name and Address of School	Course of Study	Years Completed	Diploma Degree
Elementary School				
High School	Johnsburg		4	YES
Undergraduate College	McMurry	Political Science	3	NO
Graduate Professional				
Other (Specify)				

Indicate any foreign languages you can speak, read and / or write			
	FLUENT	GOOD	FAIR
SPEAK	ENGLISH		
READ			SPANISH / FRENCH
WRITE			SPANISH / FRENCH

Describe any specialized training, apprenticeship, skills and extra-curricular activities

Describe any job-related training received in the United States military

# Employment Experience

Start with your present or last job. Include any job-related military service assignments and volunteer activities. You may exclude organizations which indicate race, color, religion, gender, national origin, disabilities or other protected status.

1.	Employer <i>Shard Printing Inc</i>	Dates Employed From To		Work Performed
	Address <i>4606 HAYDEN CT. McHENRY IL</i>	<i>11/99</i>	<i>3/11</i>	<i>Design/ PRESSMAN</i>
	Telephone Number(s) <i>847-497-4250</i>	Hourly Rate/Salary Starting Final		
	Job Title <i>Designer/Pressman</i>	Supervisor <i>Mike</i>		
	Reason for Leaving <i>Out of Business</i>			
2.	Employer <i>INTERMATIC Incorporated</i>	Dates Employed From To		Work Performed
	Address <i>7777 WILSON RD. Spring Grove IL</i>	<i>4/98</i>	<i>9/07</i>	<i>Design/PRESSMAN</i>
	Telephone Number(s)	Hourly Rate/Salary Starting Final		
	Job Title <i>Designer/Pressman</i>	Supervisor <i>Wanda Spurr</i>		
	Reason for Leaving <i>Downsizing</i>			
3.	Employer <i>US Screw Prod</i>	Dates Employed From To		Work Performed
	Address <i>2418 Highview Spring Grove</i>	<i>1994</i>	<i>1996</i>	<i>Material Handler/Parts</i>
	Telephone Number(s)	Hourly Rate/Salary Starting Final		<i>Shipping Receiving</i>
	Job Title	Supervisor <i>Joe/Richard Wray</i>		
	Reason for Leaving			
4.	Employer	Dates Employed From To		Work Performed
	Address			
	Telephone Number(s)	Hourly Rate/Salary Starting Final		
	Job Title	Supervisor		
	Reason for Leaving			

If you need additional space, please continue on a separate sheet of paper.

List professional, trade, business or civic activities and offices held.

You may exclude membership which would reveal gender, race, religion, national origin, age, ancestry, disability or other protected status:

---



---



---

**ART MATERIALS SERVICE**

Tel.732.545.8888 Fax.732.545.9166

NAME: Paul DulbergDATE: 3/3/11

- ☐ PLEASE SHOW YOUR WORK  
☐ REDUCE FRACTIONS TO SIMPLEST FORM

1. 
$$\begin{array}{r} 2590 \\ +1912 \\ \hline 4502 \end{array}$$

2. 
$$\begin{array}{r} 80,913 \\ -3,136 \\ \hline 77,777 \end{array}$$

3. 
$$\begin{array}{r} 294/27 \\ 10 \overline{) 294} \\ \underline{270} \\ 24 \\ \underline{27} \\ 3 \end{array}$$

4. 
$$\begin{array}{r} 8,423 \\ \times 68 \\ \hline 67384 \\ 505380 \\ \hline 572764 \end{array}$$

5. 
$$\begin{array}{r} 67 \\ +11 \\ \hline 108 \end{array}$$

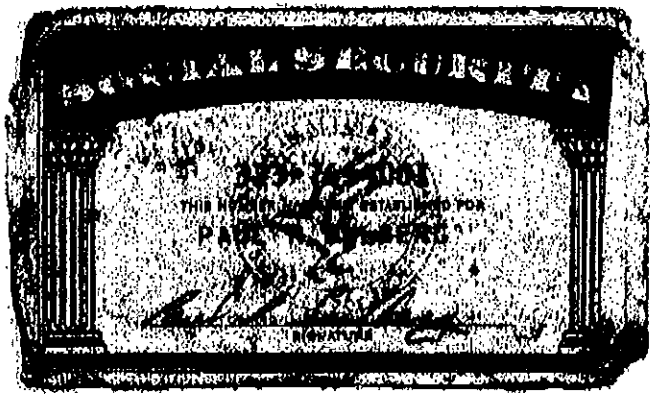
6. 
$$\begin{array}{r} 905 \\ \times 217 \\ \hline 6335 \\ 19050 \\ 184000 \\ \hline 196385 \end{array}$$

7. 
$$\frac{556}{69} \approx 8.0$$

8. 
$$\frac{2}{3} + \frac{7}{12} = \frac{4}{6} + \frac{7}{12} = \frac{8}{12} + \frac{7}{12} = \frac{15}{12} = 1 \frac{1}{4}$$

9. 
$$\begin{array}{r} 24,901 \\ -17,285 \\ \hline 7,616 \end{array}$$

10. WHAT IS 20% OF 400? = 80



ATTN: Karen

## Applicant's Statement

I certify that answers given herein are true and complete to the best of my knowledge.

I authorize investigation of all statements contained in this application for employment as may be necessary in arriving at an employment decision.

This application for employment shall be considered active for a period of time not to exceed 45 days. Any applicant wishing to be considered for employment beyond this time period should inquire as to whether or not applications are being accepted at that time.

I hereby understand and acknowledge that, unless otherwise defined by applicable law, any employment relationship with this organization is of an "at will" nature, which means that the Employee may resign at any time and the Employer may discharge Employee at any time with or without cause. It is further understood that this "at will" employment relationship may not be changed by any written document or by conduct unless such change is specifically acknowledged in writing by an authorized executive of this organization.

In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge. I understand, also, that I am required to abide by all rules and regulations of the employer.

Paul Quilley  
Signature of Applicant

3-3-11  
Date

### References

1.	<u>Joe. Graves</u>	( )
	(Name)	Phone #
	(Address)	
2.		( )
	(Name)	Phone #
	(Address)	
3.		( )
	(Name)	Phone #
	(Address)	

### NOTES


This Application For Employment is sold for general use throughout the United States. Amsterdam Printing and Litho assumes no responsibility for the use of said form or any questions which, when asked by the employer of the job applicant, may violate State and/or Federal Law.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

JOHN W. FRANCE

RONALD A. BARCH

CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

April 17, 2014

TEL: (815) 226-7700

FAX: (815) 226-7701

COPY

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Accardo:

Enclosed you will find a copy of the Order that entered on April 16, 2014. Please call if you have any questions.

Very truly yours,



RONALD A. BARCH

RB:mj:47ltr.PAA

Encl.



April 4, 2014

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re: *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually* - Case No. 12 LA 178**

Dear Clerk:

Please find enclosed McGuire Defendants' Motion To Vacate Protective Order and Notice Of Motion with regard to the above-captioned lawsuit. Per today's phone conversation between my secretary and your clerk, the motion is scheduled for April 16, 2014, at 9:00 a.m.

Please file said documents. Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc10.ltr  
encls.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS  
ANDREW T. SMITH

February 12, 2014

COPY

TEL: (815) 226-7700  
FAX: (815) 226-7701

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of Steven A. Lihosit  
200 N. LaSalle Street, Suite 2550  
Chicago, IL 60601

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

With my departure from the case I feel compelled to address the subject of the chain saw that was involved in Mr. Dulberg's injury. Early on in the case a protective order was entered which prohibited Mr. and Mrs. McGuire from destroying or otherwise disposing of the chain saw and any associated documentation. The primary purpose behind the order of protection was to preserve the chainsaw and associated documentation until such time that Plaintiff's counsel could inspect and photograph same.

On March 20, 2013, the chain saw and owner's manual were made available for inspection and photographing. Plaintiff's counsel inspected and photographed the chainsaw. Plaintiff's counsel also secured a photocopy of the owner's manual.

On April 3, 2013, the protective order was modified to allow the Plaintiffs to use the subject chainsaw, owner's manual and associated paperwork in the ordinary course. The order further provides, however, that the owners may not destroy, dispose of, or sell the items without further order of the court.

Given the above, I am concerned about the possibility of a spoliation claim in the event the McGuires destroy, dispose of, or otherwise sell the chainsaw following my departure from the case. Please advise in writing whether you believe there is any reason to maintain the protective order as it currently exists. If not, I believe it makes sense to have the April 3, 2013 version of the protective order vacated.

I look forward to hearing from both of you at your earliest convenience.

Very truly yours,

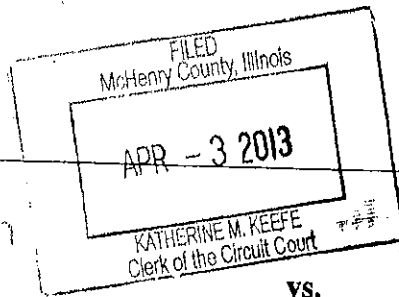
A handwritten signature in black ink, appearing to be 'RAB' with a stylized flourish at the end.

RONALD A. BARCH

RB:mj\44ltr.OC

Encl.

CC Tom Malatia (13-2779-11)

STATE OF ILLINOIS  
COUNTY OF MCHENRY } SS

GEN. NO. 12LA178

☐ Jury ☐ Non-Jury

PAUL DUBOIS

VS.

DAVID GAGNON, et al.

Date 4/3/13 Plaintiff's Attorney MAST Defendant's Attorney MCHENRY & BACH  
GAGNON -> ALCAPO

## ORDER

Came for all parties appearing, and  
 the Court being advised that the McHenry  
 Defendant's chainsaw and associated materials were  
 presented for inspection, photographing and  
 copying on March 11, 2013.

It is ORDERED:

~~AND~~ The Protective Order entered on  
 August 17, 2012 is hereby modified  
 and amended as follows:

The owner of said chain saw and associated  
 parts, accessories, manual and paperwork are  
 free to use same in the ordinary course;  
 provided, however, that owner shall not  
 sell or otherwise dispose of ~~the~~ <sup>parts, accessories, manual or</sup>  
 chainsaw without further order of the court.

Prepared by: \_\_\_\_\_

Attorney for: \_\_\_\_\_

Attorney Registration No.: \_\_\_\_\_ Judge \_\_\_\_\_

G. M.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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ANDREW T. SMITH

February 12, 2014

TEL: (815) 226-7700

FAX: (815) 226-7701

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

Enclosed herewith you will find the settlement draft necessary to conclude the settlement between Mr. Dulberg and Bill and Carolyn McGuire. I am also providing you with a copy of the "Filed" stamped Good Faith Finding and Order of Dismissal.

Please feel free to call if you have any questions concerning the above or the enclosed. I otherwise wish you and Mr. Accardo well with the remainder of the case.

Very truly yours,



RONALD A. BARCH

RB:mj\42ltr.HAM

Encl.

cc Tom Malatia (Claim No. 13-2779-11)  
Attorney Perry Accardo

## GENERAL RELEASE AND SETTLEMENT AGREEMENT

NOW COMES PAUL DULBERG, and in consideration of the payment of Five-Thousand (\$5,000.00) Dollars to him, by or on behalf of the WILLIAM MCGUIRE and CAROLYN MCGUIRE (aka Bill McGuire; improperly named as Caroline McGuire) and AUTO-OWNERS INSURANCE COMPANY, the payment and receipt of which is hereby acknowledged, PAUL DULBERG does hereby release and discharge the WILLIAM MCGUIRE and CAROLYN MCGUIRE and AUTO-OWNERS INSURANCE COMPANY, and any agents or employees of the WILLIAM MCGUIRE and CAROLYN MCGUIRE and AUTO-OWNERS INSURANCE COMPANY, of and from any and all causes of action, claims and demands of whatsoever kind or nature including, but not limited to, any claim for personal injuries and property damage arising out of a certain chain saw incident that allegedly occurred on or about June 28, 2011, within and upon the premises known commonly as 1016 West Elder Avenue, City of McHenry, County of McHenry, State of Illinois.

IT IS FURTHER AGREED AND UNDERSTOOD that there is presently pending a cause of action in the Circuit Court of the 22<sup>nd</sup> Judicial Circuit, McHenry County, Illinois entitled "Paul Dulberg, Plaintiff, vs. David Gagnon, Individually, and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, Individually, Defendants", Cause No. 2012 LA 178, and that this settlement is contingent upon WILLIAM MCGUIRE and CAROLYN MCGUIRE being dismissed with prejudice as parties to said lawsuit pursuant to a finding by the Circuit Court that the settlement between the parties constitutes a good faith settlement for purposes of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 100/0.01, *et seq.*

IT IS FURTHER AGREED AND UNDERSTOOD that as part of the consideration for this agreement the undersigned represents and warrants as follows (check applicable boxes):

- ☒ I was not 65 or older on the date of the occurrence.
- ☒ I was not receiving SSI or SSDI on the date of the occurrence.
- ☐ I am not eligible to receive SSI or SSDI.
- ☒ I am not currently receiving SSI or SSDI.

IT IS FURTHER AGREED AND UNDERSTOOD:

- a. That any subrogated claims or liens for medical expenses paid by or on behalf of PAUL DULBERG shall be the responsibility PAUL DULBERG, including, but not limited to, any Medicare liens. Any and all reimbursements of medical expenses to subrogated parties, including Medicare's rights of reimbursement, if any, shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released herein.
- b. That any outstanding medical expenses are PAUL DULBERG's responsibility and all payment of medical expenses hereafter shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released

- c. That PAUL DULBERG agrees to save and hold harmless and indemnify the parties released herein against any claims made by any medical providers, including, but not limited to Medicare or parties subrogated to the rights to recover medical or Medicare payments.

IT IS FURTHER AGREED AND UNDERSTOOD by the parties hereto that this agreement contains the entire agreement between the parties with regard to materials set forth herein, and shall be binding upon and inure to the benefit of the parties hereto, jointly and severally, and the executors, conservators, administrators, guardians, personal representatives, heirs and successors of each.

IT IS FURTHER AGREED AND UNDERSTOOD that this settlement is a compromise of a doubtful and disputed claim and no liability is admitted as a consequence hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the dates set forth below.

Dated: 1-29-2014

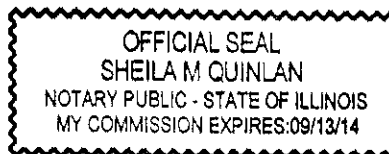
*Paul Dulberg*  
PAUL DULBERG

STATE OF ILLINOIS     )  
                                      ) SS.  
COUNTY OF MCHENRY    )

PAUL DULBERG personally appeared before me this date and acknowledged that she executed the foregoing Release and Settlement Agreement as his own free act and deed for the uses and purposes set forth therein.

Dated this 29th day of January, 2014.

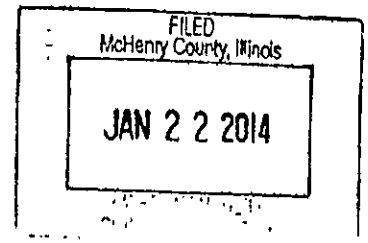
*Sheila M. Quinlan*  
Notary Public



ORD 1

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,	)	
	)	
Plaintiff,	)	Case No. 12 LA 178
	)	
vs.	)	
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE MCGUIRE and BILL	)	
MCGUIRE, and CAROLINE MCGUIRE	)	
and BILL MCGUIRE, Individually,	)	
	)	
Defendants.	)	



**GOOD FAITH FINDING AND ORDER OF DISMISSAL**

THIS CAUSE coming on to be heard on the Motion for Good Faith Finding and for Order of Dismissal with Prejudice filed by Defendants Bill McGuire and Carolyn McGuire, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

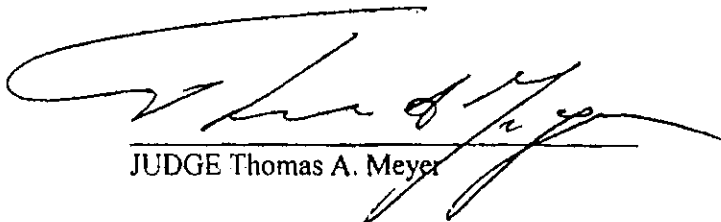
1. That settlement between Plaintiff Paul Dulberg and Defendants Bill McGuire and Carolyn McGuire (improperly named Caroline) constitutes a fair and reasonable and good faith settlement within the meaning of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 0.01 et seq.
2. That the good faith settlement shall henceforth constitute a bar to any and all claims that Plaintiff Paul Dulberg and Defendant David Gagnon and other known or unknown tortfeasors may have against Defendants Bill McGuire and Carolyn McGuire on account of or arising out of the injuries, if any, sustained by Plaintiff Paul Dulberg as a result of the alleged chain saw accident that occurred on June 28, 2011, whether by way of original action, third party claim, cross-claim, counterclaim, claim for contribution or otherwise.



3. That Defendants Bill McGuire and Carolyn McGuire be and are hereby dismissed from the above-captioned lawsuit as party defendants and cross-claimants, with prejudice, and in bar of further suit.

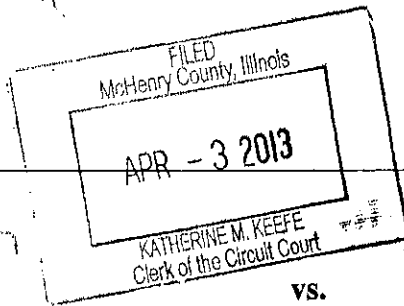
4. That that there is no just reason to delay the enforcement or appeal of this good faith finding and order of dismissal.

DATED: \_\_\_\_\_

  
JUDGE Thomas A. Meyer

Prepared by:  
Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700

## CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

STATE OF ILLINOIS }  
COUNTY OF MCHENRY } SS

GEN. NO. 12LA178

☐ Jury ☐ Non-Jury

PAUL DULBERG

VS.

DAVID GAGNON, et al.

Date 4/3/13 Plaintiff's Attorney MART Defendant's Attorney WACH. CO. → BAREN  
GAGNON → A CAN DO

## ORDER

Came for all parties appearing, and  
 the Court being advised that the McHenry  
 Defendant's chainsaw and associated manual were  
 presented for inspection, photographing and  
 copying on April 11, 2013.

It is ordered:

The Protective Order entered on  
 August 17, 2012 is hereby modified  
 and amended as follows:

The items of said chain saw and associated  
 parts, accessories, manual and paperwork are  
 free to use same in the ordinary course;  
 provided, however, that same shall not  
 be sold or otherwise disposed of <sup>parts, accessories, manual or</sup> ~~otherwise~~  
 without further order of the Court.

Prepared by: \_\_\_\_\_

Attorney for: \_\_\_\_\_

Attorney Registration No.: \_\_\_\_\_ Judge \_\_\_\_\_

G. AM

# CLAIM PAYMENT

353319777

ELGIN CLAIM BRANCH  
PO BOX 39  
DUNDEE IL 60118-0039



MAJOR HILL INSURANCE  
PO BOX 146  
FOX LAKE IL 60020-0146

CLAIM NUMBER	PAID DATE	AMOUNT PAID
013-0002779-2011	02/10/2014	\$*****5,000.00
LOSS DATE	STATUS	POLICY NUMBER
06/28/2011	CLOSE COVERAGE	48 010965 01
INSURED		
WILLIAM MCGUIRE & CAROLYN MCGUIRE		

ON BEHALF OF:  
PAUL DULBERG

RONALD BARCH  
CICERO FRANCE BARCH & ALEXANDER  
6323 E RIVERSIDE BLVD  
ROCKFORD, IL 61114-4414

COVERAGE:  
442 - HOL - HOMEOWNERS LIABILITY (INCL MED)

DETACH HERE AND KEEP FOR YOUR RECORDS

THIS DOCUMENT HAS A COLORED BACKGROUND, VOID PANTOGRAPH, AND MICROPRINTING IN THE BORDER

**Auto-Owners Insurance**

Life Home Car Business  
*The No Problem People*

OWNERS INSURANCE CO. - CLAIM PAYMENT CHECK

353319777

BANK OF AMERICA, NA  
CHICAGO IL 60610

70-2328  
719 IL

02/10/2014

FIVE THOUSAND AND 00/100 DOLLARS

PAY TO THE  
ORDER OF PAUL DULBERG & HIS ATTORNEYS  
THOMAS J POPOVICH PC

INSURED: WILLIAM MCGUIRE & CAROLYN MCGUIRE		
CLAIM NUMBER	LOSS DATE	
013-0002779-2011	06/28/2011	
POLICY NUMBER	AGENCY	
48 010965 01	04-0517-00	\$*****5,000.00

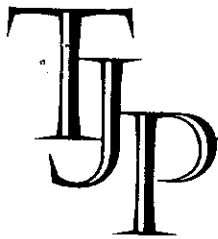
IN PAYMENT OF:  
PAYMENT ON BEHALF OF PAUL DULBERG  
FULL AND FINAL SETTLEMENT

*Jeffrey J. Hunsaker*

SIGNATURE HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

0353319777 071923284 8765818149

11085 (06-10)



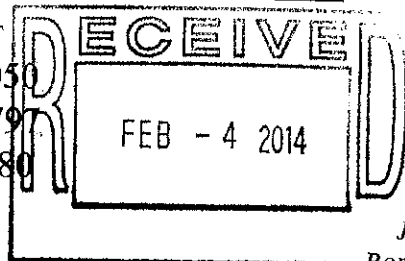
The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050

TELEPHONE: 815.344.3797

FACSIMILE: 815.344.5280

[www.popovichlaw.com](http://www.popovichlaw.com)



THOMAS J. POPOVICH

HANS A. MAST

JOHN A. KORNAK

January 31, 2014

MARK J. VOGG

JAMES P. TUTAJ

ROBERT J. LUMBER

THERESA M. FREEMAN

VIA FACSIMILE: 815/226-7701

& FIRST CLASS MAIL:

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*  
McHenry County Case: 12 LA 178

Dear Mr. Barch:

Please find enclosed with this letter the executed Release in the above-referenced matter. Please forward the settlement draft to my attention at your earliest convenience.

As I understand it, you have no liens on the file other than our attorney's lien.

Thank you for your cooperation.

Very truly yours,



HANS A. MAST

smq

Enclosure

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**

3416 West Elm Street

McHenry, IL 60050

Telephone: 815-344-3797

Facsimile: 815-344-5280

**PERSONAL & CONFIDENTIAL**  
**TELECOPY COVER SHEET**

DATE:

2.4.14

TO:

Marleen

FACSIMILE:

815/226-7701

FROM:

Sheila**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**

3416 West Elm Street

McHenry, IL 60050

815-344-3797 Fax: 815-344-5280

NUMBER OF PAGES:

2

(INCLUDING COVER SHEET)

MESSAGE:

Dulberg

**CONFIDENTIALITY NOTICE**  
THE INFORMATION CONTAINED IN THIS FAX AND ANY ACCOMPANYING DOCUMENTS ARE ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR USE BY THE ADDRESSEE. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS IN ERROR, PLEASE RETURN THE ORIGINALS TO THE SENDER VIA THE U.S. POSTAL SERVICE. THANK YOU.

**Form W-9**  
(Rev. January 2011)  
Department of the Treasury  
Internal Revenue Service

# Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

Print or type  
See Specific Instructions on page 2.

Name (as shown on your income tax return)  
**Law Offices of Thomas J. Popovich, P.C.**

Business name/disregarded entity name, if different from above

Check appropriate box for federal tax classification (required):  
☐ Individual/sole proprietor  
☒ C Corporation  
☐ S Corporation  
☐ Partnership  
☐ Trust/estate  
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶  
☐ Other (see instructions) ▶  
☐ Exempt payee

Address (number, street, and apt. or suite no.)  
**3416 W. Elm Street**

City, state, and ZIP code  
**McHenry, IL 60050**

Requester's name and address (optional)

List account number(s) here (optional)

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

--	--	--	--	--	--	--	--	--	--

Employer identification number

3	6	-	4	2	7	5	0	8	5
---	---	---	---	---	---	---	---	---	---

## Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign  
Here

Signature of  
U.S. person ▶

*Thomas J. Popovich*

Date ▶

*2-4-14*

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

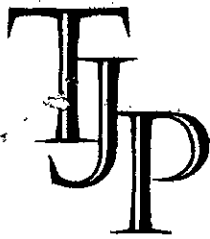
- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.



# The Law Offices of Thomas J. Popovich P.C.

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THERESA M. FREEMAN

January 31, 2014

**VIA FACSIMILE: 815/226-7701  
& FIRST CLASS MAIL:**

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

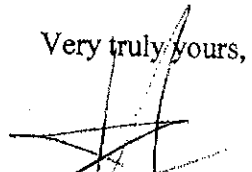
Dear Mr. Barch:

Please find enclosed with this letter the executed Release in the above-referenced matter. Please forward the settlement draft to my attention at your earliest convenience.

As I understand it, you have no liens on the file other than our attorney's lien.

Thank you for your cooperation.

Very truly yours,



**HANS A. MAST**

smq  
Enclosure

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

## GENERAL RELEASE AND SETTLEMENT AGREEMENT

NOW COMES PAUL DULBERG, and in consideration of the payment of Five-Thousand (\$5,000.00) Dollars to him, by or on behalf of the WILLIAM MCGUIRE and CAROLYN MCGUIRE (aka Bill McGuire; improperly named as Caroline McGuire) and AUTO-OWNERS INSURANCE COMPANY, the payment and receipt of which is hereby acknowledged, PAUL DULBERG does hereby release and discharge the WILLIAM MCGUIRE and CAROLYN MCGUIRE and AUTO-OWNERS INSURANCE COMPANY, and any agents or employees of the WILLIAM MCGUIRE and CAROLYN MCGUIRE and AUTO-OWNERS INSURANCE COMPANY, of and from any and all causes of action, claims and demands of whatsoever kind or nature including, but not limited to, any claim for personal injuries and property damage arising out of a certain chain saw incident that allegedly occurred on or about June 28, 2011, within and upon the premises known commonly as 1016 West Elder Avenue, City of McHenry. County of McHenry, State of Illinois.

IT IS FURTHER AGREED AND UNDERSTOOD that there is presently pending a cause of action in the Circuit Court of the 22<sup>nd</sup> Judicial Circuit, McHenry County, Illinois entitled "Paul Dulberg, Plaintiff, vs. David Gagnon, Individually, and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, Individually, Defendants", Cause No. 2012 LA 178, and that this settlement is contingent upon WILLIAM MCGUIRE and CAROLYN MCGUIRE being dismissed with prejudice as parties to said lawsuit pursuant to a finding by the Circuit Court that the settlement between the parties constitutes a good faith settlement for purposes of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 100/0.01, *et seq.*

IT IS FURTHER AGREED AND UNDERSTOOD that as part of the consideration for this agreement the undersigned represents and warrants as follows (check applicable boxes):

- ☒ I was not 65 or older on the date of the occurrence.
- ☒ I was not receiving SSI or SSDI on the date of the occurrence.
- ☐ I am not eligible to receive SSI or SSDI.
- ☒ I am not currently receiving SSI or SSDI.

IT IS FURTHER AGREED AND UNDERSTOOD:

- a. That any subrogated claims or liens for medical expenses paid by or on behalf of PAUL DULBERG shall be the responsibility PAUL DULBERG, including, but not limited to, any Medicare liens. Any and all reimbursements of medical expenses to subrogated parties, including Medicare's rights of reimbursement, if any, shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released herein.
- b. That any outstanding medical expenses are PAUL DULBERG's responsibility and all payment of medical expenses hereafter shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released



- c. That PAUL DULBERG agrees to save and hold harmless and indemnify the parties released herein against any claims made by any medical providers, including, but not limited to Medicare or parties subrogated to the rights to recover medical or Medicare payments.

IT IS FURTHER AGREED AND UNDERSTOOD by the parties hereto that this agreement contains the entire agreement between the parties with regard to materials set forth herein, and shall be binding upon and inure to the benefit of the parties hereto, jointly and severally, and the executors, conservators, administrators, guardians, personal representatives, heirs and successors of each.

IT IS FURTHER AGREED AND UNDERSTOOD that this settlement is a compromise of a doubtful and disputed claim and no liability is admitted as a consequence hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the dates set forth below.

Dated: 1-29-2014

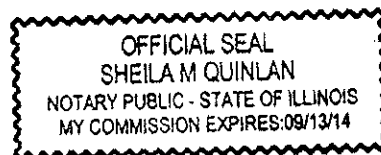
Paul Dulberg  
PAUL DULBERG

STATE OF ILLINOIS     )  
                                      ) SS.  
COUNTY OF MCHENRY    )

PAUL DULBERG personally appeared before me this date and acknowledged that she executed the foregoing Release and Settlement Agreement as his own free act and deed for the uses and purposes set forth therein.

Dated this 29<sup>th</sup> day of January, 2014.

Sheila M. Quinlan  
Notary Public



February 4, 2014

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re:   *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually*   -   Case No. 12 LA 178**

Dear Clerk:

A Good Faith Finding And Order Of Dismissal was entered by Judge Meyer on January 22, 2014, with regard to the above-captioned lawsuit. Please forward a file-stamped copy of the signed order to me in the stamped, self-addressed envelope which I am providing herewith for this purpose. I have also enclosed my check in the amount of \$2.50 to cover the cost.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc9.ltr  
encls.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

JOHN W. FRANCE

RONALD A. BARCH

CHARLES P. ALEXANDER

TEL: (815) 226-7700

FAX: (815) 226-7701

January 22, 2014

CHANTEL R. BIELSKIS

ANDREW T. SMITH

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

COPY

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

As you likely know, on January 22, 2014, the trial court granted my Motion for Good Faith Finding and Dismissal. I understand that copies of the signed original order should be available through the Circuit Clerk's office within a few days.

My clients and I are interested in wrapping up our settlement as soon as possible. All I need from you at this time is the fully executed release and a fully executed IRS Form W-9. I supplied both original documents to you under cover dated January 9, 2014. Please attend to these items at your earliest convenience. Thank you.

Very truly yours,



RONALD A. BARCH

RB:mj\40ltr.HAM

cc Tom Malatia (Claim No. 13-2779-11)

Attorney Perry Accardo

January 9, 2014

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re: *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually* - Case No. 12 LA 178**

Dear Clerk:

Please find enclosed an original Notice of Motion and Motion for Good Faith Finding and for Order of Dismissal with Prejudice by Defendants Bill McGuire and Carolyn McGuire. Please file said documents.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc8.ltr  
encls.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700  
FAX: (815) 226-7701

January 9, 2014

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

In view of the settlement documented by your letter of December 26, 2013, I am enclosing herewith a Notice of Motion and a Motion for Good Faith Finding and Dismissal. The motion is scheduled for presentation before Judge Thomas A. Meyer on Wednesday, January 22, 2014, at 9:00 a.m.

Enclosed herewith you will also find a proposed General Release and Settlement Agreement for execution by Mr. Dulberg. Please have Mr. Dulberg execute the release before a Notary Public and return it to me. In the alternative, please call me with any questions or requested modifications you may have.

Based upon our earlier exchange of communications on the subject, it does not appear that we have any known liens to deal with other than your Attorneys' Lien. That being the case, I can secure a single settlement draft payable to you and your client as soon as I receive and executed IRS Form W-9. I am enclosing a blank IRS Form W-9 to facilitate your quick response. If you return the executed W-9 right away I may have the settlement draft by the time you are in a position to furnish me with the executed release.

Please do not hesitate to call me if you have any questions concerning the above or the enclosed. I otherwise look forward to receiving the executed IRS Form W-9 and the executed release at your earliest convenience. I will also see you or one of your colleagues on January 15.

RB:mj\39ltr.HAM  
Encl.  
cc Tom Malatia (Claim No. 13-2779-11)

Very truly yours,



RONALD A. BARCH

## GENERAL RELEASE AND SETTLEMENT AGREEMENT

NOW COMES PAUL DULBERG, and in consideration of the payment of Five-Thousand (\$5,000.00) Dollars to him, by or on behalf of the WILLIAM MCGUIRE and CAROLYN MCGUIRE (aka Bill McGuire; improperly named as Caroline McGuire) and AUTO-OWNERS INSURANCE COMPANY, the payment and receipt of which is hereby acknowledged, PAUL DULBERG does hereby release and discharge the WILLIAM MCGUIRE and CAROLYN MCGUIRE and AUTO-OWNERS INSURANCE COMPANY, and any agents or employees of the WILLIAM MCGUIRE and CAROLYN MCGUIRE and AUTO-OWNERS INSURANCE COMPANY, of and from any and all causes of action, claims and demands of whatsoever kind or nature including, but not limited to, any claim for personal injuries and property damage arising out of a certain chain saw incident that allegedly occurred on or about June 28, 2011, within and upon the premises known commonly as 1016 West Elder Avenue, City of McHenry, County of McHenry, State of Illinois.

IT IS FURTHER AGREED AND UNDERSTOOD that there is presently pending a cause of action in the Circuit Court of the 22<sup>nd</sup> Judicial Circuit, McHenry County, Illinois entitled "Paul Dulberg, Plaintiff, vs. David Gagnon, Individually, and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, Individually, Defendants", Cause No. 2012 LA 178, and that this settlement is contingent upon WILLIAM MCGUIRE and CAROLYN MCGUIRE being dismissed with prejudice as parties to said lawsuit pursuant to a finding by the Circuit Court that the settlement between the parties constitutes a good faith settlement for purposes of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 100/0.01, *et seq.*

IT IS FURTHER AGREED AND UNDERSTOOD that as part of the consideration for this agreement the undersigned represents and warrants as follows (check applicable boxes):

- ☐ I was not 65 or older on the date of the occurrence.
- ☐ I was not receiving SSI or SSDI on the date of the occurrence.
- ☐ I am not eligible to receive SSI or SSDI.
- ☐ I am not currently receiving SSI or SSDI.

IT IS FURTHER AGREED AND UNDERSTOOD:

- a. That any subrogated claims or liens for medical expenses paid by or on behalf of PAUL DULBERG shall be the responsibility PAUL DULBERG, including, but not limited to, any Medicare liens. Any and all reimbursements of medical expenses to subrogated parties, including Medicare's rights of reimbursement, if any, shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released herein.
- b. That any outstanding medical expenses are PAUL DULBERG's responsibility and all payment of medical expenses hereafter shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released

- c. That PAUL DULBERG agrees to save and hold harmless and indemnify the parties released herein against any claims made by any medical providers, including, but not limited to Medicare or parties subrogated to the rights to recover medical or Medicare payments.

IT IS FURTHER AGREED AND UNDERSTOOD by the parties hereto that this agreement contains the entire agreement between the parties with regard to materials set forth herein, and shall be binding upon and inure to the benefit of the parties hereto, jointly and severally, and the executors, conservators, administrators, guardians, personal representatives, heirs and successors of each.

IT IS FURTHER AGREED AND UNDERSTOOD that this settlement is a compromise of a doubtful and disputed claim and no liability is admitted as a consequence hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the dates set forth below.

Dated: \_\_\_\_\_

\_\_\_\_\_  
PAUL DULBERG

STATE OF ILLINOIS     )  
                                  ) SS.  
COUNTY OF MCHENRY    )

PAUL DULBERG personally appeared before me this date and acknowledged that she executed the foregoing Release and Settlement Agreement as his own free act and deed for the uses and purposes set forth therein.

Dated this \_\_\_\_\_ day of January, 2014.

\_\_\_\_\_  
Notary Public

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,	)	
	)	
Plaintiff,	)	Case No. 12 LA 178
	)	
vs.	)	
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE MCGUIRE and BILL	)	
MCGUIRE, and CAROLINE MCGUIRE	)	
and BILL MCGUIRE, Individually,	)	
	)	
Defendants.	)	

**GOOD FAITH FINDING AND ORDER OF DISMISSAL**

THIS CAUSE coming on to be heard on the Motion for Good Faith Finding and for Order of Dismissal with Prejudice filed by Defendants Bill McGuire and Carolyn McGuire, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That settlement between Plaintiff Paul Dulberg and Defendants Bill McGuire and Carolyn McGuire (improperly named Caroline) constitutes a fair and reasonable and good faith settlement within the meaning of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 0.01 et seq.
2. That the good faith settlement shall henceforth constitute a bar to any and all claims that Plaintiff Paul Dulberg and Defendant David Gagnon and other known or unknown tortfeasors may have against Defendants Bill McGuire and Carolyn McGuire on account of or arising out of the injuries, if any, sustained by Plaintiff Paul Dulberg as a result of the alleged chain saw accident that occurred on June 28, 2011, whether by way of original action, third party claim, cross-claim, counterclaim, claim for contribution or otherwise.



3. That Defendants Bill McGuire and Carolyn McGuire be and are hereby dismissed from the above-captioned lawsuit as party defendants and cross-claimants, with prejudice, and in bar of further suit.

4. That that there is no just reason to delay the enforcement or appeal of this good faith finding and order of dismissal.

DATED: \_\_\_\_\_

\_\_\_\_\_  
JUDGE Thomas A. Meyer

Prepared by:  
Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700

# Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

**Name** (as shown on your income tax return)

**Business name/disregarded entity name**, if different from above

Check appropriate box for federal tax classification (required): ☐ Individual/sole proprietor ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶

☐ Other (see Instructions) ▶

☐ Exempt payee

**Address** (number, street, and apt. or suite no.)

**City, state, and ZIP code**

**List account number(s) here** (optional)

**Requester's name and address** (optional)

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number								

Employer identification number								

## Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification Instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

**Sign Here** Signature of U.S. person ▶

Date ▶

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

#### Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

#### Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

#### Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

#### Specific Instructions

##### Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

**Disregarded entity.** Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

### Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
  2. The United States or any of its agencies or instrumentalities,
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
  7. A foreign central bank of issue,
  8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
  9. A futures commission merchant registered with the Commodity Futures Trading Commission,
  10. A real estate investment trust,
  11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
  12. A common trust fund operated by a bank under section 584(a),
  13. A financial institution,
  14. A middleman known in the investment community as a nominee or custodian, or
  15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its Instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

### Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

### Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

### What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>3</sup> The actual owner <sup>4</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>4</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

\*Note. Grantor also must provide a Form W-9 to trustee of trust.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

### Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

### Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-368-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

### Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

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TEL: (815) 226-7700

FAX: (815) 226-7701

January 9, 2014

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

In view of the settlement documented by your letter of December 26, 2013, I am enclosing herewith a Notice of Motion and a Motion for Good Faith Finding and Dismissal. The motion is scheduled for presentation before Judge Thomas A. Meyer on Wednesday, January 22, 2014, at 9:00 a.m.

Enclosed herewith you will also find a proposed General Release and Settlement Agreement for execution by Mr. Dulberg. Please have Mr. Dulberg execute the release before a Notary Public and return it to me. In the alternative, please call me with any questions or requested modifications you may have.

Based upon our earlier exchange of communications on the subject, it does not appear that we have any known liens to deal with other than your Attorneys' Lien. That being the case, I can secure a single settlement draft payable to you and your client as soon as I receive and executed IRS Form W-9. I am enclosing a blank IRS Form W-9 to facilitate your quick response. If you return the executed W-9 right away I may have the settlement draft by the time you are in a position to furnish me with the executed release.

Please do not hesitate to call me if you have any questions concerning the above or the enclosed. I otherwise look forward to receiving the executed IRS Form W-9 and the executed release at your earliest convenience. I will also see you or one of your colleagues on January 15.

Very truly yours,



RONALD A. BARCH

RB:mj\39ltr.HAM

Encl.

cc Tom Malatia (Claim No. 13-2779-11)

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

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January 8, 2014

Mr. Mike Thomas  
460 Walbeck Drive  
Twin Lakes, WI 53181

COPY

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Thomas:

I am writing in follow-up to my letter of November 4, 2013, which included a deposition subpoena and notice of deposition requiring your appearance for an oral examination under oath on January 17, 2014, at 1:00 p.m. in the law offices of Thomas J. Popovich, 3416 West Elm Street, McHenry, Illinois. In this regard, I note that the letter, subpoena and notice were sent to you via regular U.S. Mail and by certified mail. My office received a return receipt indicating Todd Tedrow signed for the certified letter on your behalf.

In any event, this letter will confirm that I am withdrawing my subpoena and my notice of deposition, as both of my clients have reached a settlement with Mr. Paul Dulberg. You are therefore no longer obligated to appear for deposition on January 17, 2014. With this in mind, kindly return the witness fee that accompanied the subpoena and deposition notice that accompanied the certified mailing.

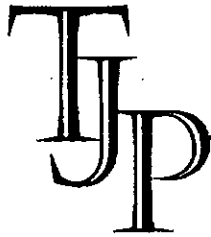
If you have any questions, please do not hesitate to call. I otherwise thank you in advance for the prompt return of the \$41.00 witness fee.

Very truly yours,



RONALD A. BARCH

RB:mj:38ltr.MT  
CC Perry Accardo  
Hans Mast  
Tom Malatia (Claim No. 13-2779-11)



## The Law Offices of Thomas J. Popovich P.C.

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THERESA M. FREEMAN

December 26, 2013

VIA FACSIMILE: 815/226-7701

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*  
McHenry County Case: 12 LA 178

Dear Mr. Barch:

Please be advised that we will accept your \$5,000 settlement offer on behalf of you clients, Caroline and Bill McGuire. Please forward your settlement agreement to my attention. Also, please present a motion for good faith finding with regard to the settlement.

As I understand it, you have no liens on the file other than our attorney's lien.

Thank you for your cooperation.

Very truly yours,



HANS A. MAST

smq

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November 18, 2013

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

**Issued For Settlement Purposes Only**

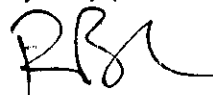
Dear Mr. Mast:

I am writing to confirm our telephone conversation earlier this morning, wherein I advised you that I was authorized to propose settlement of Mr. Dulberg's claim against Carolyn and Bill McGuire for a lump-sum total of \$5,000.00. The settlement would of course be contingent upon customary settlement documents, including a release, a good faith settlement finding and dismissal.

Pursuant to your request, I searched my file materials for lien notices. The only notice of lien contained in my file at this time is your Attorney's Lien (enclosed). I have asked my contact at Auto-Owners Insurance Company to confirm no lien notices have arrived on his end since Mr. Dulberg's case was assigned to me for the defense of Mr. and Mrs. McGuire. I do not anticipating any lien notices, but just wanted to be safe.

I understand that you intend to run my settlement proposal by Mr. Dulberg. I look forward to hearing from you once you have had a chance to confer with him.

Very truly yours,

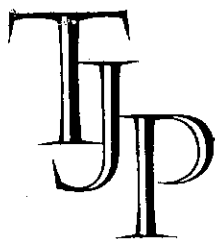


RONALD A. BARCH

RB:mj\37ltr.HAM

cc Tom Malatia (Claim No. 13-2779-11)

Encl.



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THOMAS J. POPOVICH

HANS A. MAST  
JOHN A. KORNAK<sup>†</sup>  
DIANA M. REITER

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

December 5, 2011

**VIA CERTIFIED MAIL:**

Auto Owners Insurance  
Tom Malatia, Adjuster  
6000 Tallgate Road, Suite D  
Elgin, IL 60123

DEC - 7 2011

RE:	Claimant:	Paul Dulberg
	Your Insured:	Caroline and Bill McGuire
	Claim No.:	13-2779-11
	DOA:	06/28/11

Dear Mr. Malatia:

Please be advised that I have been retained to represent Paul Dulberg for personal injuries he suffered in a chainsaw accident on June 28, 2011. Enclosed is our Notice of Attorney's Lien.

Please contact me to discuss this matter as soon as possible.

Very truly yours,

HANS A. MAST

smq  
Enclosure

S:\Main\DULBERG, PAUL\Letters\Letter to Auto Owners Ins def's Ins 12-5-11.wpd

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**

3416 WEST ELM STREET

MC HENRY, IL 60050

PHONE: 815-344-3797

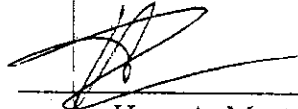
FAX: 815-344-5280

**NOTICE OF ATTORNEY'S LIEN**

TO: Auto Owners Insurance  
Tom Malatia, Adjuster  
6000 Tallgate Road, Suite D  
Elgin, IL 60123

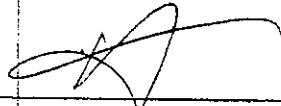
RE: Claimant: Paul Dulberg  
Your Insured: Caroline and Bill McGuire  
Claim No.: 13-2779-11  
DOA: 06/28/11

You are hereby notified that **PAUL DULBERG**, has placed in my hands as his attorney, for suit or collection, a claim, demand or cause of action against the Defendant in the above matter growing out of a certain accident that occurred on or about **June 28, 2011, at 1016 W. Elder Avenue, McHenry, Illinois, McHenry County** and has agreed to pay me for my services certain legal fees not exceeding one-third of whatever amount may be recovered therefrom by suit, settlement or otherwise, plus costs and that a lien is hereby made and placed upon said claim, demand or cause of action of such fee.



Hans A. Mast

I, Han A. Mast, an attorney, on oath state that I served this Notice by mailing a true and correct copy of the same to the party(s) listed above and depositing the same in the U.S. Mail at McHenry, Illinois before 5:00 p.m. on December 5, 2011.



Hans A. Mast

**LAW OFFICES OF THOMAS J. POPOVICH**

3416 West Elm Street

McHenry, IL 60050

815-344-3797

TRANSMISSION VERIFICATION REPORT

TIME : 11/18/2013 11:52  
NAME : CICERO FRANCE ET AL  
FAX : 8152267701  
TEL :  
SER.# : G9N312399

DATE, TIME	11/18 11:51
FAX NO./NAME	8153445280
DURATION	00:01:07
PAGE(S)	04
RESULT	OK
MODE	STANDARD
	ECM

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

**A Professional Corporation**

**Attorneys at Law**

**6323 RIVERSIDE BLVD.**

**ROCKFORD, IL 61114**

**TELEPHONE: (815) 226-7700**

**FACSIMILE: (815) 226-7701**

**FACSIMILE TRANSMISSION**

**DATE:** November 18, 2013

**TIME:** 11:45 a.m.

**RECEIVING LOCATION:**

Law Offices of Thomas J. Popovich, PC

**RECEIVER'S FACSIMILE NUMBER:**

815/344-5280

**ATTENTION:**

**Attorney Hans A. Mast**

**FROM:**

**RONALD A. BARCH**

**TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 4**

**COMMENTS AND/OR SPECIAL INSTRUCTIONS: SEE ATTACHED**

**IF PROBLEMS OCCUR DURING TRANSMISSION,  
PLEASE CALL (815) 226-7700 AS SOON AS POSSIBLE.**

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**THANK YOU.**

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

November 4, 2013

Mr. Mike Thomas  
460 Walbeck Drive  
Twin Lakes, WI 53181

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Thomas:

Enclosed you will find a deposition subpoena and notice of deposition setting your deposition for January 17, 2014, at 1:00 p.m. in the law offices of Thomas J. Popovich, 3416 West Elm Street, McHenry, Illinois. For planning purposes, I am predicting that your deposition will last about an hour or so.

Upon receipt of this letter and the enclosed subpoena, please give me a call at 815/226-7700 to confirm that you are available for deposition on the date and at the time selected. If the date or time selected poses a schedule conflict for you, we can make an attempt to secure a date and time convenient to you, the court reporter and the attorneys involved. When you call I also want to secure an accurate phone number from you so that I have a way to communicate with you if any problems develop on your end or ours.

I look forward to hearing from you at your earliest convenience. Thank you.

Very truly yours,

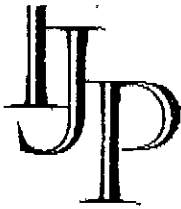


RONALD A. BARCH

RB:mj:34ltr.MT

Encl.

CC Perry Accardo  
Hans Mast  
Tom Malatia (Claim No. 13-2779-11)



The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280  
[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

October 22, 2013

VIA FACSIMILE: 815/226-7701

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*  
McHenry County Case: 12 LA 178

Dear Mr. Barch:

I recently discussed this claim with my client. We are prepared to let your clients out of the case for \$7,500 at this point. Please advise how you wish to proceed.

Thank you for your cooperation.

Very truly yours,

HANS A. MAST

smq

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

November 4, 2013

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re:   *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually*   -   Case No. 12 LA 178**

Dear Clerk:

Please find enclosed a Subpoena for Discovery Deposition and Notice of Subpoenaed  
Discovery Deposition with regard to the above-captioned lawsuit. Please file said documents.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc,ltr  
encls.



## Ron Barch

---

**From:** Ron Barch  
**Sent:** Friday, October 18, 2013 1:51 PM  
**To:** 'Accardo, Perry'  
**Cc:** Chantel Bielskis; Marlene Johnson  
**Subject:** Dulberg v. McGuire and Gagnon

Perry:

From our conversation at the conclusion of Dr. Talerico's deposition last Wednesday it is my understanding that you plan to continue the discovery deposition of Dr. Ford, which is currently scheduled for Wednesday, October 23, 2013. As of the date and time of writing, however, I have not received a formal cancellation or continuance.

I will be out of the office all next week on a vacation. Accordingly, my colleague, Chantel Bielskis, is currently scheduled to cover Dr. Ford's deposition if it goes forward. Attorney Bielskis remains available for next Wednesday if you have changed your mind.

In any event, kindly confirm one way or the other whether Dr. Ford's deposition is going forward next week. Please "Reply to All" so Attorney Bielskis gets the information she needs. Thanks, and have a great weekend.

Ronald A. Barch  
Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)  
[Rb@cicerofrance.com](mailto:Rb@cicerofrance.com)

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Circular 230 Disclosure: Any advice contained in this email (including any attachments), unless expressly stated otherwise, is not intended or written to be used, and cannot be used, for purpose of avoiding tax penalties that may be imposed upon any taxpayer.

Perry A. Accardo  
Mary Jo Bonamino  
Joseph P. Callahan  
Christine Chrobak-Wastyn  
Adam J. Coombe  
Valerie E. Davis  
Tammy S. Doran  
Martin D. Kennelly  
David Kihen  
Stephen G. Loverde  
M.A. Christine Lyons

**Law Office of Steven A. Lihosit**  
200 North LaSalle Street, Suite 2550  
Chicago, Illinois 60601-1014

Fax (877) 715-9317

**STAFF COUNSEL**

Allstate Insurance Company  
Encompass Insurance

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All Attorneys are Employees of  
Allstate Insurance Company

This Office is not a Partnership or a Corporation

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Administrative Assistant  
(312) 558-9849

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Lucia Montaño  
Terry A. Mueller  
John H. Mullen  
Shoshan E. Reddington  
James J. Rosemeyer  
Mark A. Sukacz  
Sol C. Tramontana  
Stacy B. Walker

Paralegal  
(312) 558-9845

October 15, 2013

Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry, IL 60050

815 344-5280 Attention Sheila

Cicero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
Rockford, IL 61114

815 226-7701 Attention Marlene

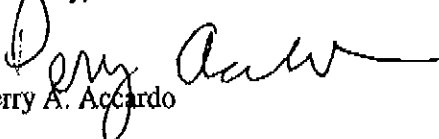
Re: Dulberg vs. Gagnon, et al.  
Court Number: 12LA000178  
Date of Loss: June 28, 2011  
Our File Number: 0245281968.1 SKO

Dear Counsel:

Please be advised that the deposition of Dr. Marcus Talerico has been confirmed for tomorrow 10/16 at 1:00 PM. The location has been changed to Mid America Orthopedics 1419 Peterson Road, Libertyville, IL 60048 and not in Schaumburg. Please call my assistant Diane at 312 558-9849 if you have any questions regarding this matter.

Thank you for your cooperation.

Sincerely,

  
Perry A. Accardo

Drp



THE LAW OFFICES OF THOMAS J. POPOVICH P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280

[www.popovichlaw.com](http://www.popovichlaw.com)  
September 25, 2013



THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

VIA FACSIMILE: 815/226-7701

VIA FACSIMILE: 312/558-9357

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*  
McHenry County Case: 12 LA 178

Dear Counselors:

I have tried to contact Mr. Michael Thomas, but apparently he does not want to get involved in the suit. If we have named him as a witness I am happy to withdraw him as a witness. However, if you wish to contact him yourself, you may subpoena him at his home at 406 Waldeck Drive, Twin Lakes, WI 53181.

Very truly yours,

  
HANS A. MAST

smq

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

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ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

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CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2013

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

COPY

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

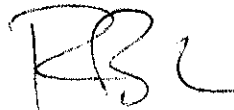
Back in early July we discussed my desire to depose Mike Thomas. You advised that you would reach out to your client for contact information on Mr. Thomas. Shortly thereafter (July 15, 2013), you issued a letter advising that you would make arrangements for Mr. Thomas' deposition. Your letter requested that I propose some open dates for his deposition.

On July 25, 2013, I sent a letter to you offering up seven dates for Mr. Thomas' deposition. Apparently none of the dates worked, as I did not hear back from you or your office.

Following the hearing on August 14, 2013, I asked your colleague (Theresa Freeman) to follow-up with you about Mr. Thomas' deposition. I am not sure if the message got to you but I did not hear from you or your office.

In any event, I remain interested in deposing Mr. Thomas. Please check with him and offer two or three deposition dates in September or October so we can get his deposition done. I look forward to hearing from you. Thank you.

Very truly yours,



RONALD A. BARCH

RB:mj33ltr.HAM

cc Tom Malatia (Claim No. 13-2779-11)  
Attorney Perry Accardo

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation  
Attorneys at Law  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

TEL: (815) 226-7700  
FAX: (815) 226-7701

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

August 15, 2013

COPY

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Accardo:

Enclosed you will find a copy of the Order that entered on August 14, 2013. Please call if you have any questions.

Very truly yours,



RONALD A. BARCH

RB:mj:31ltr.PAA  
Encl.

Perry A. Accardo  
Mary Jo Bonamino  
Joseph P. Callahan  
Christine Chrobak-Waslyn  
Adam J. Coombe  
Valerie E. Davis  
Tammy S. Doran  
Martin D. Kennelly  
David Killen  
Stephen G. Loverde  
M.A. Christine Lyons

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200 North LaSalle Street, Suite 2550  
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Shoshan E. Reddington  
James J. Rosemeyer  
Mark A. Sukacz  
Sal C. Tramontana  
Stacy B. Walker  
Stewart M. Zelmar

Attorney  
(312) 558-9821

Paralegal  
(312) 558-9812

August 9, 2013

VIA FACSIMILE

Ronald A. Barch  
Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd  
Rockford, IL 61114

Hans A. Mast  
The Law Offices of Thomas J. Popovich, P.C.  
3416 W. Elm Street  
McHenry, IL 60050

Re: Dulberg vs. Gagnon, et al.  
Court Case Number: 12LA000178  
Date of Loss: June 28, 2011  
Our File Number: 0245281968.1 SKO

Dear Mr. Barch and Mr. Mast:

I am writing to inform you both that I will be unable to appear for the status hearing currently scheduled for August 14, 2013 in McHenry County as I will be out of the office on vacation.

However, I did wish to inform you that my office is working to secure dates for the discovery depositions of Dr. Apiwat Ford, Dr. Scott Sagerman, Dr. Karen Levin and Dr. Marcus Talerico.

In my absence, I have advised my secretary to work on scheduling those depositions and to inform your offices of the progress prior to the next status date.

Sincerely,

  
Perry A. Accardo



**Allstate.**  
You're in good hands.

**FAX**

**Date** Friday, August 09, 2013 5:24:12 PM Central Time

**Number of Pages** 03  
(Including Cover Sheet)

**To** Ronald Barch

**Company** \_\_\_\_\_

**Phone** \_\_\_\_\_ **Fax** 8152267701

**From** Accardo, Perry

**Department** \_\_\_\_\_

**Phone** \_\_\_\_\_ **Fax** \_\_\_\_\_

**Notes:** Dulberg v Gagnon 12 LA 178

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**Allstate Insurance Company**

## **Facsimile From The Desk Of**

**Perry A. Accardo**

Law Office of Steven A. Lihosit

Staff Counsel Allstate, Encompass & Esurance

200 N LaSalle St Ste 2550

Chicago, IL 60601

312-558-9821 (phone)

847-345-5016 (cell)

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[Perry.Accardo@Allstate.com](mailto:Perry.Accardo@Allstate.com)

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CICERO, FRANCE, BARCH & ALEXANDER, P.C.

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ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700  
FAX: (815) 226-7701

July 25, 2013

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

With respect to Mike Thomas' discovery deposition, I am currently available during the afternoon of August 13, after court on August 14, the afternoon of August 15, and any time on August 20, August 21, August 22 or August 23.

Thank you for agreeing to make arrangements for Mr. Thomas to appear. I look forward to hearing back from you on a date that works for you, Mr. Thomas and Mr. Accardo.

For communication purposes, I will be out of the office 7/26 through 8/5. In my absence, feel free to have your deposition assistant work with my assistant Marlene Johnson. Hopefully we can report the deposition scheduled when we are next in court.

Very truly yours,



RONALD A. BARCH

RB:mj30ltr.HAM

cc Tom Malatia (Claim No. 13-2779-11)  
Attorney Perry Accardo

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation  
Attorneys at Law  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700  
FAX: (815) 226-7701

July 25, 2013

COPY

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Accardo:

I am writing in follow-up to our chance conversation this morning in Winnebago County Courthouse. I tried to reach you this afternoon by phone to discuss the deposition issue further or to secure an email address but was unable to crack the electronic barriers and stop gap measures in place at your firm.

In any event, as I mentioned, I will be contacting Attorney Mast with some dates for the deposition of Mike Thomas. I will copy you on the letter. Hopefully we can report the deposition scheduled when we are next in court (August 14, 2013).

We also discussed medical discovery. Mr. Mast has authorized us to contact medical providers for scheduling purposes only. His only request is that we run the target depositions and dates by his "deposition assistant" (see enclosed letter). While we initially spoke about two depositions, after reviewing the medical records we may want to explore some additional depositions as well. We definitely need to do the ER doctor (Apiwat W. Ford, MD @ Northern Illinois Medical Center) and the surgeon that worked on his arm (Dr. Scott Sagerman @ Hand Surgery Associates). I think we also need to consider two other depositions (Dr. Karen Levin @ Associated Neurology and Dr. Marcus Talerico @ Mid America Hand to Shoulder). Dr. Levin did an EMG in late July 2011 which suggested no median or ulnar nerve injury. Dr. Talerico evaluated Dulberg in December 2011 and January 2012 and each time concluded there was no need for surgical intervention.

Inasmuch as I will be out of the office July 26 thru August 5, I appreciate you taking the lead on the scheduling side of things. Perhaps we can report that one or more of the doctor depositions are also scheduled when we are next in court. Please let your assistant know that Marlene can help her confirm open dates on my calendar. Thank you.

Let me know if you have any questions concerning the above. I otherwise look forward to touching base with you sometime between August 5, 2013 and the next court date.

Very truly yours,

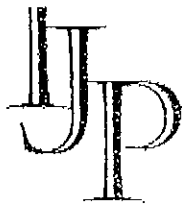
A handwritten signature in dark ink, appearing to read 'RBA', with a stylized flourish at the end.

RONALD A. BARCH

RB:mj29ltr.PAA

Encl.

cc Tom Malatia (Claim No. 13-2779-11)



## The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280  
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THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

July 15, 2013

**VIA FACSIMILE: 815/226-7701**

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Mr. Barch:

Thank you for your recent correspondence. You may call the physicians you wish to depose and schedule them with the deposition assistant.

As to the witness, please advise when you are available for his deposition and I will contact my client and try to arrange the deposition through our office.

Thank you for your cooperation.

Very truly yours,

HANS A. MAST

smq

c: Perry Accardo (fax: 312/558-9357)

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

**A Professional Corporation**

**Attorneys at Law**

**6323 RIVERSIDE BLVD.**

**ROCKFORD, IL 61114**

**TELEPHONE: (815) 226-7700**

**FACSIMILE: (815) 226-7701**

**FACSIMILE TRANSMISSION**

**DATE: July 25, 2013**

**TIME: 3:15 p.m.**

**RECEIVING LOCATION:**

**Attorney Perry A. Accardo  
312/558-9357**

**FROM:**

**RONALD A. BARCH**

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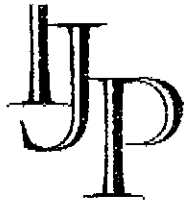
**THANK YOU.**

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MARK J. VOGG  
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THERESA M. FREEMAN

July 15, 2013

**VIA FACSIMILE: 815/226-7701**

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Mr. Barch:

Thank you for your recent correspondence. You may call the physicians you wish to depose and schedule them with the deposition assistant.

As to the witness, please advise when you are available for his deposition and I will contact my client and try to arrange the deposition through our office.

Thank you for your cooperation.

Very truly yours,

HANS A. MAST

smq

c: Perry Accardo (fax: 312/558-9357)

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

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CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700  
FAX: (815) 226-7701

July 11, 2013

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

When we spoke by phone prior to the last status hearing I mentioned a desire to depose Mike Thomas. He is apparently an acquaintance of Mr. Dulberg's. If memory serves, you mentioned that you were trying to track down a phone and address for him as well. My clients believe he resides somewhere in Wisconsin. Please check with Mr. Dulberg and let me know if he has an address and phone for Mr. Thomas. Thank you.

As an aside, I recently called Attorney Accardo to discuss target medical discovery. As it turns out, Mr. Accardo is out of the office until July 15. Upon his return I will speak to Mr. Accardo and one of us will contact you about scheduling medical discovery. In the interim, please let me know whether your office will take the lead on scheduling the medical depositions or whether you will grant me or Attorney Accardo permission to contact Mr. Dulberg's providers for the sole purposes of scheduling.

I hope this letter finds you doing well and look forward to hearing from you at your convenience.

Very truly yours,



RONALD A. BARCH

RB:mj\26ltr.HAM

cc Tom Malatia (Claim No. 13-2779-11)  
Attorney Perry Accardo



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July 11, 2013

COPY

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Accardo:

I tried to reach you by phone on Thursday, July 11, 2013, but learned from your voice mail that you would be out of the office until July 15, 2013. The reason I called was to reach a plan regarding target medical discovery. On your return, please call me to discuss the matter. I have alerted Attorney Mast that we will be submitting a list of target medical deponents so that we can get moving on Rule 213(f)(2) discovery.

I hope you time away was all you anticipated and look forward to hearing from you.  
Thank you.

Very truly yours,



RONALD A. BARCH

RB:mj\28ltr.PAA

Encl.

cc Tom Malatia (Claim No. 13-2779-11)

5/28/13

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of Steven A. Lihosit  
200 N. LaSalle Street, Suite 2550  
Chicago, IL 60601

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

I am writing to let you know that I have a schedule conflict for Wednesday, June 5, 2013. My colleague, Chantel Bielskis, will therefore be covering the status hearing.

I note that the last order entered indicates that the case is set for status on the completion of fact discovery (non-medical). I believe we have deposed all the major non-medical fact witnesses. The only lingering deposition for me is Mike Thomas. He has been disclosed as an individual that may have information about what and how Mr. Dulberg was doing following the chainsaw incident and prior to his surgery. It is my understanding that Mr. Thomas may reside in Twin Lakes, WI but I do not have an address or phone for him at this time. If either of your clients have an address and/or phone number, please advise.

With the above in mind, I am amenable to an order that closes non-medical fact discovery for all persons other than Mike Thomas (and any others you wish to include). We can then move on with medical discovery and accomplish Mr. Thomas' deposition if and when I locate him.

If you have any objections to the above, please give me a call. I am hopeful that we will have an agreement when the case is next in court.

Very truly yours,

RONALD A. BARCH

RB:mj\24ltr.OC  
CC Tom Malatia (13-2779-11)

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March 5, 2013

*Copy*

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

Long ago Attorney Mast filed a Motion for Protective Order wherein he expressed a desire to photograph and inspect the chainsaw involved in Mr. Dulberg's injury.

I will be bringing the chainsaw and manual to Mr. and Mrs. McGuire's depositions on March 20, 2013. Please be prepared to conduct any visual inspections you desire. I also ask that you be prepared to take any photographs you desire. The user's manual will be available for copying as well.

Please feel free to call if you have any questions concerning the above.

Very truly yours,



RONALD A. BARCH

RB:mj\23ltr.OC

CC Tom Malatia (13-2779-11)

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

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March 5, 2013

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

In reviewing the medical expense summary that was used as Exhibit 2 to Mr. Dulberg's discovery deposition, I noticed that I do not have copies of bills from Moraine Emergency Physicians, McHenry Radiologists Imaging Associates, Open Advanced MRI of Round Lake or Walgreens. When you get a moment, please forward copies to me.

During his deposition Mr. Dulberg testified that he is now suffering with "Tennis Elbow" in his left arm. He claims his doctor told him the Tennis Elbow is the result of overuse due to the right arm injury. If Mr. Dulberg will be making that claim for left elbow problems at trial it would be helpful to have a medical records update on that injury.

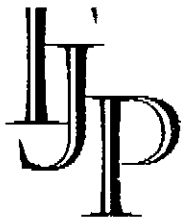
Lastly, the current Medical Expense Summary does not include any of the expenses associated with the right elbow surgery, the related PT or the Tennis Elbow treatment and evaluation. If you are in a position to do so, please furnish an updated Medical Expense Summary as well.

Very truly yours,



RONALD A. BARCH

RB:mj\21ltr.HAM  
cc Tom Malatia (Claim No. 13-2779-11)  
Attorney Perry Accardo



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ROBERT J. LUMBER  
THERESA M. FREEMAN

February 7, 2013

VIA FACSIMILE: 312/558-9357

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*  
McHenry County Case: 12 LA 178

Dear Mr. Accardo:

Please be advised that you were served with Interrogatories and Production Requests on October 30, 2012. To date we have not received your answers to the above-referenced discovery. Please respond without further delay.

Very truly yours,



HANS A. MAST

smq  
Enclosure

c: Ronald A. Barch (fax: 815/226-7701)

S:\Mast\DUJBERG, PAUL\Letter to Atty Accardo re disc 2-6-13.wpd

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January 30, 2013

Clerk of the Circuit Court  
McHenry County Courthouse  
2200 North Seminary Avenue  
Woodstock, IL 60098

COPY

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Clerk:

On January 30, 2013, Judge Thomas A. Meyer granted Defendants Bill and Carolyn McGuire leave to file an Amended Answer and Affirmative Defense. Judge Meyer also granted the McGuires leave to file a Cross-Claim for Contribution against Co-Defendant David Gagnon.

With the above in mind, I am enclosing an executed original Amended Answer and Affirmative Defense for filing. You will also find a copy of the Amended Answer. Please file-stamp the copy and return it to me in the self-addressed, stamped return envelope.

Enclosed herewith for filing you will also find an executed original Cross-Claim for Contribution along with a check for the \$105.00 filing fee. A copy of the Cross-Claim is also enclosed. Please file-stamp the copy and return it to me in the self-addressed, stamped return envelope.

Please do not hesitate to call if you have any questions concerning the above or the enclosed. I otherwise appreciated your assistance.

Very truly yours,



RONALD A. BARCH

RB:mj/mce.ltr  
Encl.  
CC Tom Malatia (Claim No. 13-2779-11)

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

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PAUL R. CICERO  
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January 25, 2013

*COPY*

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050


Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

Pursuant to Carolyn and Bill McGuire's duty to seasonably update prior discovery responses, I enclose herewith copies of records received in response to the records subpoena issued to AMS Screw.

Very truly yours,



RONALD A. BARCH

RB:mj\18ltr.OC  
Encl.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

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January 25, 2013

Clerk of the Circuit Court  
McHenry County Courthouse  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Clerk:

Please find enclosed a Notice of Motion and Defendants' Motion to Compel for filing in connection with the above-captioned lawsuit for filing. The case is already scheduled for a status hearing before Judge Thomas A. Meyer on January 30, 2013, at 9:00 a.m. Thank you for your assistance.

Very truly yours,



RONALD A. BARCH

RB:mj\mcc.ltr  
Encl.



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January 25, 2013

Clerk of the Circuit Court  
McHenry County Courthouse  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Clerk:

Please find enclosed a Notice of Motion and Defendants' Motion for Leave to File Cross-Claim Against Defendant David Gagnon for filing in connection with the above-captioned matter. The case is already scheduled for a status hearing before Judge Thomas A. Meyer on January 30, 2013, at 9:00 a.m. Thank you for your assistance.

Very truly yours,



RONALD A. BARCH

RB:mj/mcc.ltr  
Encl.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

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January 25, 2013

Clerk of the Circuit Court  
McHenry County Courthouse  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Clerk:

Please find enclosed a Notice of Motion and Defendants' Motion for Leave to File Amended Answer and Affirmative Defense in connection with the above-captioned matter. The case is already scheduled for a status hearing before Judge Thomas A. Meyer on January 30, 2013, at 9:00 a.m. Thank you for your assistance.

Very truly yours,



RONALD A. BARCH

RB:mj/mcc.ltr  
Encl.

## Ron Barch

---

**From:** Ron Barch  
**Sent:** Thursday, January 24, 2013 10:54 AM  
**To:** 'karen@artmaterialsservice.com'  
**Subject:** Paul Dulberg Subpoena (Follow-up)  
**Attachments:** subltr.records.ams.screw.products.docx; subnot.records.ams.screw.products.docx; subpoena.records.AMS.screw.products.docx

Karen:

Please attach the subpoena response we discussed today regarding Paul Dulberg. The Word versions of the subpoena and letter are attached. We last spoke on this matter back in October. I do not have a record of ever receiving a response. Perhaps you sent one in response to Attorney Accardo's subpoena, but I did not receive a response to my subpoena. Thanks for the help.

Ronald A. Barch  
Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)  
[Rb@cicerofrance.com](mailto:Rb@cicerofrance.com)

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January 24, 2013

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**VIA HAND-DELIVERY on January 24, 2013.**

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

Pursuant to Carolyn and Bill McGuire's duty to seasonably update prior discovery responses, I enclose herewith copies of records received in response to subpoenas issued to the following entities/providers:

- a. Mid America Hand to Shoulder Clinic;
- b. Mid America Orthopedics.

I still have not received a response from either Dr. Sek or AMS Screw.

Very truly yours,



RONALD A. BARCH

RB:mj\17ltr.OC

Encl.

cc Tom Malatia (Claim No. 13-2779-11)

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

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January 15, 2013

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050  
(also via fax)

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092  
(also via fax)

**Re:           *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire***  
**(McHenry County Case No. 12 LA 178)**

Dear Counsel:

Per phone conversations and faxed correspondence with Attorney Mast's assistant, Sheila, on today's date, I am enclosing an amended deposition notice for Paul Dulberg for January 24, 2013, at 12:00 noon, to be taken in Attorney Mast's office. Also per our phone conversation, I am providing the following dates that I am presently available to take the defendants' depositions:

January 29, 2013  
January 30, 2013  
February 1, 2013  
February 4, 2013  
February 5, 2013  
February 6, 2013

February 7, 2013  
February 8, 2013  
February 11, 2013  
February 12, 2013  
February 14, 2013

My calendar fills up quickly as I am sure yours does. I would, therefore, ask that you let me know as soon as possible which dates work for you so that we can get the defendants' depositions scheduled on a date certain.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

  
RONALD A. BARCH

RB:mj\16ltr.cc\encl  
cc: Tom Malatia (Claim No. 13-2779-11)  
Bill and Carolyn McGuire

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

**A Professional Corporation  
Attorneys at Law**

**6323 RIVERSIDE BLVD.  
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FACSIMILE: (815) 226-7701**

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Attorney Perry A. Accardo  
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FROM:

RONALD A. BARCH

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THANK YOU.

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CHARLES P. ALEXANDER

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January 15, 2013

CHANTEL R. BIELSKIS  
ANDREW T. SMITH

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050  
(also via fax)

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092  
(also via fax)

**Re: Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire  
(McHenry County Case No. 12 LA 178)**

Dear Counsel:

Per phone conversations and faxed correspondence with Attorney Mast's assistant, Sheila, on today's date, I am enclosing an amended deposition notice for Paul Dulberg for January 24, 2013, at 12:00 noon, to be taken in Attorney Mast's office. Also per our phone conversation, I am providing the following dates that I am presently available to take the defendants' depositions:

~~January 29, 2013~~  
January 30, 2013 ○  
February 1, 2013 ○  
February 4, 2013 ○  
February 5, 2013 ○  
February 6, 2013 ○

February 7, 2013 ○  
February 8, 2013 ○  
February 11, 2013 ○  
February 12, 2013 ○  
February 14, 2013 ○

My calendar fills up quickly as I am sure yours does. I would, therefore, ask that you let me know as soon as possible which dates work for you so that we can get the defendants' depositions scheduled on a date certain.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj\16ltr.oo\encl

cc: Tom Malatia (Claim No. 13-2779-11)  
Bill and Carolyn McGuire

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

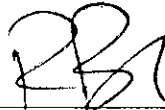
Case No. 12 LA 178

**AMENDED NOTICE OF  
DISCOVERY DEPOSITION**

TO: Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

On **January 24, 2013, at 12:00 noon**, at the Law Offices of Thomas J. Popovich, 3416 West Elm Street, McHenry, Illinois, the discovery deposition of **PAUL DULBERG** will be taken before a certified court reporter on oral interrogatories for discovery in this case.



RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700 fax: 226-7701

**CERTIFICATE OF SERVICE**

I certify that on January 15, 2013, I served this notice by mailing a copy to each person to whom it is directed.



cc: Deb Fisher Reporting

depn02.plf (mj)

January 15, 2013

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re:   *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually*   -   Case No. 12 LA 178**

Dear Clerk:

Please find enclosed an Amended Notice of Discovery Deposition with regard to the above-captioned lawsuit. Please file said document.

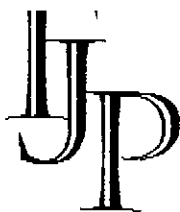
Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc.ltr  
encl.

**The Law Offices of Thomas J. Popovich P.C.**

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280  
[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

January 15, 2013

**VIA FACSIMILE: 815/226-7701**

**VIA FACSIMILE: 312/558-9357**

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Counselors:

Please be advised that we would like to produce my client for his deposition on January 24, 2013 at 12:00 p.m. at my office in McHenry. Please contact my assistant, Sheila ([squinlan@popovichlaw.com](mailto:squinlan@popovichlaw.com)) to go over new dates for defendants' depositions in the above-referenced matter.

Thank you for your cooperation.

Very truly yours,



HANS A. MAST

smq

S:\MALANDULBERG, PAUL\Letters\Letter to Attys re depositions 1-15-13.wpd

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation  
Attorneys at Law  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

November 20, 2012

TEL: (815) 226-7700  
FAX: (815) 226-7701

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

Per Attorney Mast's invitation, I am enclosing a deposition notice for Paul Dulberg (1:30 p.m. on December 27, 2012, at Attorney Mast's Office). This letter will further confirm that Mr. and Mrs. McGuire are available for deposition on Thursday, January 24, 2013 at 12:00 noon and 1:00 p.m., respectively. I will present them in Mr. Mast's office as well.

Please call if you have any questions. I otherwise wish you both a Happy Thanksgiving.

Very truly yours,



RONALD A. BARCH

RB:mj\15ltr.OC

Encl.

cc Tom Malatia (Claim No. 13-2779-11)  
Bill and Carolyn McGuire

November 20, 2012

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re:   *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually*   -   Case No. 12 LA 178**

Dear Clerk:

Please find enclosed a Notice of Discovery Deposition with regard to the above-captioned lawsuit. Please file said document.

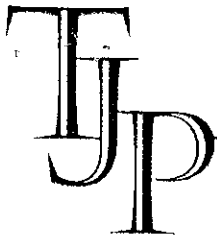
Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

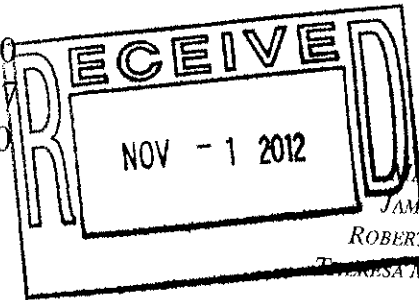
RB:mj/mcc.ltr  
encl.



The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280  
[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK



October 30, 2012

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**RE: Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire**  
**McHenry County Case: 12 LA 178**

Dear Mr. Accardo:

Enclosed please find an executed Authorization signed by my client. Please forward any copies that you receive pursuant to this Authorization to my attention and I will be happy to reimburse you for the copy charges. Thank you.

Very truly yours,

**COPY**

HANS A. MAST

smq  
Enclosure

c: Ronald A. Barch ✓

AUTHORIZATION TO FURNISH MEDICAL/EMPLOYMENT INFORMATION

I authorize

D Associates Neurology, 1900 Hollister Drive Suite 250  
Libertyville, IL 60048

D McHenry Radiologists Imaging Associates, P.O. Box 220,  
McHenry, IL 60051

D Moraine Emergency Physicians, P.O. Box 8759,  
Philadelphia, PA 19101-8759

D Northern Illinois Medical Center, 4201 Medical Center Drive,  
McHenry, IL 60050 (815) 344-5000

D Open Advanced MRI of Round Lake, 720 Rollins Road  
Round Lake Beach, IL 60073

D Mid America Hand to Shoulder, Dr. Marcus Talerico 1419  
Peterson Road Libertyville, IL 60048

D Fox Lake Dynamic Hand Therapy 498 S US Highway 12#C  
Fox Lake, IL 60020

D Sek, 4601 W Rt 120 McHenry, IL

D Hand Surgery Associates and Dr. Sagerman/Biafora 5151 W  
Algonquin Rd Suite 120 Arlington Heights, IL 6005

E AMS Screw Products High View Spring Grove, IL

to furnish medical/employment information to The Law Office of M. Gerard Gregoire or its agent Compex. Pursuant to the Health Insurance Portability and Accountability Act (H.I.P.A.A.). My understanding of this authorization is as follows:

INFORMATION TO BE FURNISHED

The Law Office of M. Gerard Gregoire may request information related to my injury on 06/28/2011, including information related to diagnoses, treatment records, bills and assessments of my current and expected physical condition. Additionally, The Law Office of M. Gerard Gregoire may request my medical history as it relates to this injury. This information may include but is not limited to historical medical records, past physical condition, diagnoses, and treatment records and bills. I further understand and consent that the released medical records may contain information on the following: HIV/AIDS related records; Mental Health information; Genetic testing information; and Drug/alcohol diagnosis, treatment or referral information. The Law Office of M. Gerard Gregoire may either review or photocopy this information.

SOURCES OF INFORMATION

The Law Office of M. Gerard Gregoire may contact any physician, surgeon, dentist, hospital, rehabilitation/convalescent/custodial facility, ambulance owner, nurse, or insurance company, and provide them with a copy of this authorization in order to obtain the necessary information.



**USE OF PROVIDED INFORMATION**

The Law Office of M. Gerard Gregoire and its representatives will use this information solely for litigation. In some instances, The Law Office of M. Gerard Gregoire may also furnish the information to professional organizations whose purpose is to detect and deter insurance fraud. We may furnish it to other insurance companies to whom a claim has or may be submitted. We may disclose copies of the bills to third parties as needed to seek reimbursement or repayment of benefits paid under the policy. I further understand that the information shall be either destroyed or returned to the provider at the end of litigation.

**TIME PERIOD OF THIS AUTHORIZATION**

I understand that this authorization will remain valid until the claim is legally concluded. I also understand that I can revoke this authorization at any time by notifying The Law Office of M. Gerard Gregoire in writing.

**COPIES OF THIS AUTHORIZATION**

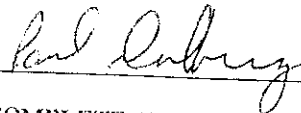
I can request a copy of this signed authorization at any time from The Law Office of M. Gerard Gregoire.

**THIS IS NOT A RELEASE OF MY CLAIM.** I understand that it is my decision whether or not to sign this form. I understand that the evaluation of my claim is based on the information available to The Law Office of M. Gerard Gregoire. I understand that signing this form does not mean I have settled my claim.

I understand that if the person or entity that receives the information is not a health care provider or health plan covered by the federal privacy regulations the information described above may be re-disclosed and no longer protected by these regulations.

Paul Dulberg  
4606 Hayden Ct., McHenry IL 60050  
323-76-4901  
03/19/1970

Signature



Date

10/29/12

PLEASE COMPLETE AND RETURN THIS FORM TO The Law Office of M. Gerard Gregoire, 200 N LaSalle St Ste 2650, Chicago, IL 60601-1092

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS  
ANDREW T. SMITH

October 24, 2012

TEL: (815) 226-7700  
FAX: (815) 226-7701

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

Pursuant to Carolyn and Bill McGuire's duty to seasonably update prior discovery responses, I enclose herewith copies of records received in response to subpoenas issued to the following entities/providers:

- a. Centegra Northern Illinois Medical Center;
- b. Associated Neurology, SC.

I have yet to receive any responses to subpoenas issued to Dr. Frank Sek, MidAmerica Hand to Shoulder Clinic, MidAmerica Orthopaedics and AMS Screw Products. I will of course supplement upon receipt of any additional records.

On an additional note, I have written once and called Attorney Accardo twice regarding his Notice of Deposition scheduling David Gagnon for October 31, 2012 at 1:00 p.m. Since Mr. Gagnon is Attorney Accardo's client, I am assuming that the deposition notice contains a misnomer and that he actually intends to depose Paul Dulberg on October 31, 2012 at 1:00 p.m. It would be helpful, however, if one of you would confirm the identity of the deponent scheduled for October 31, 2012, at 1:00 p.m. I remain available to do the deposition of either Paul Dulberg or David Gagnon on that date and at that time.

Regarding Carolyn and Bill McGuire, I reiterate that I am not available on November 29, 2012 as I am already committed to depositions in a different case. I therefore will not be producing either of my clients for deposition on November 29, 2012. This letter will further confirm, however, that I am in a position to produce Mr. and Mrs. McGuire on November 26, a date already selected by Mr. Mast for the deposition of Mr. Gagnon.

I look forward to clarification on the deposition scheduled for October 31 and also look forward to hearing from both of you regarding the potential for the depositions of Mr. and Mrs. McGuire on November 26. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to be 'RAB' with a stylized flourish at the end.

RONALD A. BARCH

RB:mj\14ltr.OC

cc Tom Malatia (Claim No. 13-2779-11)

**CICERO, RANCE, BARCH & ALEXANDER, P.C.**

**A Professional Corporation  
Attorneys at Law**

**6323 RIVERSIDE BLVD.  
ROCKFORD, IL 61114  
TELEPHONE: (815) 226-7700  
FACSIMILE: (815) 226-7701**

**FACSIMILE TRANSMISSION**

**DATE:** October 24, 2012

**TIME:**

**RECEIVING LOCATION:**

Attorney Hans A. Mast  
815/344-5280

Attorney Perry A. Accardo  
312/558-9357

**FROM:**

**RONALD A. BARCH**

**TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 3**

**COMMENTS AND/OR SPECIAL INSTRUCTIONS: The original with enclosures will follow by regular U.S. mail.**

**IF PROBLEMS OCCUR DURING TRANSMISSION,  
PLEASE CALL (815) 226-7700 AS SOON AS POSSIBLE.**

**TO THE RECIPIENT:**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

**THANK YOU.**

TRANSMISSION VERIFICATION REPORT

TIME : 10/24/2012 09:29  
NAME : CICERO FRANCE ET AL  
FAX : 8152267701  
TEL :  
SER.# : G9N312399

DATE, TIME	10/24 09:29
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DURATION	00:00:55
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RESULT	OK
MODE	STANDARD

TRANSMISSION VERIFICATION REPORT

TIME : 10/24/2012 09:31  
NAME : CICERO FRANCE ET AL  
FAX : 8152267701  
TEL :  
SER.# : G9N312399

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

10/24 09:30  
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00:00:46  
03  
OK  
STANDARD  
ECM

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS  
ANDREW T. SMITH

October 24, 2012

TEL: (815) 226-7700  
FAX: (815) 226-7701

Release of Information/Medical Records Custodian  
c/o MidAmerica Hand to Shoulder Clinic  
1419 Peterson Road  
Libertyville, IL 60048

COPY

Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire*  
McHenry County Case No. 12 LA 178  
Records of: Paul Dulberg (B/D: 3/19/70)

Dear Medical Records Custodian:

On September 4, 2012, I issued a medical records request to your facility seeking a complete set of medical records and itemized statements for the above-referenced patient (see enclosed). To date, however, our office has no record of receiving a response to the records request. Kindly forward copies of Mr. Duberg's medical records and itemized statements at your earliest convenience. Thank you.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/subltr.records.MAHSC.002  
encls.

cc: Attorney Hans A. Mast  
Attorney Perry Accardo

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

Release of Information/Medical Records Custodian  
c/o MidAmerica Hand to Shoulder Clinic  
1419 Peterson Road  
Libertyville, IL 60048

Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire*  
McHenry County Case No. 12 LA 178  
Records of: Paul Dulberg (B/D: 3/19/70)

Dear Medical Records Custodian:

Enclosed with this letter is a Subpoena for Deposition, a HIPAA Records Release Authorization and a check in the amount of \$20.00, the legal witness fee.

Please be advised that your appearance on the date indicated is not necessary. You may comply with the subpoena by mailing legible copies of all medical records, medical statements for services and medical reports of Paul Dulberg for the dates requested in the subpoena, in your possession or subject to your control.

Please note that we represent Carolyn McGuire and Bill McGuire in this case and not your patient. Since we do not represent the patient, we cannot discuss the substance of your care or the pending lawsuit with you outside the presence of your patient's attorney. If you have questions about how to comply with the subpoena, you may call my secretary, but neither she nor I can talk to you about any aspect of the lawsuit or the patient's medical treatment. Thank you in advance for your professional cooperation.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc: Attorney Hans A. Mast



STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,  
Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,  
Defendants.

)  
) Case No. 12 LA 178  
)  
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)  
)

**SUBPOENA FOR DEPOSITION**  
**(for Records Only)**

TO: Release of Information/Medical Records Custodian  
c/o Mid America Hand to Shoulder Clinic  
1419 Peterson Road  
Libertyville, IL 60048

YOU ARE COMMANDED to appear to give your deposition before a notary public at  
6323 East Riverside Blvd., Rockford, Illinois 61114, on September 19, 2012, at 9:00 A.M.

YOU ARE COMMANDED ALSO to produce the following: The complete medical  
records file and medical statements for services pertaining to the care and treatment of **PAUL  
DULBERG (B/D: 3/19/70)** from January 1, 2006 to the present date, exclusive of x-ray films, in  
your possession or control.

**YOUR APPEARANCE IS NOT MANDATORY IF SAID DOCUMENTS ARE  
PROVIDED TO ATTORNEY RONALD A. BARCH ON OR BEFORE SEPTEMBER 18,  
2012, AT 5:00 P.M. YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA  
WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**

ATTORNEY RONALD A. BARCH  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700 815/226-7701 (fax)

CICERO, FRANCE, BARCH & ALEXANDER, PC.

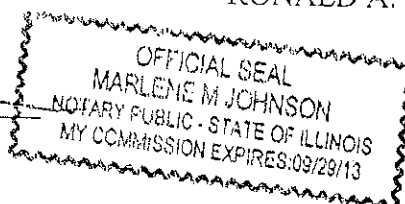
BY: RR  
RONALD A. BARCH (6209572)

I served the subpoena by mailing a copy to the Medical Records Custodian c/o Mid America  
Hand to Shoulder Clinic on September 4, 2012. I paid the witness \$20.00 for witness fees.

Signed and sworn to before  
me on September 4, 2012.

RR  
RONALD A. BARCH

Marlene M. Johnson  
(Notary Public)



### HIPAA RECORDS RELEASE AUTHORIZATION

I, the undersigned, hereby authorize and allow release of medical and personal health information and records pertaining to Plaintiff, PAUL DULBERG (DOB: March 19, 1970), to the parties, and attorneys for those parties, in the action that has been filed entitled *Paul Dulberg, Plaintiff, v. David Gagnon, individually and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, individually, Defendants*, Case No. 12 LA 178, in the Circuit Court of the 122nd Judicial Circuit, McHenry County, Illinois ("the litigation").

I understand that the information that can be obtained by presentation of this Authorization includes copies of any and all hospital, clinic or doctor's records, notes, memoranda, pathology, radiology, surgical or other specialists or consultant reports, lab or test results, physical therapy records, inpatient and outpatient records, index cards, patient information or history sheets, prescription information, correspondence, billing and payment records, insurance information, photographs and all other related information and documents concerning this patient.

This Authorization may be used by my attorney to obtain any of the above information. This Authorization may also be used by any party to this litigation, to obtain any of the above information; however, this Authorization can only be used by other parties if accompanied by a valid subpoena or production request for those records with notice of that subpoena or production request to my attorney.

I understand that this Authorization may be used to obtain records of any health care provider or health insurer that may have medical information about me.

I understand that this Authorization is being provided for purposes of the litigation. The records and information obtained by use of this Authorization may be used in that litigation by the parties, including providing this material to experts or consultants, use of it at depositions and other discovery, as well as filing such records in court with pleadings or discovery documents.

This Authorization, unless otherwise revoked, shall be valid during the course of this litigation and until its resolution.

I understand that I may revoke this Authorization by instructing my attorney to advise all parties in writing that this Authorization is revoked.

By accepting and honoring this Authorization, any entity covered by the Health Insurance Portability and Accounting Act (hereinafter referred to as "HIPAA") agrees that the disclosure of the information will have no effect on my ability or inability to receive treatment, payment, enrollment or benefits from the entity providing the records.

I understand that by signing this Authorization otherwise protected health information about me may be disclosed by the parties that receive it and that those parties are not restricted by HIPAA or its regulation as to how they may disclose the information that is provided pursuant to this Authorization.

I understand that a photocopy of this Authorization shall have the same force and effect as the original.

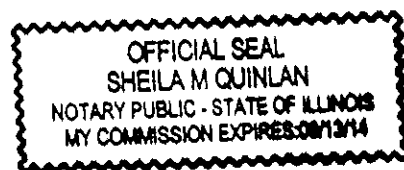
It is my earnest desire to move forward with the prosecution of the lawsuit as expeditiously as possible and I do not want to have to sign multiple authorizations as additional medical providers to myself are identified. Therefore, I specifically request that all of my medical providers honor this authorization, even though they are not specifically identified herein.

Paul Dulberg  
PAUL DULBERG, Plaintiff

Dated this 20<sup>th</sup> day of August, 2012.

Subscribed and sworn to before me this 20<sup>th</sup> day of August, 2012.

Sheila M. Quinlan  
Notary Public



CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

JOHN W. FRANCE

RONALD A. BARCH

CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

October 24, 2012

TEL: (815) 226-7700

FAX: (815) 226-7701

COPY

Release of Information/Medical Records Custodian

c/o Dr. Frank Sek

4606 West Elm Street

McHenry, IL 60050

**Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire***  
**McHenry County Case No. 12 LA 178**  
**Records of: Paul Dulberg (B/D: 3/19/70)**

Dear Medical Records Custodian:

On September 4, 2012, I issued a medical records request to your facility seeking a complete set of medical records and itemized statements for the above-referenced patient (see enclosed). To date, however, our office has no record of receiving a response to the records request. Kindly forward copies of Mr. Dulberg's medical records and itemized statements at your earliest convenience. Thank you.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/subltr.records.Dr.Sek.002

encls.

cc: Attorney Hans A. Mast  
Attorney Perry Accardo

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

Release of Information/Medical Records Custodian  
c/o Dr. Frank Sek  
4606 West Elm Street  
McHenry, IL 60050

Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire*  
McHenry County Case No. 12 LA 178  
Records of: Paul Dulberg (B/D: 3/19/70)

Dear Medical Records Custodian:


Enclosed with this letter is a Subpoena for Deposition, a HIPAA Records Release Authorization and a check in the amount of \$20.00, the legal witness fee.

Please be advised that your appearance on the date indicated is not necessary. You may comply with the subpoena by mailing legible copies of all medical records, medical statements for services and medical reports of Paul Dulberg for the dates requested in the subpoena, in your possession or subject to your control.

Please note that we represent Carolyn McGuire and Bill McGuire in this case and not your patient. Since we do not represent the patient, we cannot discuss the substance of your care or the pending lawsuit with you outside the presence of your patient's attorney. If you have questions about how to comply with the subpoena, you may call my secretary, but neither she nor I can talk to you about any aspect of the lawsuit or the patient's medical treatment. Thank you in advance for your professional cooperation.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc: Attorney Hans A. Mast

MAILED  
MAR 10 1964  
MAR. 10 1964  
PUBLIC STATE OF ILLINOIS  
COMMISSION EXPIRES: 09/29/13

### HIPAA RECORDS RELEASE AUTHORIZATION

I, the undersigned, hereby authorize and allow release of medical and personal health information and records pertaining to Plaintiff, PAUL DULBERG (DOB: March 19, 1970), to the parties, and attorneys for those parties, in the action that has been filed entitled *Paul Dulberg, Plaintiff, v. David Gagnon, individually and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, individually, Defendants*, Case No. 12 LA 178, in the Circuit Court of the 122nd Judicial Circuit, McHenry County, Illinois ("the litigation").

I understand that the information that can be obtained by presentation of this Authorization includes copies of any and all hospital, clinic or doctor's records, notes, memoranda, pathology, radiology, surgical or other specialists or consultant reports, lab or test results, physical therapy records, inpatient and outpatient records, index cards, patient information or history sheets, prescription information, correspondence, billing and payment records, insurance information, photographs and all other related information and documents concerning this patient.

This Authorization may be used by my attorney to obtain any of the above information. This Authorization may also be used by any party to this litigation, to obtain any of the above information; however, this Authorization can only be used by other parties if accompanied by a valid subpoena or production request for those records with notice of that subpoena or production request to my attorney.

I understand that this Authorization may be used to obtain records of any health care provider or health insurer that may have medical information about me.

I understand that this Authorization is being provided for purposes of the litigation. The records and information obtained by use of this Authorization may be used in that litigation by the parties, including providing this material to experts or consultants, use of it at depositions and other discovery, as well as filing such records in court with pleadings or discovery documents.

This Authorization, unless otherwise revoked, shall be valid during the course of this litigation and until its resolution.

I understand that I may revoke this Authorization by instructing my attorney to advise all parties in writing that this Authorization is revoked.

By accepting and honoring this Authorization, any entity covered by the Health Insurance Portability and Accounting Act (hereinafter referred to as "HIPAA") agrees that the disclosure of the information will have no effect on my ability or inability to receive treatment, payment, enrollment or benefits from the entity providing the records.

I understand that by signing this Authorization otherwise protected health information about me may be disclosed by the parties that receive it and that those parties are not restricted by HIPAA or its regulation as to how they may disclose the information that is provided pursuant to this Authorization.

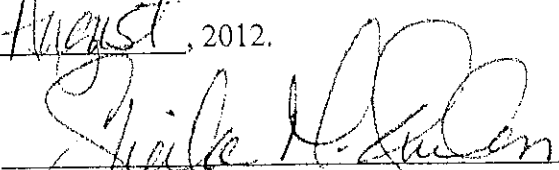
I understand that a photocopy of this Authorization shall have the same force and effect as the original.

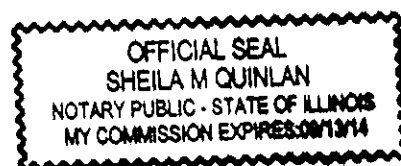
It is my earnest desire to move forward with the prosecution of the lawsuit as expeditiously as possible and I do not want to have to sign multiple authorizations as additional medical providers to myself are identified. Therefore, I specifically request that all of my medical providers honor this authorization, even though they are not specifically identified herein.

  
PAUL DULBERG, Plaintiff

Dated this 20<sup>th</sup> day of August, 2012.

Subscribed and sworn to before me this 20<sup>th</sup> day of August, 2012.

  
Notary Public





**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

A Professional Corporation  
Attorneys at Law  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700  
FAX: (815) 226-7701

October 8, 2012

COPY

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

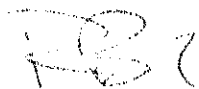
Dear Mr. Accardo:

In follow-up to my letter of September 27, 2012, I enclose a copy of Mr. McGuire's sworn and notarized answers to Defendant Gagnon's written interrogatories.

As an aside, I am still waiting to hear from you regarding a new date for the depositions of Bill McGuire and Carolyn McGuire. As I indicated, I cannot do their depositions on the date you unilaterally selected (November 26, 2012). However, I remain open on November 26, November 27 and November 28.

I note that Mr. Mast has issued a noticed scheduling Mr. Gagnon's deposition for Monday, November 26, 2012 (no time set). For economy purposes, I propose that we conduct the depositions of David Gagnon, Bill McGuire and Carolyn McGuire on November 26, 2012. I remain available for Mr. Dulberg's deposition on October 31, 2012, as previously noticed by you.

Very truly yours,

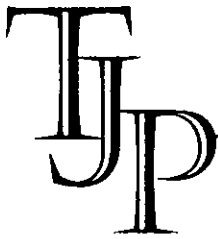


RONALD A. BARCH

RB:mj\12ltr.PAA

Encl.

cc Tom Malatia (Claim No. 13-2779-11)  
Attorney Hans A. Mast



The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280  
[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

October 4, 2012

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Mr. Barch:

Pursuant to your subpoena for records from AMS Screw Products, please send me copies of what you receive pursuant to this subpoena and I would be happy to reimburse you for the duplication fee.

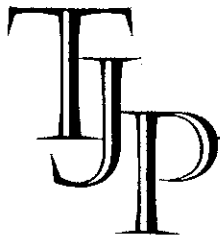
Very truly yours,

  
HANS A. MAST

smq

S:\Main\DULBERG, PAUL\Letters\Letter to Atty Barch 10-4-12.vpd

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085



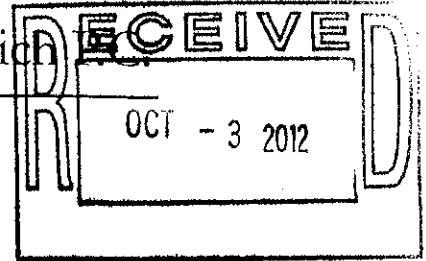
The Law Offices of Thomas J. Popovich

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[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK<sup>\*</sup>  
DIANA M. REITER

October 1, 2012



MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Mr. Accardo:

Please find enclosed the Plaintiffs' previously filed discovery responses from the Plaintiff in the above-referenced matter.

If you have any questions, please feel free to call.

Very truly yours,

**COPY**  
HANS A. MAST

smq  
Enclosures

c: Ronald A. Barch

S:\Main\DULBERG, PAUL\Letters\Letter to Atty Accardo re disc 9-27-12.wpd

<sup>\*</sup>Also Licensed in Wisconsin

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

October 3, 2012

Personnel Records Keeper  
c/o AMS Screw Products  
2418 Highview  
Spring Grove, IL 60081

**Re:   *Paul Dulberg v. Carolyn McGuire and Bill McGuire***  
**McHenry County Case No. 12 LA 178**  
**Personnel Records of: Paul Dulberg (B/D: 3/19/70)**

Dear Medical Records Custodian:

Enclosed with this letter is a Subpoena for Deposition and a check in the amount of \$20.00, the legal witness fee.

Please be advised that your appearance on the date indicated is **not** necessary. You may comply with the subpoena by mailing legible copies of the complete personnel record file of Paul Dulberg, as specified in the subpoena, in your possession or subject to your control.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/subltr.records.ams.screw

encls.

cc:   Attorney Hans A. Mast  
      Attorney Perry A. Accardo

October 3, 2012

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re:   *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually*   -   Case No. 12 LA 178**

Dear Clerk:

Please find enclosed a Notice of Deposition (for Records Only) and Subpoena for Deposition (for Records Only) with regard to the above-captioned lawsuit. Please file said documents.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc,ltr  
encls.

October 3, 2012

Personnel Records Keeper  
c/o AMS Screw Products  
2418 Highview  
Spring Grove, IL 60081

**Re:   *Paul Dulberg v. Carolyn McGuire and Bill McGuire***  
**McHenry County Case No. 12 LA 178**  
**Personnel Records of: Paul Dulberg (B/D: 3/19/70)**

Dear Medical Records Custodian:

Enclosed with this letter is a Subpoena for Deposition and a check in the amount of \$20.00, the legal witness fee.

Please be advised that your appearance on the date indicated is **not** necessary. You may comply with the subpoena by mailing legible copies of the complete personnel record file of Paul Dulberg, as specified in the subpoena, in your possession or subject to your control.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/subltr,records,ams.screw

encls.

cc:     Attorney Hans A. Mast

September 28, 2012

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re:   *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually*   -   Case No. 12 LA 178**

Dear Clerk:

Please find enclosed two Notices of Serving Discovery with regard to the above-captioned lawsuit. Please file said documents.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc.ltr  
encls.

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

A Professional Corporation  
Attorneys at Law  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700  
FAX: (815) 226-7701

September 27, 2012

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

Plaintiff's production response included twelve (12) photocopies of photographs depicting Mr. Dulberg and his arm. I need to supply color copies of the photographs to McGuire's insurance carrier. Accordingly, please provide me with color copies of all twelve (12) photographs at your earliest convenience. Alternatively, e-mail the twelve (12) photographs to me at [Rb@cicerofrance.com](mailto:Rb@cicerofrance.com). I can print the photos on my end with a color copier.

Give me a call if you have any questions concerning this request. I otherwise look forward to receiving the color copies at your earliest convenience.

Very truly yours,



RONALD A. BARCH

RB:mj\10ltr.HAM

cc Tom Malatia (Claim No. 13-2779-11)



**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

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CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

September 27, 2012

TEL: (815) 226-7700

FAX: (815) 226-7701

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

COPY

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Accardo:

**Written Discovery**

Enclosed herewith you will find my clients' response to Mr. Gagnon's written discovery. I note that the interrogatory response is in need of Mr. McGuire's sworn signature. I anticipate having that to you in short order. I do not anticipate changes in the interrogatory answers as Mr. McGuire has already answered interrogatories issued by Plaintiff.

Enclosed herewith you will also find written discovery for response by Mr. Gagnon. Please let me know if you have any questions regarding same.

**Deposition Notices**

This letter will confirm receipt of your deposition notices: Wednesday, October 31, 2012 at 1:00 p.m. for David Gagnon and Thursday, November 29, 2012 at 1:00 p.m. for Carolyn and Bill McGuire.

Since David Gagnon is your client, I am assuming the notice contains a misnomer and that you really intend to depose Paul Dulberg on October 31, 2012. That date works for me. I can do Mr. Dulberg's deposition that day. Perhaps we can do Mr. Gagnon's deposition that day as well. If we are going to do both, I am proposing that we begin Mr. Dulberg at Noon and Mr. Gagnon at 3:00 p.m. (or immediately following Mr. Dulberg's deposition).

I have no quarrel presenting Mr. and Mrs. McGuire for deposition, but I cannot do that on November 29, as I already have depositions set. I have not cleared the dates with my clients yet, but I am open on November 26, November 27 and November 28.

Please let me know if you are amenable to the deposition schedule above and, if so, your date preference for Mr. and Mrs. McGuire's deposition. By way of carbon copy, I ask Attorney Mast to relate his position on the deposition schedule proposed above. Thank you.

Very truly yours,

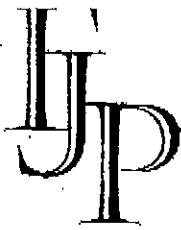
A handwritten signature in black ink, appearing to be 'RAB' with a stylized flourish at the end.

RONALD A. BARCH

RB:mj08ltr.PAA

Encl.

cc Tom Malatia (Claim No. 13-2779-11)  
Attorney Hans A. Mast



# The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280  
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THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK\*  
DIANA M. REITER

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

September 21, 2012

**VIA FACSIMILE: 815/226-7701**

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Mr. Barch:

Please find enclosed the court order entered in the above-reference matter by Judge Meyer.

Very truly yours,

**HANS A. MAST**

smq  
Enclosure

E:\Mail\DULBERG, PAUL\Letters\Letter to Abby Barch re Order 9-21-12.wpd



ASSOCIATED NEUROLOGY, S.C.

MITCHELL S. GROBMAN, M.D.  
KAREN F. LEVIN, M.D.

September 7, 2012

Cicero, France, Barch & Alexander, PC  
6323 E Riverside Boulevard  
Rockford IL 61114  
Attn: Ronald Barch

RE: Dulberg, Paul  
DOB: 3/19/1970  
McHenry County Case #: 12 LA 178

To Whom It May Concern:

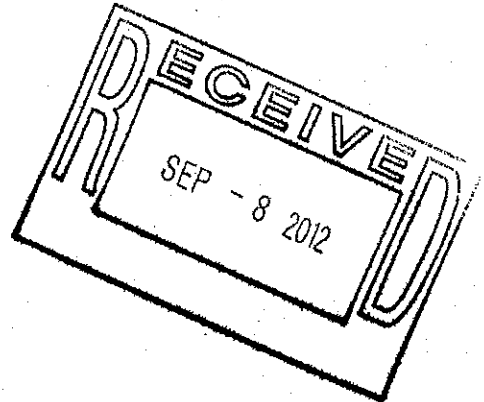
We are in receipt of your written request for medical records relative to the above patient. Our total fee for copies based on the 2012 Illinois Comptroller's annual adjustment of copying fees is \$38.37 (under 735 ILCS 5/8-2006). We received your check in the amount of \$20.00, **leaving a balance due of \$18.37.** *PA 9/11/12 1955*

Our office policy is to release only our doctors' notes. Therefore, no third party records will be provided. These should be obtained from the original source.

Sincerely,

Cheryl Johnson  
Associated Neurology, S.C.

Tax ID # 36-3949782



CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

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CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

Release of Information/Medical Records Custodian  
c/o Associated Neurology, S.C.  
1900 Hollister Drive, Suite 250  
Libertyville, IL 60048

Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire*  
McHenry County Case No. 12 LA 178  
Records of: Paul Dulberg (B/D: 3/19/70)

Dear Medical Records Custodian:

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Please note that we represent Carolyn McGuire and Bill McGuire in this case and not your patient. Since we do not represent the patient, we cannot discuss the substance of your care or the pending lawsuit with you outside the presence of your patient's attorney. If you have questions about how to comply with the subpoena, you may call my secretary, but neither she nor I can talk to you about any aspect of the lawsuit or the patient's medical treatment. Thank you in advance for your professional cooperation.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/sublir.records

encls.

cc: Attorney Hans A. Mast

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

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ROCKFORD, ILLINOIS 61114

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ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

Release of Information/Medical Records Custodian  
c/o Centegra Northern Illinois Medical Center  
4201 Medical Center Drive  
McHenry, IL 60050

**Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire***  
**McHenry County Case No. 12 LA 178**  
**Records of: Paul Dulberg (B/D: 3/19/70)**

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Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc: Attorney Hans A. Mast

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

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ROCKFORD, ILLINOIS 61114

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CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

Release of Information/Medical Records Custodian  
c/o MidAmerica Orthopaedics  
755 South Milwaukee Avenue  
Libertyville, IL 60048-3266

Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire*  
McHenry County Case No. 12 LA 178  
Records of: Paul Dulberg (B/D: 3/19/70)

Dear Medical Records Custodian:

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Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc: Attorney Hans A. Mast

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

Release of Information/Medical Records Custodian  
c/o MidAmerica Hand to Shoulder Clinic  
1419 Peterson Road  
Libertyville, IL 60048

Re: *Paul Dulberg v. Carolyn McGuire and Bill McGuire*  
McHenry County Case No. 12 LA 178  
Records of: Paul Dulberg (B/D: 3/19/70)

Dear Medical Records Custodian:

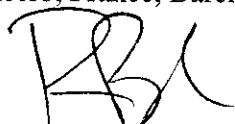
Enclosed with this letter is a Subpoena for Deposition, a HIPAA Records Release Authorization and a check in the amount of \$20.00, the legal witness fee.

Please be advised that your appearance on the date indicated is **not** necessary. You may comply with the subpoena by mailing legible copies of all medical records, medical statements for services and medical reports of Paul Dulberg for the dates requested in the subpoena, in your possession or subject to your control.

Please note that we represent Carolyn McGuire and Bill McGuire in this case and not your patient. Since we do not represent the patient, we cannot discuss the substance of your care or the pending lawsuit with you outside the presence of your patient's attorney. If you have questions about how to comply with the subpoena, you may call my secretary, but neither she nor I can talk to you about any aspect of the lawsuit or the patient's medical treatment. Thank you in advance for your professional cooperation.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc: Attorney Hans A. Mast



(

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

JOHN W. FRANCE

RONALD A. BARCH

CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

Release of Information/Medical Records Custodian  
c/o Dr. Frank Sek  
4606 West Elm Street  
McHenry, IL 60050

**Re:   *Paul Dulberg v. Carolyn McGuire and Bill McGuire***  
**McHenry County Case No. 12 LA 178**  
**Records of: Paul Dulberg (B/D: 3/19/70)**

Dear Medical Records Custodian:

Enclosed with this letter is a Subpoena for Deposition, a HIPAA Records Release Authorization and a check in the amount of \$20.00, the legal witness fee.

Please be advised that your appearance on the date indicated is not necessary. You may comply with the subpoena by mailing legible copies of all medical records, medical statements for services and medical reports of Paul Dulberg for the dates requested in the subpoena, in your possession or subject to your control.

Please note that we represent Carolyn McGuire and Bill McGuire in this case and not your patient. Since we do not represent the patient, we cannot discuss the substance of your care or the pending lawsuit with you outside the presence of your patient's attorney. If you have questions about how to comply with the subpoena, you may call my secretary, but neither she nor I can talk to you about any aspect of the lawsuit or the patient's medical treatment. Thank you in advance for your professional cooperation.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc:   Attorney Hans A. Mast

### HIPAA RECORDS RELEASE AUTHORIZATION

I, the undersigned, hereby authorize and allow release of medical and personal health information and records pertaining to Plaintiff, PAUL DULBERG (DOB: March 19, 1970), to the parties, and attorneys for those parties, in the action that has been filed entitled *Paul Dulberg, Plaintiff, v. David Gagnon, individually and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, individually, Defendants*, Case No. 12 LA 178, in the Circuit Court of the 122nd Judicial Circuit, McHenry County, Illinois ("the litigation").

I understand that the information that can be obtained by presentation of this Authorization includes copies of any and all hospital, clinic or doctor's records, notes, memoranda, pathology, radiology, surgical or other specialists or consultant reports, lab or test results, physical therapy records, inpatient and outpatient records, index cards, patient information or history sheets, prescription information, correspondence, billing and payment records, insurance information, photographs and all other related information and documents concerning this patient.

This Authorization may be used by my attorney to obtain any of the above information. This Authorization may also be used by any party to this litigation, to obtain any of the above information; however, this Authorization can only be used by other parties if accompanied by a valid subpoena or production request for those records with notice of that subpoena or production request to my attorney.

I understand that this Authorization may be used to obtain records of any health care provider or health insurer that may have medical information about me.

I understand that this Authorization is being provided for purposes of the litigation. The records and information obtained by use of this Authorization may be used in that litigation by the parties, including providing this material to experts or consultants, use of it at depositions and other discovery, as well as filing such records in court with pleadings or discovery documents.

This Authorization, unless otherwise revoked, shall be valid during the course of this litigation and until its resolution.

I understand that I may revoke this Authorization by instructing my attorney to advise all parties in writing that this Authorization is revoked.

By accepting and honoring this Authorization, any entity covered by the Health Insurance Portability and Accounting Act (hereinafter referred to as "HIPAA") agrees that the disclosure of the information will have no effect on my ability or inability to receive treatment, payment, enrollment or benefits from the entity providing the records.

I understand that by signing this Authorization otherwise protected health information about me may be disclosed by the parties that receive it and that those parties are not restricted by HIPAA or its regulation as to how they may disclose the information that is provided pursuant to this Authorization.

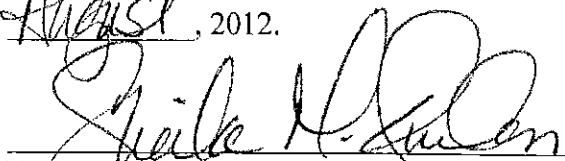
I understand that a photocopy of this Authorization shall have the same force and effect as the original.

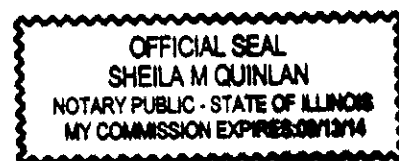
It is my earnest desire to move forward with the prosecution of the lawsuit as expeditiously as possible and I do not want to have to sign multiple authorizations as additional medical providers to myself are identified. Therefore, I specifically request that all of my medical providers honor this authorization, even though they are not specifically identified herein.

  
PAUL DULBERG, Plaintiff

Dated this 20<sup>th</sup> day of August, 2012.

Subscribed and sworn to before me this 20<sup>th</sup> day of August, 2012.

  
Notary Public



September 4, 2012

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re:   *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually*   -   Case No. 12 LA 178**

Dear Clerk:

Please find enclosed a Notice of Depositions (for Records Only) and five Subpoenas for Depositions (for Records Only) with regard to the above-captioned lawsuit. Please file said documents.

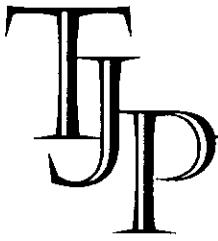
Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

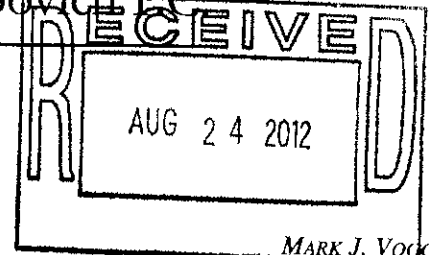
RONALD A. BARCH

RB:mj/mcc.ltr  
encls.



The Law Offices of Thomas J. Popovich PC

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280  
[www.popovichlaw.com](http://www.popovichlaw.com)



THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK†  
DIANA M. REITER

MARK J. VOOG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

August 22, 2012

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Mr. Barch:

Please be advised that to my knowledge, David Gagnon has been served in the suit. I do not believe he has appeared yet in the case.

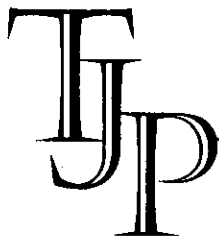
Please advise.

Very truly yours,

HANS A. MAST

smq

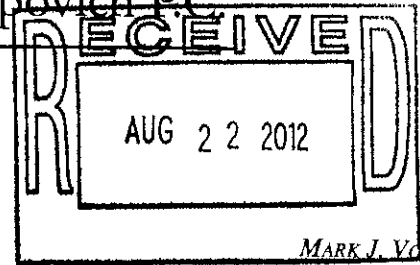
S:\Main\DULBERG, PAUL\Letters\Letter to Atty Barch R-22-12.wpd



The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
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FACSIMILE: 815.344.5280

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THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK†  
DIANA M. REITER

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

August 20, 2012


Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Mr. Barch:

Enclosed please find an executed Authorization signed by my client. Please forward any copies that you receive pursuant to this Authorization to my attention and I will be happy to reimburse you for the copy charges. Thank you.

Very truly yours,



HANS A. MAST

smq  
Enclosure

S:\Main\DULBERG, PAUL\Letters\Letter to Atty Barch re Auth 8-20-12.wpd

August 6, 2012

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re:   *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually*   -   Case No. 12 LA 178**

Dear Clerk:

Please find enclosed Defendant's Notice of Serving Discovery with regard to the above-captioned lawsuit. Please file said document.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc.ltr  
encl.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation  
Attorneys at Law  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700  
FAX: (815) 226-7701

August 6, 2012

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

Enclosed herewith you will find my clients' response to Mr. Dulberg's written discovery.

This letter will further confirm that I am in receipt of Plaintiff's response to the written interrogatories and request to produce that I propounded on July 10, 2012. However, I do not have Plaintiff's answer to the Supplemental Interrogatories (Medicare) or an executed original of the HIPAA Records Release Authorization that was served contemporaneously with the written interrogatories and request to produce.

With the above in mind, please check your file and provide a response to the supplemental interrogatories and an executed original of the HIPAA Records Release Authorization at your earliest convenience. Thank you.

Very truly yours,



RONALD A. BARCH

RB:mj07ltr.HAM

Encl.

cc Tom Malatia (Claim No. 13-2779-11)



CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

July 30, 2012

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

Thanks for calling me back last Friday. As we discussed, I was able to confirm through my clients (Bill and Carolyn McGuire) that the chain saw still exists. They also believe they have the manual and will be searching for same.

We also discussed moving the Motion for Protective Order from Tuesday, July 31, 2012, at 9:00 a.m. to Wednesday, August 1, 2012, at 9:00 a.m. You indicated that somebody from your office would appear on Tuesday and simply set the matter over. Attorney Chantel Bielskis from my office will be there on Wednesday. Thank you for the accommodation.

As to your desire for an inspection and photo shoot of the chain saw and related manual, I have no problem making the arrangements but would prefer to do so only once. Accordingly, it is my understanding that the inspection will be deferred until such time that the co-defendant is of record and ready to proceed as well.

Lastly, upon return to my office this morning I noted that Judge Michael Caldwell has issued a notice recusing himself from the *Dulberg* case. The matter has apparently been re-assigned to Judge Thomas A. Meyer and is currently scheduled for status on August 8, 2012 at 9:00 a.m. If possible, it probably makes sense to move the status date out 60 days when the case is called on Wednesday morning. We can then avoid another trip to court next week.

Very truly yours,



RONALD A. BARCH

RB:mj05ltr.HAM

cc Tom Malatia (Claim No. 13-2779-11)

**CICERO, RANCE, BARCH & ALEXANDER, P.C.**

**A Professional Corporation**

**Attorneys at Law**

**6323 RIVERSIDE BLVD.**

**ROCKFORD, IL 61114**

**TELEPHONE: (815) 226-7700**

**FACSIMILE: (815) 226-7701**

**FACSIMILE TRANSMISSION**

**DATE:** July 30, 2012

**TIME:** 9:15 a.m.

**RECEIVING LOCATION:**

Law Offices of Thomas J. Popovich, PC

**RECEIVER'S FACSIMILE NUMBER:**

815/344-5280

**ATTENTION:**

**Attorney Hans A. Mast**

**FROM:**

**RONALD A. BARCH**

**TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 2**

**COMMENTS AND/OR SPECIAL INSTRUCTIONS: SEE ATTACHED**

**IF PROBLEMS OCCUR DURING TRANSMISSION,  
PLEASE CALL (815) 226-7700 AS SOON AS POSSIBLE.**

**TO THE RECIPIENT:**

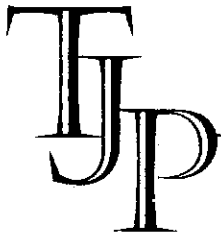
THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

THANK YOU.

TRANSMISSION VERIFICATION REPORT

TIME : 07/30/2012 08:24  
NAME : CIGERO FRANCE ET AL  
FAX : 8152267701  
TEL :  
SER.# : G9N312399

DATE, TIME	07/30 08:24
FAX NO./NAME	8153445280
DURATION	00:00:45
PAGE(S)	02
RESULT	OK
MODE	STANDARD



The Law Offices of Thomas J. Popovich P.C.

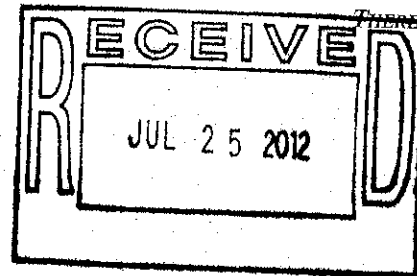
3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280

[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK<sup>†</sup>  
DIANA M. REYTER

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

July 24, 2012



Honorable Michael T. Caldwell  
Circuit Court of McHenry County  
2200 N. Seminary Avenue  
Woodstock, IL 60098

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Judge Caldwell:

Please find enclosed a courtesy copy of Plaintiff's Motion for Protective Order in the above-referenced matter. The hearing set before you on July 31, 2012 at 9:00 a.m.

Very truly yours,

**COPY**  
HANS A. MAST

smq  
Enclosure

S:\Main\DULBERG, PAUL\Letters\Letter to Judge Caldwell 7-24-12.wpd

July 10, 2012

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re: *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually* - Case No. 12 LA 178**

Dear Clerk:

Please find enclosed our Answer To Complaint, Demand For Jury and Notice Of Serving Discovery on behalf of the Defendants, Bill McGuire and Caroline McGuire. Please file said documents. My check in the amount of \$212.50 is also enclosed to cover the jury demand fee.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc2.ltr  
encls.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS  
ANDREW T. SMITH

July 10, 2012

TEL: (815) 226-7700

FAX: (815) 226-7701

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

Enclosed you will find a Jury Demand and Answer by Defendants Bill McGuire and Carolyn McGuire. At this time my office will not be appearing or pleading for David Gagnon. It is my understanding that the lawsuit has been tendered to a different carrier.

If you have information indicating that the suit has not been (or will not be) tendered to Mr. Gagnon's own carrier, please advise immediately. I also ask that you forward service information and copies of any pleadings filed by any attorney on behalf of Mr. Gagnon.

Please call me if you have any questions concerning the above. I otherwise thank you again for the pleading extension you granted. I am working on a response to the discovery you issued and anticipate issuing written discovery for a response by your client in short order.

Very truly yours,



RONALD A. BARCH

RB:mj04ltr.HAM

Encl.

cc Tom Malatia (Claim No. 13-2779-11)

June 12, 2012

Clerk of the Circuit Court  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

**Re:   *Paul Dulberg v. David Gagnon, Individually, and as Agent of  
Caroline McGuire and Bill McGuire, and Caroline McGuire  
and Bill McGuire, Individually*   -   Case No. 12 LA 178**

Dear Clerk:

Please find enclosed my law firm's Appearance to be filed on behalf of Caroline McGuire and Bill McGuire with regard to the above-captioned lawsuit. Also enclosed is my check in the amount of \$136 to cover the appearance fee.

Thank you for your assistance.

Very truly yours,

Cicero, France, Barch & Alexander, P.C.

RONALD A. BARCH

RB:mj/mcc1.ltr  
encls.

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
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RONALD A. BARCH  
CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

June 11, 2012

Attorney Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

COPY

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Popovich:

Please be advised that Mr. and Mrs. McGuire's insurance carrier (Auto-Owners Insurance Company) has asked our office to appear and defend Mr. and Mrs. McGuire in connection with the above-captioned matter. To that end, you will find enclosed herewith my Appearance for both Mr. and Mrs. McGuire.

At this time I am uncertain whether I will be appearing as counsel for Mr. Gagnon as well. I first need to meet with Mr. and Mrs. McGuire and then report to their insurance carrier. I cannot do that, however, until I return from a small vacation that runs from June 13 through June 19, 2012.

Given the above, I am requesting 21 days from today's date (through July 2, 2012) within which to file a responsive pleading on behalf of Mr. and Mrs. McGuire. I am also asking for a similar extension of time to sort out whether Mr. Gagnon will be furnished a defense by Mr. and Mrs. McGuire's carrier.

Please call me if you have any opposition to my request for an extension. I otherwise thank you in advance for your consideration and look forward to working with you on this matter.

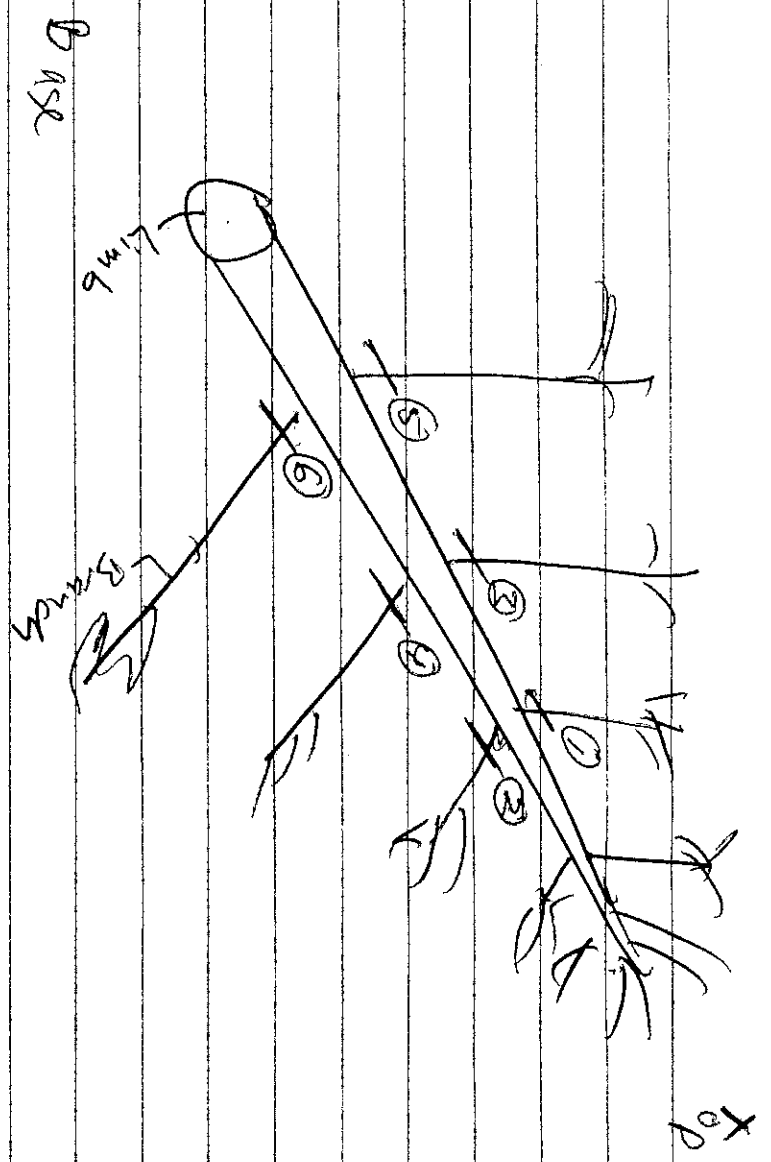
Very truly yours,



RONALD A. BARCH

RB:mj03ltr.TJP  
Encl.





PENGAD 800-831-6989  
EXHIBIT  
Cajon 1  
MM6

STATE OF ILLINOIS )  
 ) SS  
 COUNTY OF MCHENRY )

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

PAUL DULBERG,

Plaintiff(s),

CASE NO. 12LA000178

VS.

DAVID GAGNON, Individually, and as  
 Agent of CAROLINE MCGUIRE and  
 BILL MCGUIRE, and CAROLINE  
 MCGUIRE and BILL MCGUIRE,  
 Individually,

Defendant(s).

**ANSWERS TO CO-DEFENDANT INTERROGATORIES**

The Defendant, DAVID GAGNON, in response to the Interrogatories propounded states as follows:

1. State the full name, present residence address and birth date of the person answering these Interrogatories.

**ANSWER: David A. Gagnon, 39010 90<sup>th</sup> Place, Genoa City Wisconsin 53128  
 DOB: 4/3/1697**

2. State your marital status on the date of the occurrence in question and, if married, your spouse's name and age on said date.

**ANSWER: Married; Pamela Gagnon, 39010 90<sup>th</sup> Place, Genoa City Wisconsin 53128.**

3. State the full name and present or last known address (indicating which) of each person who:

- (a) Witnessed or claims to have witnessed the occurrence in question.
- (b) Was present or claims to have been present at the scene immediately before said occurrence.
- (c) Was present or claims to have been present immediately after said occurrence.
- (d) Otherwise has or claims to have any knowledge of the facts or possible causes of the occurrence to include any damages or injuries alleged to have resulted from said occurrence.

**ANSWER: David A. Gagnon, 39010 90<sup>th</sup> Place, Genoa City Wisconsin 53128; Paul Dulberg, 4606 Hayden Ct, McHenry Illinois 60050; Carolyn McGuire, 1016 W. Elder**

Avenue, McHenry Illinois 60051; William McGuire, 1016 W. Elder Avenue, McHenry Illinois 60051.

4. State specifically and with certainty the personal injuries and property damage, if any, sustained by PAUL DULBERG as a result of said occurrence.

**ANSWER: Defendant has no knowledge regarding the plaintiff's personal injuries and/or property damage claims.**

7. State whether PAUL DULBERG was hospitalized or had suffered any illness or personal injury prior to or subsequent to the date of said occurrence, and if so, state the nature and date of each such hospitalization, illness or personal injury.

**ANSWER: I do not know.**

8. State whether PAUL DULBERG suffered any permanent scarring as a result of the accident alleged in the complaint. If so, state the location of such scar, the width and length of such scar or scars. (Pursuant to Supreme Court Rule 214, please attach any photos of any such scar to your answers hereto.)

**ANSWER: I do not know.**

9. State whether prior to the accident alleged in the complaint PAUL DULBERG suffered any physical disability or impairment of any kind whatsoever. If so, state the nature of such physical disability or impairment and how PAUL DULBERG came to have such physical disability or impairment.

**ANSWER: I do not know.**

10. State the location of the alleged occurrence, pinpointing such location in feet, inches and direction from fixed objects or boundaries at the scene of the occurrence.

**ANSWER: The accident occurred in <sup>back</sup>(~~front~~) of my parent's home at 1016 W. Elder Avenue, McHenry Illinois 60051.**

11. State with particularity the nature of the alleged defect, object substance or condition which caused the alleged occurrence giving the exact dimensions and physical description of such including the size, shape, color, height, length and depth of such defect or object.

**ANSWER: Chainsaw, EFCO, Model # MT3500, 2.38 Cubic Inch, 16" blade.**

12. State with particularity what PAUL DULBERG was doing at the time of the accident alleged in the complaint.

**ANSWER: He was helping me trim a tree by holding a branch.**

13. State with particularity what DAVID GAGNON was doing at the time of the accident alleged in the complaint.

**ANSWER: I was cutting through a branch with the chainsaw.**

14. State with particularity the address for David Gagnon on June 28, 2011.

**ANSWER: 39010 90<sup>th</sup> Place, Genoa City Wisconsin 53128.**

15. State with particularity all the reasons why PAUL DULBERG was present on the premises known commonly as 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois on the date of the alleged occurrence.

**ANSWER: I asked him to help me trim the tree at my parents' home.**

16. State with particularity all the reasons why DAVID GAGNON was present on the premises known commonly as 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois on the date of the alleged occurrence.

**ANSWER: I was trimming a tree for my parents.**

17. State with particularity your basis for alleging that David Gagnon was working under the supervision and control of Defendants Bill McGuire and Carolyn McGuire at the time of the occurrence, as asserted in your answer to Plaintiff's Complaint.

**ANSWER: N/A**

18. State with particularity your basis for alleging that Defendants Bill McGuire and Carolyn McGuire instructed and/or advised David Gagnon in the use of a chain saw on or before the date of the occurrence, as asserted in your answer to Plaintiff's Complaint.

**ANSWER: N/A**

19. State with particularity your basis for alleging that David Gagnon was under the supervision and control of Defendants Bill McGuire and Carolyn McGuire and working as their apparent and actual agent on the date of and at the time of the occurrence, as asserted in your answer to Plaintiff's Complaint.

**ANSWER: N/A**

20. State with particularity any and all defects associated with the chain saw you believe or claim was involved in the occurrence alleged in Plaintiff's Complaint.

**ANSWER: None.**

21. State whether any photographs or videos were taken of the scene of the occurrence or of the persons, objects or premises involved, and if so, state the number of photographs or videos taken, their subject matter and who now has custody of them.

**ANSWER: No.**

22. Pursuant to Supreme Court Rule 213(f), furnish the identity and addresses of witnesses who will testify at trial and the following information:

(a) For each lay witness, identify the subjects on which the witness will testify.

- (b) For each independent expert witness, identify the subjects on which the witness will testify and the opinions the party expects to elicit.
- (c) For each controlled expert witness, identify:
  - (i) the subject matter on which the witness will testify;
  - (ii) the conclusions and opinions of the witness and the bases therefor;
  - (iii) the qualifications of the witness; and
  - (iv) any reports prepared by the witness about the case.

**ANSWER: David A. Gagnon, 39010 90<sup>th</sup> Place, Genoa City Wisconsin 53128**— This witness is expected to testify to any dangerous or defective condition that he saw and/or was aware of; his insurance policy and coverage; maintenance, repair and inspection of the chainsaw; as to any dangerous or defective area on the premises. This witness is also expected to testify regarding his observations of the plaintiff before, during and after the alleged occurrence; his understanding as to the facts of the accident; his observations of the scene and he is expected to testify as to any conversations which took place between the parties and witnesses. This witness is also expected to testify consistent with any testimony he may have given and/or may give at a discovery deposition.

**Paul Dulberg, 4606 Hayden Ct, McHenry Illinois 60050**—This witness is expected to testify to any dangerous or defective condition that he saw and/or was aware of; his relationship to the tenants of the building; his observations prior, during and after his alleged injury; the nature of his injury, medical bills, medical records and recovery; his understanding of his injury and recovery. This witness is also expected to testify to his understanding as to the facts of the accident; his observations of the scene and he is expected to testify as to any conversations which took place between the parties and witnesses. This witness is also expected to testify consistent with any testimony he may have given and/or may give at a discovery deposition.

**Carolyn McGuire, 1016 W. Elder Avenue, McHenry Illinois 60051; William McGuire, 1016 W. Elder Avenue, McHenry Illinois 60051**— These witnesses are expected to testify as to their ownership of the property in question; their insurance policy and coverage; their knowledge of the area, chainsaw and tree; maintenance, repair and inspection of the chainsaw; as to any violations the premises; as to any dangerous or defective area on the premises. These witnesses are also expected to testify regarding their observations of the plaintiff before, during and after the alleged occurrence; their understanding as to the facts of the accident; their observations of the scene and they are expected to testify as to any conversations which took place between the parties and witnesses. These witnesses are also expected to testify consistent with any testimony they may have given and/or may give at a discovery deposition.

Under penalties as provided by law pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.

  
\_\_\_\_\_  
DAVID GAGNON

I HEREBY CERTIFY that on 1/31/13, a true and correct copy of the foregoing Answers to Interrogatories were filed with the Clerk of the Circuit Court of McHenry County and a copy of same was also mailed to:

Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry IL 60050

Attorney for Plaintiff(s) Paul Dulberg

Cicero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
Rockford, IL 61114

Attorney for Co-Defendants, Caroline and Bill McGuire

LAW OFFICE OF M. GERARD GREGOIRE  
200 N LaSalle St Ste 2650  
Chicago, IL 60601-1092  
Telephone: 312-538-9821

By: 

PERRY A. ACCARDO

Firm No.: **46878**

E-MAIL ADDRESS:

ILLINOISLEGAL@ALLSTATE.COM

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon



**FAX**

**Date** Thursday, January 31, 2013 12:27:36 PM Central Time

**Number of Pages** 09  
(Including Cover Sheet)

**To** Ronald Barch

**Company** \_\_\_\_\_

**Phone** \_\_\_\_\_ **Fax** 8152267701

**From** Accardo, Perry

**Department** \_\_\_\_\_

**Phone** 312-558-9821

**Fax** \_\_\_\_\_

**Notes:** Defendant Gagnon's Responses to Written Discovery

Notice of Confidentiality: The document accompanying this facsimile transmission contains information which is confidential or otherwise protected from disclosure. The information is intended only for the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original document.

**Allstate Insurance Company**



## **Facsimile From The Desk Of**

**Perry A. Accardo**

Law Office of M. Gerard Gregoire

Staff Counsel Allstate Insurance Company and Encompass Insurance

200 N LaSalle St Ste 2650

Chicago, IL 60601

312-558-9821 (phone)

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Notice of Confidentiality: The document(s) accompanying this transmission may contain information that is Confidential and/or legally privileged. The information contained herein is intended only for the individual named in this transmission. If you are not the intended recipient, be aware that any disclosure, copying, distributing, or use of the contents of any of this information is strictly prohibited. If you have received this transmission in error, please notify me immediately.

0245281968.1/SKO/ACCARDO/PAA

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF MCHENRY )

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

PAUL DULBERG,

Plaintiff(s),

CASE NO. 12LA000178

VS.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and  
BILL MCGUIRE, and CAROLINE  
MCGUIRE and BILL MCGUIRE,  
Individually,

Defendant(s).

**ANSWERS TO CO-DEFENDANT INTERROGATORIES**

The Defendant, DAVID GAGNON, in response to the Interrogatories propounded states as follows:

1. State the full name, present residence address and birth date of the person answering these Interrogatories.

**ANSWER: David A. Gagnon, 39010 90<sup>th</sup> Place, Genoa City Wisconsin 53128  
DOB: 4/3/1697**

2. State your marital status on the date of the occurrence in question and, if married, your spouse's name and age on said date.

**ANSWER: Married; Pamela Gagnon, 39010 90<sup>th</sup> Place, Genoa City Wisconsin 53128.**

3. State the full name and present or last known address (indicating which) of each person who:

- (a) Witnessed or claims to have witnessed the occurrence in question.
- (b) Was present or claims to have been present at the scene immediately before said occurrence.
- (c) Was present or claims to have been present immediately after said occurrence.
- (d) Otherwise has or claims to have any knowledge of the facts or possible causes of the occurrence to include any damages or injuries alleged to have resulted from said occurrence.

**ANSWER: David A. Gagnon, 39010 90<sup>th</sup> Place, Genoa City Wisconsin 53128; Paul Dulberg, 4606 Hayden Ct, McHenry Illinois 60050; Carolyn McGuire, 1016 W. Elder**

**Avenue, McHenry Illinois 60051; William McGuire, 1016 W. Elder Avenue, McHenry Illinois 60051.**

4. State specifically and with certainty the personal injuries and property damage, if any, sustained by PAUL DULBERG as a result of said occurrence.

**ANSWER: Defendant has no knowledge regarding the plaintiff's personal injuries and/or property damage claims.**

7. State whether PAUL DULBERG was hospitalized or had suffered any illness or personal injury prior to or subsequent to the date of said occurrence, and if so, state the nature and date of each such hospitalization, illness or personal injury.

**ANSWER: I do not know.**

8. State whether PAUL DULBERG suffered any permanent scarring as a result of the accident alleged in the complaint. If so, state the location of such scar, the width and length of such scar or scars. (Pursuant to Supreme Court Rule 214, please attach any photos of any such scar to your answers hereto.)

**ANSWER: I do not know.**

9. State whether prior to the accident alleged in the complaint PAUL DULBERG suffered any physical disability or impairment of any kind whatsoever. If so, state the nature of such physical disability or impairment and how PAUL DULBERG came to have such physical disability or impairment.

**ANSWER: I do not know.**

10. State the location of the alleged occurrence, pinpointing such location in feet, inches and direction from fixed objects or boundaries at the scene of the occurrence.

**ANSWER: The accident occurred in front of my parent's home at 1016 W. Elder Avenue, McHenry Illinois 60051.**

11. State with particularity the nature of the alleged defect, object substance or condition which caused the alleged occurrence giving the exact dimensions and physical description of such including the size, shape, color, height, length and depth of such defect or object.

**ANSWER: Chainsaw, EFCO, Model # MT3500, 2.38 Cubic Inch, 16" blade.**

12. State with particularity what PAUL DULBERG was doing at the time of the accident alleged in the complaint.

**ANSWER: He was helping me trim a tree by holding a branch.**

13. State with particularity what DAVID GAGNON was doing at the time of the accident alleged in the complaint.

**ANSWER: I was cutting through a branch with the chainsaw.**

14. State with particularity the address for David Gagnon on June 28, 2011.

**ANSWER: 39010 90<sup>th</sup> Place, Genoa City Wisconsin 53128.**

15. State with particularity all the reasons why PAUL DULBERG was present on the premises known commonly as 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois on the date of the alleged occurrence.

**ANSWER: I asked him to help me trim the tree at my parents' home.**

16. State with particularity all the reasons why DAVID GAGNON was present on the premises known commonly as 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois on the date of the alleged occurrence.

**ANSWER: I was trimming a tree for my parents.**

17. State with particularity your basis for alleging that David Gagnon was working under the supervision and control of Defendants Bill McGuire and Carolyn McGuire at the time of the occurrence, as asserted in your answer to Plaintiff's Complaint.

**ANSWER: N/A**

18. State with particularity your basis for alleging that Defendants Bill McGuire and Carolyn McGuire instructed and/or advised David Gagnon in the use of a chain saw on or before the date of the occurrence, as asserted in your answer to Plaintiff's Complaint.

**ANSWER: N/A**

19. State with particularity your basis for alleging that David Gagnon was under the supervision and control of Defendants Bill McGuire and Carolyn McGuire and working as their apparent and actual agent on the date of and at the time of the occurrence, as asserted in your answer to Plaintiff's Complaint.

**ANSWER: N/A**

20. State with particularity any and all defects associated with the chain saw you believe or claim was involved in the occurrence alleged in Plaintiff's Complaint.

**ANSWER: None.**

21. State whether any photographs or videos were taken of the scene of the occurrence or of the persons, objects or premises involved, and if so, state the number of photographs or videos taken, their subject matter and who now has custody of them.

**ANSWER: No.**

22. Pursuant to Supreme Court Rule 213(f), furnish the identity and addresses of witnesses who will testify at trial and the following information:

(a) For each lay witness, identify the subjects on which the witness will testify.

- (b) For each independent expert witness, identify the subjects on which the witness will testify and the opinions the party expects to elicit.
- (c) For each controlled expert witness, identify:
  - (i) the subject matter on which the witness will testify;
  - (ii) the conclusions and opinions of the witness and the bases therefor;
  - (iii) the qualifications of the witness; and
  - (iv) any reports prepared by the witness about the case.

**ANSWER: David A. Gagnon, 39010 90<sup>th</sup> Place, Genoa City Wisconsin 53128**— This witness is expected to testify to any dangerous or defective condition that he saw and/or was aware of; his insurance policy and coverage; maintenance, repair and inspection of the chainsaw; as to any dangerous or defective area on the premises. This witness is also expected to testify regarding his observations of the plaintiff before, during and after the alleged occurrence; his understanding as to the facts of the accident; his observations of the scene and he is expected to testify as to any conversations which took place between the parties and witnesses. This witness is also expected to testify consistent with any testimony he may have given and/or may give at a discovery deposition.

**Paul Dulberg, 4606 Hayden Ct, McHenry Illinois 60050**—This witness is expected to testify to any dangerous or defective condition that he saw and/or was aware of; his relationship to the tenants of the building; his observations prior, during and after his alleged injury; the nature of his injury, medical bills, medical records and recovery; his understanding of his injury and recovery. This witness is also expected to testify to his understanding as to the facts of the accident; his observations of the scene and he is expected to testify as to any conversations which took place between the parties and witnesses. This witness is also expected to testify consistent with any testimony he may have given and/or may give at a discovery deposition.

**Carolyn McGuire, 1016 W. Elder Avenue, McHenry Illinois 60051; William McGuire, 1016 W. Elder Avenue, McHenry Illinois 60051**— These witnesses are expected to testify as to their ownership of the property in question; their insurance policy and coverage; their knowledge of the area, chainsaw and tree; maintenance, repair and inspection of the chainsaw; as to any violations the premises; as to any dangerous or defective area on the premises. These witnesses are also expected to testify regarding their observations of the plaintiff before, during and after the alleged occurrence; their understanding as to the facts of the accident; their observations of the scene and they are expected to testify as to any conversations which took place between the parties and witnesses. These witnesses are also expected to testify consistent with any testimony they may have given and/or may give at a discovery deposition.

Under penalties as provided by law pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.

---

DAVID GAGNON

I HEREBY CERTIFY that on 1/31/13, a true and correct copy of the foregoing Answers to Interrogatories were filed with the Clerk of the Circuit Court of McHenry County and a copy of same was also mailed to:

Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry IL 60050

Attorney for Plaintiff(s) Paul Dulberg

Ciccero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
Rockford, IL 61114

Attorney for Co-Defendants, Caroline and Bill McGuire

LAW OFFICE OF M<sup>C</sup>GERARD GREGOIRE  
200 N LaSalle St Ste 2650  
Chicago, IL 60601-1092  
Telephone: 312-558-9821

By: 

PERRY A. ACCARDO

Firm No.: 46878

E-MAIL ADDRESS:

ILLINOISLEGAL@ALLSTATE.COM

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon

Perry A. Accardo  
Mary Jo Bonamino  
Joseph P. Callahan  
Christine Chrobak-Wastyn  
Adam J. Coombe  
Valerie E. Davis  
Tammy S. Doran  
Martin D. Kennelly  
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200 North LaSalle Street, Suite 2650

Chicago, Illinois 60601-1092

Fax (312) 558-9357

**STAFF COUNSEL**

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Encompass Insurance

Esurance Insurance Company

All Attorneys are Employees of

Allstate Insurance Company

This Office is not a Partnership or a Corporation

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Terry A. Mueller  
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Shoshan E. Reddington  
James J. Rosemeyer  
Mark A. Sukacz  
Sal C. Tramontana  
Stacy B. Walker  
Stewart M. Zeimar

Paralegal  
312-558-9846

January 31, 2013

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd  
Rockford, IL 61114

Re: Dulberg vs. Gagnon, et al.  
Court Number: 12LA000178  
Date of Loss: June 28, 2011  
Our File Number: 0245281968.1 SKO

Dear Counsel:

In response to your Notice to Produce, dated 10/1/2012, please be advised that we have none of the material requested except the following:

1. None other than those received via Compex subpoena; parties had notice of said subpoena.
2. Please see response to request number 1 above.
3. None.
4. None.
5. Please see response to request number 1 above.
6. None.
7. None.
8. None.
9. None.

I, Perry A. Accardo, regarding my letter to Ronald A. Barch, Attorney(s) at Law, dated January 31, 2013, state that it is complete and in compliance with Supreme Court Rule 214 in disclosing discovery material in my possession requested by the Production Notice propounded on 10/1/2012, by Ronald A. Barch.

Sincerely,

  
Perry A. Accardo

PAA

cc: Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.\*  
3416 W Elm St  
McHenry, IL 60050



STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF MCHENRY                )

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

PAUL DULBERG,

Plaintiff(s),

CASE NO. 12LA000178

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and  
BILL MCGUIRE, and CAROLINE  
MCGUIRE and BILL MCGUIRE,  
Individually,

Defendant(s).

**NOTICE OF SERVICE OF INTERROGATORIES TO CO-DEFENDANT**

Co-Defendant, BILL MCGUIRE, is hereby requested and required to answer, under oath, in writing, and within the time allowed by the Illinois Supreme Court Rules, the attached Interrogatories propounded by the Defendant(s), DAVID GAGNON. The Co-Defendant is further requested to serve said answers in accordance with the Illinois Rules of the Supreme Court.

I HEREBY CERTIFY that on September 5, 2012, a true and correct copy of the foregoing Notice together with the Interrogatories were mailed to:

Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry IL 60050

Attorney for Plaintiff(s) Paul Dulberg

Cicero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
Rockford, IL 61114

Attorney for Co-Defendants, Caroline and Bill McGuire

LAW OFFICE OF M. GERARD GREGOIRE  
200 N LaSalle St Ste 2650  
Chicago, IL 60601-1092  
Telephone: 312-558-9821

By: 

PERRY A. ACCARDO

Firm No.: 46878

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon

## INTERROGATORIES TO CO-DEFENDANT

### BILL MCGUIRE

**INSTRUCTIONS:** Please insert your answers in the space provided following each question. If additional space is needed, so indicate in the space provided, prepare your answer on a separate paper and attach.

1. State the full name of the Defendant answering as well as your current residence address, date of birth, marital status, driver's license number and issuing state, and the last four digits of your social security number, and, if different, give the full name as well as the current address, date of birth, marital status, driver's license number and issuing state, and social security number of the individual signing the answers.

### **ANSWER:**

2. State the full name and current residence address of each person who witnessed or claims to have witnessed the occurrence that is the subject of this suit.

### **ANSWER:**

3. State the full name, and current residence address of each person not named (in 2) above who was present or claims to have been present at the scene immediately before, at the time of or immediately after said occurrence.

### **ANSWER:**

4. As a result of said occurrence were you made a Defendant in any criminal or traffic case? If so, state the court, the case number, the charge or charges placed against you and whether or not you pleaded guilty thereto and the final disposition.

### **ANSWER:**

5. Were you the owner of the chainsaw used in the alleged occurrence? If so, was said chainsaw repaired and, if so, when, where, and by whom and what was the cost of said repairs?

### **ANSWER:**

6. If you were the owner of the chainsaw in question, were you named or covered under any policy of liability insurance effective on the date of said occurrence and, if so, state the name of each such company, the policy number, the effective period, and the maximum liability limits for each person and each occurrence, including umbrella or excess insurance coverage, property damage and medical payment coverage.

### **ANSWER:**

7. Do you have any information tending to indicate:

- (a) That any Plaintiff was, within the five years immediately prior to said occurrence confined in a hospital, treated by a physician or x-rayed for any reason other than

personal injury? If so, state the Plaintiff so involved and give the name and address of each hospital, physician, technician or clinic, the approximate date of such confinement or service and state, in general the reason for such confinement or service.

- (b) That any Plaintiff had suffered serious personal injury prior to the date of said occurrence? If so, state each Plaintiff so involved and state when, where and, in general, how he or she was injured and describe, in general, the injuries suffered.
- (c) That any Plaintiff has suffered either (a) any personal injury or (b) serious illness, since the date of said occurrence? If so, state each Plaintiff so involved and, for (a) state when, where and, in general how he or she was injured and describe, in general, the injuries suffered and for (b) state when he or she was ill and describe, in general the illness.
- (d) That any Plaintiff has ever filed any other suit for his or her own personal injuries? If so, state each Plaintiff so involved and give the court in which filed, the year filed and the title and docket number of said case.

**ANSWER:**

8. Were any photographs, movies and/or videotapes taken of the scene of the occurrence or of the persons or vehicles involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subjects thereof and who now has custody of them, and the name, address and occupation and employer of the person taking them.

**ANSWER:**

9. Have you (or has anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the occurrence complained of occurred, or have you overheard any statements made by any person at any time with regard to the injuries complained of by Plaintiff or the manner in which the occurrence complained of occurred? If the answer to this interrogatory is in the affirmative, state the following:

- (a) The date or dates of such conversations and/or statements;
- (b) The place of such conversations and/or statements;
- (c) All persons present for the conversations and/or statements;
- (d) The matters and things stated by the person in the conversations and/or statements;
- (e) Whether the conversation was oral, written and/or recorded; and
- (f) Who has possession of the statement if written and/or recorded.

**ANSWER:**

10. Do you know of any statements made by any person relating to the occurrence complained of by the Plaintiff? If so, give the name and address of each such witness and the date of the statement, and state whether such statement was written and/or oral.

**ANSWER:**

11. Had you consumed any alcoholic beverage within twelve (12) hours immediately prior to the occurrence? If so, state the names and addresses of those from whom it was obtained, where it was consumed, the particular kind and amount of alcoholic beverage so consumed by you, and the names and current residence addresses of all persons known by you to have knowledge concerning the consumption of the alcoholic beverages.

**ANSWER:**

12. Have you ever been convicted of a misdemeanor involving dishonesty, false statement or a felony? If so, state the nature thereof, the date of the conviction, and the court and the caption in which the conviction occurred. For the purpose of this interrogatory, a plea of guilty shall be considered a conviction.

**ANSWER:**

13. Had you used drugs or medications within twenty-four (24) hours immediately prior to the occurrence? If so, state the names and addresses of those from whom it was obtained, where it was used, the particular kind and amount of drug or medication so used by you, and the names and current addresses of all persons known by you to have knowledge concerning the use of the drug or medication.

**ANSWER:**

14. Were you employed on the date of the occurrence? If so, state the name and address of your employer, and the date of employment and termination, if applicable. If your answer is in the affirmative, state the position, title and nature of your occupational responsibilities with respect to your employment.

**ANSWER:**

15. What was the purpose and/or use for which the chainsaw was being operated at the time of the occurrence?

**ANSWER:**

16. State the names and addresses of all persons who have knowledge of the purpose for which the vehicle was being used at the time of the occurrence.

**ANSWER:**

17. Do you have any medical and/or physical condition which required a physician's report and/or letter of approval in order to drive? If so, state the nature of the medical and/or physical condition, the physician or other health care professional who issued the letter and/or report, and the names and addresses of any physician or other health care professional who treated you for this condition prior to the occurrence.

**ANSWER:**

18. State the name and address of any physician, ophthalmologist, optician or other health care professional who performed any eye examination of you within the last five years and the dates of each such examination.

**ANSWER:**

19. State the name and address of any physician or other health care professional who examined and/or treated you within the last 10 years and the reason for such examination and/or treatment.

**ANSWER:**

20. Pursuant to Illinois Supreme Court Rule 213(f), provide the following:

- (a) List the name(s) and address(s) of each lay witness(s) and identify the subjects on which the witness(s) will testify;
- (b) List the name(s) and address(s) of each independent witness(s) and identify the subjects on which the witness(s) will testify and the opinions the party expects to elicit;
- (c) List the name(s) and address(s) of each controlled expert witness(s) and identify:
  - (i) The subject matter on which the witness(s) will testify;
  - (ii) The conclusions and opinions of the witness(s) and the bases therefore;
  - (iii) The qualifications of the witness(s), and
  - (iv) Any reports prepared by the witness(s) about the case.

**ANSWER:**

21. List the names and addresses of all other persons (other than yourself and persons heretofore listed) who have knowledge of the facts of the occurrence and/or of the injuries and damages claimed to have resulted therefrom.

**ANSWER:**

22. Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be the work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).

**ANSWER:**

Under penalties as provided by law pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.

---

BILL MCGUIRE

STATE OF ILLINOIS )  
 ) SS  
 COUNTY OF MCHENRY )

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

PAUL DULBERG,

Plaintiff(s),

CASE NO. 12LA000178

vs.

DAVID GAGNON, Individually, and as  
 Agent of CAROLINE MCGUIRE and  
 BILL MCGUIRE, and CAROLINE  
 MCGUIRE and BILL MCGUIRE,  
 Individually,

Defendant(s).

**CONSOLIDATED NOTICE TO PRODUCE PURSUANT TO  
 SUPREME COURT RULE 214 AND SUPREME COURT RULE 237**

Pursuant to Illinois Supreme Court Rule 214, you are requested and directed to produce within twenty-eight (28) days the following items for inspection and copying. You are further requested and directed pursuant to Illinois Supreme Court Rule 237 to produce at the time of commencement of trial and arbitration the following items:

1. Produce for the purpose of adverse examination at trial and arbitration, pursuant to 735 ILCS 5/2-1102, Co-Defendants, CAROLINE MCGUIRE and BILL MCGUIRE.
2. All copies of damage bills, estimates of repair or replacement for any property claimed to have been damaged in the occurrence in question, including, but not limited to, estimates, cancelled checks, receipts or other documentary evidence representing payment for such damages.
3. All photographs or video, images, of any of the parties to this suit, of vehicles, property, or physical objects involved in the occurrence, scene of the occurrence. For each item produced, identify the date the item was originally produced, the identity and contact information of the photographer, videographer, filmmaker or other individual who produced the item described and the identity and contact information of the current custodian of the original item described.
4. Any statement, memoranda, or other writing recording of any interview with any party, other person, or witness who has knowledge of the facts alleged in the Complaint or who



has opinions relating to any of the issues alleged in the Complaint, except those protected by privilege.

5. Any releases, hold harmless, or any other type of settlement agreements between Plaintiff(s) and any other party which may have been responsible for the damages claimed by Plaintiff(s).
6. All policies of insurance providing collateral source of payments to the Plaintiff(s), including, but not limited to, medical payment insurance, disability insurance, PIP insurance, and/or employment related insurance. Please attach any/all policies of insurance referred to above.
7. Any and all medical hospital, medication, therapeutic, clinical records, bills and reports. Any Social Security records relating to applications for disability claims, along with documentary evidence.
8. All incident reports pertaining to the incident including but not limited to reports to employer and/or insurance company.
9. Any and all employment records of the Plaintiff.
10. Any and all school, vocational or educational records of the Plaintiff.
11. Any and photographs, recordings, charts, graphs, sketches, documents, papers or any other tangible item or documentary evidence which you intend to use and/or introduce at trial and arbitration.
12. The names and addresses of all witnesses you intend to call at the trial and arbitration of this matter.
13. The names, address, and specialties of all opinion witnesses other than those claimed as a consultant that you intend to call at the trial and arbitration of this matter.
14. Copies of all reports and qualifications for each opinion witness you intend to call at the trial and arbitration of this matter.
15. Copies of any and all subpoenas issued for arbitration and trial of this cause, with this request continuing throughout the pendency of this action.
16. If the party or his attorney responding to this Request to produce knows of the existence or location of any document or items requested, even though they are not within the current possession of the party or his/her attorney, identify the location, the custodian and the nature of the document or items.
  - a. The date on which said document or tangible object was created;
  - b. The name and last know address of the author of the document or maker of the tangible object;
  - c. The name and last know address of the recipient of the document or tangible object or item;

- d. A brief description of the subject matter of the document or description of the tangible object or item;
  - e. The basis of the claim of privilege.
17. An affidavit of the responding party of their attorney stating whether the production is complete in accordance with this Request pursuant to Supreme Court Rule 214 and Supreme Court Rule 237.
18. Copies of all individual United States and applicable individual state income tax returns, including any and all W2 forms and supporting documents for the year before, the year of and each year after the occurrence at issue. Further if any claim of lost income is based on self employment, produce and a all business and accounting records, including the name, address and telephone number of the accountant keeping or maintaining said records, for the year before, the year of and each year after the occurrence at issue.

I HEREBY CERTIFY that on September 5, 2012, a true and correct copy of the foregoing Request for Production was filed with the Clerk of the Circuit Court of McHenry County and was mailed to:

Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry IL 60050

Attorney for Plaintiff(s) Paul Dulberg

Cicero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
Rockford, IL 61114

Attorney for Co-Defendants, Caroline and Bill McGuire

LAW OFFICE OF M/GERARD GREGOIRE  
200 N LaSalle St Ste 2650  
Chicago, IL 60601-1092  
Telephone: 312-558-9821

By: 

PERRY A. ACCARDO

Firm No.: **46878**

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon

STATE OF ILLINOIS )  
 ) SS  
 COUNTY OF MCHENRY )

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

PAUL DULBERG,

Plaintiff(s),

CASE NO. 12LA000178

vs.

DAVID GAGNON, Individually, and as  
 Agent of CAROLINE MCGUIRE and  
 BILL MCGUIRE, and CAROLINE  
 MCGUIRE and BILL MCGUIRE,  
 Individually,

Defendant(s).

**CONSOLIDATED NOTICE TO PRODUCE PURSUANT TO  
 SUPREME COURT RULE 214 AND SUPREME COURT RULE 237**

Pursuant to Illinois Supreme Court Rule 214, you are requested and directed to produce within twenty-eight (28) days the following items for inspection and copying. You are further requested and directed pursuant to Illinois Supreme Court Rule 237 to produce at the time of commencement of trial and arbitration the following items:

1. Produce for the purpose of adverse examination at trial and arbitration, pursuant to 735 ILCS 5/2-1102, Plaintiff, Hans A. Mast.
2. All copies of damage bills, estimates of repair or replacement for any property claimed to have been damaged in the occurrence in question, including, but not limited to, estimates, cancelled checks, receipts or other documentary evidence representing payment for such damages.
3. All photographs or video, images, of any of the parties to this suit, of vehicles, property, or physical objects involved in the occurrence, scene of the occurrence. For each item produced, identify the date the item was originally produced, the identity and contact information of the photographer, videographer, filmmaker or other individual who produced the item described and the identity and contact information of the current custodian of the original item described.
4. Any statement, memoranda, or other writing recording of any interview with any party, other person, or witness who has knowledge of the facts alleged in the Complaint or who

has opinions relating to any of the issues alleged in the Complaint, except those protected by privilege.

5. Any releases, hold harmless, or any other type of settlement agreements between Plaintiff(s) and any other party which may have been responsible for the damages claimed by Plaintiff(s).
6. All policies of insurance providing collateral source of payments to the Plaintiff(s), including, but not limited to, medical payment insurance, disability insurance, PIP insurance, and/or employment related insurance. Please attach any/all policies of insurance referred to above.
7. Any and all medical hospital, medication, therapeutic, clinical records, bills and reports. Any Social Security records relating to applications for disability claims, along with documentary evidence.
8. All incident reports pertaining to the incident including but not limited to reports to employer and/or insurance company.
9. Any and all employment records of the Plaintiff.
10. Any and all school, vocational or educational records of the Plaintiff.
11. Any and photographs, recordings, charts, graphs, sketches, documents, papers or any other tangible item or documentary evidence which you intend to use and/or introduce at trial and arbitration.
12. The names and addresses of all witnesses you intend to call at the trial and arbitration of this matter.
13. The names, address, and specialties of all opinion witnesses other than those claimed as a consultant that you intend to call at the trial and arbitration of this matter.
14. Copies of all reports and qualifications for each opinion witness you intend to call at the trial and arbitration of this matter.
15. Copies of any and all subpoenas issued for arbitration and trial of this cause, with this request continuing throughout the pendency of this action.
16. If the party or his attorney responding to this Request to produce knows of the existence or location of any document or items requested, even though they are not within the current possession of the party or his/her attorney, identify the location, the custodian and the nature of the document or items.
  - a. The date on which said document or tangible object was created;
  - b. The name and last known address of the author of the document or maker of the tangible object;
  - c. The name and last known address of the recipient of the document or tangible object or item;

- d. A brief description of the subject matter of the document or description of the tangible object or item;
  - e. The basis of the claim of privilege.
- 17. An affidavit of the responding party or their attorney stating whether the production is complete in accordance with this Request pursuant to Supreme Court Rule 214 and Supreme Court Rule 237.
- 18. Copies of all individual United States and applicable individual state income tax returns, including any and all W2 forms and supporting documents for the year before, the year of and each year after the occurrence at issue. Further if any claim of lost income is based on self employment, produce and a all business and accounting records, including the name, address and telephone number of the accountant keeping or maintaining said records, for the year before, the year of and each year after the occurrence at issue.

I HEREBY CERTIFY that on September 5, 2012, a true and correct copy of the foregoing Request for Production was filed with the Clerk of the Circuit Court of McHenry County and was mailed to:

Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry IL 60050

Attorney for Plaintiff(s) Paul Dulberg

Cicero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
Rockford, IL 61114

Attorney for Co-Defendants, Caroline and Bill McGuire

LAW OFFICE OF M. GERARD GREGOIRE  
200 N LaSalle St Ste 2650  
Chicago, IL 60601-1092  
Telephone: 312-558-9821

By: \_\_\_\_\_

PERRY A. ACCARDO

Firm No.: 46878

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon

STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF MCHENRY                )

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

PAUL DULBERG,

Plaintiff(s),

CASE NO. 12LA000178

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and  
BILL MCGUIRE, and CAROLINE  
MCGUIRE and BILL MCGUIRE,  
Individually,

Defendant(s).

**NOTICE OF SERVICE OF INTERROGATORIES TO PLAINTIFF**

Plaintiff, PAUL DULBERG, is hereby requested and required to answer, under oath, in writing, and within the time allowed by the Illinois Supreme Court Rules, the attached Interrogatories propounded by the Defendant(s), DAVID GAGNON. The Plaintiff is further requested to serve said answers in accordance with the Illinois Rules of the Supreme Court.



I HEREBY CERTIFY that on September 5, 2012, a true and correct copy of the foregoing Notice, together with the Interrogatories, were mailed to:

Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry IL 60050

Attorney for Plaintiff(s) Paul Dulberg

Cicero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
Rockford, IL 61114

Attorney for Co-Defendants, Caroline and Bill McGuire

LAW OFFICE OF M. GERARD GREGOIRE  
200 N LaSalle St Ste 2650  
Chicago, IL 60601-1092  
Telephone: 312-538-9821

By: 

PERRY A. ACCARDO

Firm No.: **46878**

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon

## INTERROGATORIES TO PLAINTIFF

**INSTRUCTIONS:** Please insert your answers in the space provided following each question. If additional space is needed, so indicate in the space provided, prepare your answer on a separate paper and attach.

1. State your full name, your current residence address, date of birth, marital status, driver's license number and issuing state, and the last four digits of your social security number.

**ANSWER:**

2. State the full name and current residence address of each person who witnessed or claims to have witnessed the occurrence that is the subject of this suit (hereinafter referred to simply as the occurrence).

**ANSWER:**

3. State the full name and current residence address of each person, not named in interrogatory No. 2 above, who was present and/or claims to have been present at the scene immediately before, at the time of, and/or immediately after the occurrence.

**ANSWER:**

4. As a result of the occurrence, were you made a Defendant in any criminal or traffic case? If so, state the court, the caption, the case number, the charge or charges filed against you, whether you pleaded guilty thereto and the final disposition.

**ANSWER:**

5. Describe the personal injuries sustained by you as a result of the occurrence.

**ANSWER:**

6. State whether you have recovered from the injuries you allege to have suffered in the occurrence complained of. If not, describe the nature and extent of any continuing complaint or disability and state the name and address of each health care provider with whom you treat or consult for any continuing complaint or disability.

**ANSWER:**

7. State the name and address of your primary care physician or any other physician or health care provider who examined and/or treated you within the last 10 years. State the reason for such examination or treatment.

**ANSWER:**

8. With regard to your injuries, state:

(a) The name and address of each attending physician and/or health care professional;

- (b) The name and address of each consulting physician and/or other health care professional;
- (c) The name and address of each person and/or laboratory taking any X-ray, MRI and/or other radiological tests of you;
- (d) The date or inclusive dates on which each of them rendered you service;
- (e) The amounts to date of their respective bills for services; and
- (f) From which of them you have written reports.

**ANSWER:**

9. As the result of your personal injuries, were you a patient or outpatient in any hospital and/or clinic? If so, state the names and addresses of all hospitals and/or clinics, the amounts of their respective bills and the date or inclusive dates of their services.

**ANSWER:**

10. As a result of your personal injuries, were you unable to work? If so, state:

- (a) The name and address of your employer, if any, at the time of the occurrence, your wage and/or salary, and the name of your supervisor and/or foreperson;
- (b) The date or inclusive dates on which you were unable to work;
- (c) The amount of wage and/or income lost claimed by you; and
- (d) The name and address of your present employer and your wage and/or salary.

**ANSWER:**

11. State any and all other expenses and/or losses you claim as a result of the occurrence. As to each expense and/or loss, state the date or dates it was incurred, the name of the person, firm and/or company to whom such amounts are owed, whether the expense and/or loss in question has been paid and, if so, by whom it was so paid, and describe the reason and/or purpose for each expense and/or loss.

**ANSWER:**

12. Had you suffered any personal injury or prolonged, serious and/or chronic illness prior to the date of the occurrence? If so, state when and how you were injured and/or ill, where you were injured and/or ill, describe the injuries and/or illness suffered, and state the name and address of each physician, or other health care professional, hospital and/or clinic rendering you treatment for each injury and/or chronic illness.

**ANSWER:**

13. Are you claiming any psychiatric, psychological and/or emotional injury as a result of this occurrence? If so, state:

- (a) The name of any psychiatric, psychological and/or emotional injury claimed, and the name and address of each psychiatrist, physician, psychologist, therapist or other health care professional rendering you treatment for each injury;
- (b) Whether you had suffered any psychiatric, psychological and/or emotional injury prior to the date of the occurrence; and
- (c) If (b) is in the affirmative, please state when and the nature of any psychiatric, psychological and/or emotional injury, and the name and address of each psychiatrist, physician, psychologist, therapist or other health care professional rendering you treatment for each injury.

**ANSWER:**

14. Have you suffered any personal injury or prolonged, serious and/or chronic illness since the date of the occurrence? If so, state when you were injured and/or ill, where and how you were injured and/or ill, describe the injuries and/or the illness suffered, and state the name and address of each physician or other health care professional, hospital and/or clinic rendering you treatment for each injury and/or chronic illness.

**ANSWER:**

15. Have you ever filed any other suits for your own person injuries? If so, state the nature of the injuries claimed, the courts and the captions in which filed, the years filed, and the titles and docket numbers of the suits.

**ANSWER:**

16. Have you ever filed a claim for and/or received any workers' compensation benefits? if so, state the name and address of the employer against whom you filed for and/or received benefits, the date of the alleged accident or accidents, the description of the alleged accident or accidents, the nature of you injuries claimed and the name of the insurance company, if any, who paid any such benefits.

**ANSWER:**

17. Were any photographs, movies and/or videotapes taken of the scene of the occurrence or of the persons and/or vehicles involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subject thereof, who now has custody of them, and the name, address occupation and employer of the person taking them.

**ANSWER:**

18. Have you (or has anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the occurrence complained of occurred, or have you overheard any statements made by any person at any time with regard to the injuries complained of by Plaintiff or to the manner in which the occurrence complained of occurred? If the answer to this interrogatory is in the affirmative, state the following:

- (a) The date or dates of such conversations and/or statements;

- (b) The place of such conversations and/or statements;
- (c) All persons present for the conversations and/or statements;
- (d) The matters and things stated by the person in the conversations and/or statements;
- (e) Whether the conversation was oral, written and/or recorded; and
- (f) Who has possession of the statement if written and/or recorded.

**ANSWER:**

19. Do you know of any statements made by any person relating to the occurrence? If so, give the name and address of each such witness, the date of the statement, and state whether such statement was written and/or oral.

**ANSWER:**

20. Had you consumed any alcoholic beverage within twelve (12) hours immediately prior to the occurrence? If so, state the names and addresses of those from whom it was obtained, where it was consumed, the particular kind and amount of alcoholic beverage so consumed by you, and the names and current residence addresses of all persons known by you to have knowledge concerning the consumption of the alcoholic beverages.

**ANSWER:**

21. Have you ever been convicted of a misdemeanor involving dishonesty, false statement or a felony? If so, state the nature thereof, the date of the conviction, and the court and the caption in which the conviction occurred. For the purpose of this interrogatory, a plea of guilty shall be considered a conviction.

**ANSWER:**

22. Had you used drugs or medications within twenty-four (24) hours immediately prior to the occurrence? If so, state the names and addresses of those from whom it was obtained, where it was used, the particular kind and amount of drug or medication so used by you, and the names and current addresses of all persons known by you to have knowledge concerning the use of the drug or medication.

**ANSWER:**

23. Have you received any payment and/or other consideration from any source in compensation for the injuries alleged in your complaint? If your answer is in the affirmative, state:

- (a) The amount of such payment and/or other consideration received;
- (b) The name of the person, firm, insurance company and/or corporation making such payment or providing other consideration and the reason for the payment and/or other consideration; and

- (c) Whether there are any documents evidencing such payment and/or other consideration received.

**ANSWER:**

24. State the names and addresses of all persons who have knowledge of the purpose for which the vehicle was being used at the time of the occurrence.

**ANSWER:**

25. Pursuant to Illinois Supreme Court Rule 213(f), provide the following:

- (a) List the name(s) and address(s) of each lay witness(s) and identify the subjects on which the witness(s) will testify;
- (b) List the name(s) and address(s) of each independent witness(s) and identify the subjects on which the witness(s) will testify and the opinions the party expects to elicit;
- (c) List the name(s) and address(s) of each controlled expert witness(s) and identify:
  - (i) The subject matter on which the witness(s) will testify;
  - (ii) The conclusions and opinions of the witness(s) and the bases therefore;
  - (iii) The qualifications of the witness(s), and
  - (iv) Any reports prepared by the witness(s) about the case.

**ANSWER:**

26. List the names and addresses of all other persons (other than yourself and persons heretofore listed) who have knowledge of the facts of the occurrence and/or the injuries and damages claimed to have resulted therefrom.

**ANSWER:**

27. Identify any statements, information and/or documents known to you and requested by any of the foregoing interrogatories which you claim to be the work product or subject to any common law or statutory privilege, and with respect to each interrogatory, specify the legal basis for the claim as required by Illinois Supreme Court Rule 201(n).

**ANSWER:**

Under penalties as provided by law pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.

---

PAUL DULBERG

STATE OF ILLINOIS                     )  
  ) SS  
COUNTY OF MCHENRY                )

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

PAUL DULBERG,

Plaintiff(s),

CASE NO. 12LA000178

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and  
BILL MCGUIRE, and CAROLINE  
MCGUIRE and BILL MCGUIRE,  
Individually,

Defendant(s).

**NOTICE OF SERVICE OF MEDICARE SUPPLEMENTAL INTERROGATORY TO  
PLAINTIFF**

Plaintiff, PAUL DULBERG, is hereby requested and required to answer, under oath, in writing, and within the time allowed by the Illinois Supreme Court Rules, the attached Medicare Supplemental Interrogatory propounded by the Defendant(s), DAVID GAGNON. The Plaintiff is further requested to serve said answers in accordance with the Illinois Rules of the Supreme Court.

I HEREBY CERTIFY that on September 5, 2012, a true and correct copy of the foregoing Notice together with the Supplemental Interrogatory were mailed to:

Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry IL 60050

Attorney for Plaintiff(s) Paul Dulberg

Cicero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
Rockford, IL 61114

Attorney for Co-Defendants, Caroline and Bill McGuire

LAW OFFICE OF M. GERARD GREGOIRE  
200 N LaSalle St Ste 2650  
Chicago, IL 60601-1092  
Telephone: 312-558-9821

By: \_\_\_\_\_

PERRY A. ACCARDO

Firm No.: 46878

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon



**MEDICARE SUPPLEMENTAL INTERROGATORY TO PLAINTIFF, PAUL  
DULBERG**

**INSTRUCTIONS:** Please insert your answer in the space provided following the question. If additional space is needed, so indicate in the space provided, prepare your answer on a separate paper and attach.

1. As of January 1, 2010, the Federal Government is requiring all insurance companies that pay out for injuries, whether it be for at-fault (liability), no fault or medical expense payments from an accident, product liability, workers' compensation or the like, to report whether or not the claimant is a Medicare or Medicaid recipient. A person who is 65 years or older, a person with certain disabilities, or a person with end-stage renal failure may qualify for Medicare. In compliance with that request, we are requesting the following information, which must be updated throughout the claim and will be re-asked upon closing of the claim (pursuant to Supreme Court Rule 213 and the federal law):

Has Plaintiff/Plaintiff's decedent/the minor or disabled adult for which an injury is claimed, received payments or benefits from Medicare or Medicaid? If yes, please provide the name of the recipient, the recipient's gender, the recipient's Medicare Health Insurance Card Number or Social Security Number and the recipient's date of birth. In the case where the Medicare/Medicaid recipient is a minor or disabled adult or for another reason has a guardian, custodian, conservator, or other person who makes his/her medical decisions, please provide the name of the guardian, custodian, conservator, or other person who makes the medical decisions for the minor, disabled adult, or other Medicare recipient. Please be advised that pursuant to federal law these questions must be answered in their entirety or Defendant's insurance company will not be able to issue payments out of the claim. If while this claim is pending, Plaintiff, petitioner, Plaintiff's decedent, or the minor or disabled adult for which a claim of injury is advanced in this lawsuit becomes a Medicare recipient, please update this interrogatory.

**ANSWER:**

Under penalties as provided by law pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.

---

PAUL DULBERG

**LIST OF DEPOSITION TRANSCRIPTS IN POSSESSION OF CICERO, FRANCE & ALEXANDER, P.C.**  
**January 6, 2020**

<b>DEPONENT</b>	<b>DATE OF DEPOSITION</b>	<b>COURT REPORTER</b>
Paul Dulberg	1.24.13	Fisher Court Reporting 815.226.9755
Carolyn McGuire	3.20.13	Urbanski Reporting Company 312.977.1777
William McGuire	3.20.13	Urbanski Reporting Company
Dr. Marcus Talerico	10.18.13	Vahl Reporting Service, Ltd. 847.244.4117
Dr. Scott Sagerman	10.15.13	Vahl Reporting Service, Ltd.
Michael McArtor	3.20.13	Urbanski Reporting Company

**LIST OF MEDICAL RECORDS/BILLS IN POSSESSION OF CICERO, FRANCE & ALEXANDER, P.C.**  
**February 19, 2020**

<b>TREATMENT FACILITY/DOCTOR</b>	<b>RECORDS</b>	<b>BILLS</b>	<b>REC'D FROM</b>
Moraine ER Physicians	X	X	Complex Legal Services
Centegra Northern Illinois Medical Center	X		Complex Legal Services; Response to Cicero France Subpoena
Associates Neurology, SC	X	X	Complex Legal Services
Hand Surgery Associates	X	X	Complex Legal Services
MidAmerica Hand to Shoulder Clinic	X		Complex Legal Services; Response to Cicero France Subpoena
Fox Lake Dynamic Hand Therapy	X	X	Complex Legal Services
Open Advanced MRI	X	X	Complex Legal Services
Dr. Frank Sek	X	X	Complex Legal Services



## The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
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[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

July 15, 2013

**VIA FACSIMILE: 815/226-7701**

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Mr. Barch:

Thank you for your recent correspondence. You may call the physicians you wish to depose and schedule them with the deposition assistant.

As to the witness, please advise when you are available for his deposition and I will contact my client and try to arrange the deposition through our office.

Thank you for your cooperation.

Very truly yours,

HANS A. MAST

smq

c: Perry Accardo (fax: 312/558-9357)

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085



CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

July 30, 2012

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Mr. Mast:

Thanks for calling me back last Friday. As we discussed, I was able to confirm through my clients (Bill and Carolyn McGuire) that the chain saw still exists. They also believe they have the manual and will be searching for same.

We also discussed moving the Motion for Protective Order from Tuesday, July 31, 2012, at 9:00 a.m. to Wednesday, August 1, 2012, at 9:00 a.m. You indicated that somebody from your office would appear on Tuesday and simply set the matter over. Attorney Chantel Bielskis from my office will be there on Wednesday. Thank you for the accommodation.

As to your desire for an inspection and photo shoot of the chain saw and related manual, I have no problem making the arrangements but would prefer to do so only once. Accordingly, it is my understanding that the inspection will be deferred until such time that the co-defendant is of record and ready to proceed as well.

Lastly, upon return to my office this morning I noted that Judge Michael Caldwell has issued a notice recusing himself from the *Dulberg* case. The matter has apparently been re-assigned to Judge Thomas A. Meyer and is currently scheduled for status on August 8, 2012 at 9:00 a.m. If possible, it probably makes sense to move the status date out 60 days when the case is called on Wednesday morning. We can then avoid another trip to court next week.

Very truly yours,



RONALD A. BARCH

RB:mj05ltr.HAM

cc Tom Malatia (Claim No. 13-2779-11)



STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,	)	
	)	
Plaintiff,	)	Case No. 12 LA 178
	)	
vs.	)	
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE MCGUIRE and BILL	)	
MCGUIRE, and CAROLINE MCGUIRE	)	
and BILL MCGUIRE, Individually,	)	
	)	
Defendants.	)	

**ANSWER TO PLAINTIFF'S INTERROGATORIES TO  
DEFENDANTS BILL MCGUIRE AND CAROLYN MCGUIRE**

TO: Paul Dulberg  
c/o Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

Defendants, BILL MCGUIRE AND CAROLYN MCGUIRE (improperly named Caroline),  
by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their Answer to  
Plaintiff's Interrogatories, state as follows:

1. State the full name of the defendant(s) answering, as well as your current residence address, date of birth, marital status, and social security number, and, if different, give the full name, as well as the current residence address, date of birth, marital status, and social security number of the individual(s) signing these Answers.

<b>ANSWER:</b> William "Bill" McGuire 1016 W. Elder Avenue McHenry, IL 60051 Married: Carolyn DOB: July 29, 1952	Carolyn McGuire 1016 W. Elder Avenue McHenry, IL 60051 Married: Bill November 26, 1946
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Defendants object to providing Social Security Numbers. Such information is highly sensitive and private and is furthermore irrelevant to any issues in the pending lawsuit.

2. State the full name and current residence address of each person who witnessed or claims to have witnessed the accident to the Plaintiff on the premises as described in the complaint.

**ANSWER:** David Gagnon  
39010 90<sup>th</sup> Place  
Genoa City, WI 53128

Paul Dulberg  
4606 Hayden  
McHenry, IL 60051

3. State the full name and current residence address of each person who witnessed or claims to have witnessed the work and/or conditions existing as described in the complaint at the location of the accident on the date of the accident described.

**ANSWER:** See answer to Interrogatory No. 2.

4. State the name and address of the person(s) or entity that owned the property premises whereat the accident occurred as alleged, as of the date in question.

**ANSWER:** Bill and Carolyn McGuire  
1016 W. Elder Avenue  
McHenry, IL 60051

5. State the name and address of the person(s) or entity that was involved in the work and/or maintenance of the exterior of the premises as alleged on the date in question.

**ANSWER:** See response to Interrogatory No. 2.

6. State the name and address of the person(s) or entity that decided or chose to undertake the work and/or maintenance of the exterior of the premises as alleged on the date in question, including chain saw use and activity.

**ANSWER:** See response to Interrogatory No. 2.

7. State the name and address of the person(s) or entity that was to supervise or oversee the work and/or maintenance at the exterior of the premises as alleged on the date in question including chain saw use and activity.

**ANSWER:** See response to Interrogatory No. 2.

8. State the full name and current residence address of each person, who was present and/or claims to have been present at the scene immediately before, at the time of, and/or immediately after said occurrence.

**ANSWER:**

<b>Before:</b>	William "Bill" McGuire 1016 W. Elder Avenue McHenry, IL 60051	Carolyn McGuire 1016 W. Elder Avenue McHenry, IL 60051
	David Gagnon 39010 90 <sup>th</sup> Place Genoa City, WI 53128	Paul Dulberg 4606 Hayden McHenry, IL 60051

**At Time Of**

<b>Occurrence:</b>	David Gagnon 39010 90 <sup>th</sup> Place Genoa City, WI 53128	Paul Dulberg 4606 Hayden McHenry, IL 60051
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<b>After:</b>	William "Bill" McGuire 1016 W. Elder Avenue McHenry, IL 60051	Carolyn McGuire 1016 W. Elder Avenue McHenry, IL 60051
	David Gagnon 39010 90 <sup>th</sup> Place Genoa City, WI 53128	Paul Dulberg 4606 Hayden McHenry, IL 60051

9. State the name and address of each witness that knows or claims to know the circumstances of the alleged accident, how it occurred or how the Plaintiff became injured – as alleged in the Complaint.

**ANSWER:** On information and belief, David Gagnon and Paul Dulberg were present at the time of the alleged occurrence and therefore know the circumstances surrounding the occurrence. Answering further, Defendants Bill McGuire and Carolyn McGuire were not present at the time of the occurrence but knew that David Gagnon and Paul Dulberg were present on the date of the occurrence. From conversations with David Gagnon, the answering Defendants believe that Mr. Gagnon and Mr. Dulberg had been cutting logs and tree branches into smaller sections without incident. While in the process of cutting tree branches Paul Dulberg unexpectedly and without warning moved his right arm directly in the path of the running chain saw. Investigation continues.



10. With respect to the chain saw that was being operated on the premises at the time of the alleged injury, state as follows:
- a. Who was operating the chain saw at the time of the Plaintiff's alleged injury;
  - b. Who owned the chain saw at the time of Plaintiff's alleged injury;
  - c. who requested that the chain saw be used to perform work at the time of Plaintiff's injury.

**ANSWER:**

- a. On information and belief, David Gagnon was operating the chain saw at the time Mr. Dulberg was injured.
  - b. Bill McGuire was the owner of the chain saw on the date of the occurrence.
  - c. David Gagnon had Bill McGuire's permission to use the chain saw.
11. With respect to David Gagnon's experience in use of a chain saw prior to the date of the alleged accident, state as follows:
- a. How many times had David Gagnon operated the same or similar chain saw prior to the date of alleged accident;
  - b. What formal training did David Gagnon receive in use or operation of a chain saw prior to the occurrence alleged;
  - c. Who, if any, (names and addresses) trained David Gagnon in use or operation of a chain saw prior to the occurrence.

**ANSWER:**

- a. Objection. This interrogatory is better directed to David Gagnon. Answering subject to objection, and to the best of the answering parties' knowledge, David Gagnon has used chain saws in the past but the answering parties do not know how often he has used chain saws in the past.
- b. Objection. This interrogatory is better directed to David Gagnon. Answering subject to objection, the answering parties do not know whether David Gagnon has been formally trained the use or operation of a chain saw. Answering further, the answering parties are aware that Mr. Gagnon has used chain saws many times in the past and he appears/appeared to know what he is doing.

- c. Objection. This interrogatory is better directed to David Gagnon. Answering subject to objection, the answering party do now know whether or by whom David Gagnon was trained in the use of chain saws. Answering further, the answering parties are aware that Mr. Gagnon has used chain saws many times in the past and he appears/appeared to know what he is doing.
12. What was the scope of work or task David Gagnon was engaged in with use of the chain saw at or about the time of the alleged accident.

**ANSWER:**

To the extent "scope of work" or "engaged" constitute legal conclusions, the answering Defendants object to Interrogatory No. 12. Answering subject to objection, at the time of the alleged occurrence, the answering Defendants were in the process of replacing an old shed on their property. Paul Dulberg helped David Gagnon tear down the old shed. The answering Defendants further believe that Mr. Dulberg took the components of the old shed to his property for eventual reassembly. On the date of the occurrence, Mr. Dulberg was helping David Gagnon take down several trees to make room for a new shed. On information and belief, prior to the occurrence Mr. Gagnon and Mr. Dulberg had been cutting logs and tree branches into smaller sections without incident. While in the process of cutting tree branches Paul Dulberg unexpectedly and without warning moved his right arm directly in the path of the running chain saw. Answering further, the answering Defendants did not engage, hire or pay either individual for their activities on site. Nor did either answering Defendant dictate, control or otherwise supervise the methods and means by which Mr. Gagnon and Mr. Dulberg performed the tree and branch cutting at issue.

13. Who (names and addresses) requested or chose to engage Gagnon in the "task" of use and operation of the chain saw at or about the time of the alleged accident.

**ANSWER:**

To the extent the words "chose" and "engage" constitute legal conclusions, the answering Defendants object to Interrogatory No. 13. Answering subject to objection, David Gagnon undertook the tree cutting and trimming in question as a favor to his parents. He was not engaged, hired or paid for the activities in question.

14. What instructions or guidance, if any, was given to Gagnon prior to Plaintiff's alleged injury/accident with regard to how he was to perform the chain saw work at the premises.

**ANSWER:** See response to Interrogatory No. 11.

- 15 Were you (Defendant) covered under any policy of insurance at the time of the occurrence. If so, were you named or covered under any policy, policy, or policies, of liability insurance effective on the date of said occurrence, and: State the name of each such company or companies, the policy number of numbers, the effective period(s) occurrence, including umbrella or excess insurance coverage, property damage and medical payment coverage.

**ANSWER:** Yes.

Auto-Owners Insurance Company

Policy No. 48-010-965-01

Eff.: May 9, 2011 thru May 9, 2012

Personal Liability (Each Occurrence): \$300,000.00

Medical Payments (Each Person): \$1,000.00

16. Do you have any information:

- (a) That any plaintiff was, within the 5 years immediately prior to said occurrence, confined in a hospital and/or clinic, treated by a physician and/or other health professional, or x-rayed for any reason other than person injury? If so, state each plaintiff so involved, the name and address of each such hospital and/or clinic, physician, technician and/or other health care professional, the approximate date of such confinement or service and state the reason for such confinement or service;
- (b) That any plaintiff has suffered any serious personal injury and/or illness prior to the date of said occurrence? If so, state each plaintiff so involved, state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered;
- (c) That any plaintiff has suffered any serious personal injury and/or illness since the date of said occurrence? If so, state each plaintiff so involved, state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered;
- (d) That any plaintiff has ever filed any other suit for his or her own personal injuries? If so, state each plaintiff so involved, state the court, and caption in which filed, the year filed, the title and docket number of said case.

**ANSWER:**

- a. On information and belief, the answering parties believe that Paul Dulberg was involved in a motor vehicle accident that resulted in a shoulder injury of some sort. The answering parties do not know of any other details about the auto accident or injuries, if any.
- b. See answer to Interrogatory No. 16(a).
- c-d. No.

17. Were any photographs, movies and/or videotapes taken of the scene of the occurrence or of the persons involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subject thereof, who now has custody of them, the name, address and occupation and employer of the person taking them.

**ANSWER:** None, other than those furnished as part of Plaintiff's discovery response.

18. Have you (or anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the occurrence complained of occurred, or have you overheard any statements made by any person at any time with regard to the injuries complained of by plaintiff or the manner in which the occurrence complained of occurred? If the answer to this Interrogatory is in the affirmative, state the following:

- (a) The date or dates of such conversations and/or statements;
- (b) The place of such conversations and/or statements;
- (c) All persons present for the for the conversations and/or statements;
- (d) The matters and things stated by the person in the conversations and/or statements;
- (e) Whether the conversation was oral, written and/or recorded; and
- (f) Who has possession of said statement if written and/or recorded.

**ANSWER:** (a) thru (f): See summary of oral communication received from David Gagnon set forth in response to Interrogatory No. 9. Answering further, on information and belief, a few weeks after the subject occurrence Paul Dulberg did roofing work and moved heavy pieces of lumber for Mike Thomas, 460 Walbeck Drive, Twin Lakes, WI 53181 (312/961-9655). Investigation continues.

19. Do you know of any statements made by any person relating to the occurrence complained of by the plaintiff? If so, give the name and address of each such witness, the date of said statement, and state whether such statement was written and/or oral.

**ANSWER:** See answers to Interrogatories No. 9 and 18.

20. State the name and address of each person having knowledge of Plaintiff's activities on the premises PRIOR to the accident in question.

**ANSWER:** Paul Dulberg and David Gagnon.

21. State the name and address of each person having knowledge of Plaintiff's activities on the premises AFTER the accident in question.

**ANSWER:** Paul Dulberg, David Gagnon, Bill McGuire and Carolyn McGuire.

22. Had the Plaintiff ever used or operated a chain saw on the premises or for the Defendant's prior to his alleged accident. If so, state the dates and times such occurred.

**ANSWER:** Yes. In June 2011 Carolyn and Bill McGuire had a contractor take down a large tree on their property. The contractor left the fallen limbs. Shortly thereafter, Paul Dulberg brought his own chain saw down to the property. He cut the limbs into logs. David Gagnon helped him cut and load the logs.

23. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial, and state the subject of each witness' testimony, giving the following information:

- (a) The subject matter on which the opinion witness is expected to testify;
- (b) The conclusions and/or opinions of the opinion witness and the basis therefore, including reports of said witness, if any;
- (c) The qualifications of each opinion witness, including a Curriculum Vitae and/or resume, if any; and
- (d) Identify any written reports of the opinion witness regarding this occurrence.

**ANSWER:**

**Illinois Supreme Court Rule 213(f)(1) – Lay Witnesses:**

The answering party has not yet determined the identity of the witnesses that might be called upon to offer lay witness testimony and opinions at trial. However, each of the following individuals are possible trial witnesses:

- a. Paul Dulberg. Presumably, Mr. Kemp will testify about his age, education and work experience. He may testify concerning all the events and occurrences alleged in his complaint. He may also testify concerning his state of health before the events and occurrences alleged in his complaint, the injuries he attributes to the events and occurrences alleged in his complaint, and his current state of health. Lastly, it is anticipated that he will testify concerning all matters covered by his discovery responses and discovery deposition, if taken. Investigation continues.
- b. David Gagnon. The answering party does not know the specifics of Mr. Gagnon's potential trial testimony. Presumably, however, Mr. Gagnon will testify about his age, education and work experience. He may testify concerning his connection to Bill McGuire and Carolyn McGuire. He may testify concerning the events and occurrences alleged in Plaintiff's Complaint. He may also testify concerning observations he made about Mr. Dulberg's state of health before the events and occurrences alleged in Plaintiff's Complaint, observations he made about the injuries Mr.

Dulberg attributes to the events and occurrences alleged in Plaintiff's Complaint, and observations he made about Mr. Dulberg's current state of health. Lastly, it is anticipated that he will testify concerning all matters covered by his discovery responses and discovery deposition, if taken. Investigation continues.

- c. Bill McGuire. If called upon to testify, Mr. McGuire will testify about his age, education and work experience. He will testify concerning his connection to David Gagnon and Carolyn McGuire. He may testify concerning the circumstances surrounding the occurrence alleged in Plaintiff's Complaint. He may also testify concerning observations he made about Mr. Dulberg's state of health immediately after and since the occurrence alleged in Plaintiff's Complaint, including observations he made about the injuries Mr. Dulberg attributes to the occurrence alleged in Plaintiff's Complaint. Lastly, it is anticipated that he will testify concerning all matters covered by his discovery responses and discovery deposition, if taken. Investigation continues.
- d. Carolyn McGuire. If called upon to testify, Mrs. McGuire will testify about her age, education and work experience. She will testify concerning her connection to David Gagnon and Bill McGuire. She may testify concerning the circumstances surrounding the occurrence alleged in Plaintiff's Complaint. She may also testify concerning observations she made about Mr. Dulberg's state of health immediately after and since the occurrence alleged in Plaintiff's Complaint, including observations she made about the injuries Mr. Dulberg attributes to the occurrence alleged in Plaintiff's Complaint. Lastly, it is anticipated that she will testify concerning all matters covered by her discovery responses and discovery deposition, if taken. Investigation continues.
- e. Mike Thomas. If called upon to testify, Mr. Thomas may testify about his age, education and work experience. He may testify concerning his connection to Paul Dulberg. He may also testify concerning observations he made about Mr. Dulberg's state of health after the occurrence alleged in Plaintiff's Complaint, including observations he made of Mr. Dulberg performing roofing work and moving lumber. Lastly, it is anticipated that he will testify concerning all matters covered in his discovery deposition, if taken. Investigation continues.
- f. Investigation continues.

**Illinois Supreme Court Rule 213(f)(2) -- Independent Opinion Witnesses.**

To the extent any of the individuals disclosed above as potential Rule 213(f)(1) witnesses also qualify for disclosure as an independent expert witness within the meaning of Illinois Supreme Court Rule 213(f)(2), the responding Defendants incorporate the above Rule 213(f)(1) disclosure as though fully and completely set forth herein as a Rule 213(f)(2) disclosure. Answering further, the responding Defendants further incorporate the identity and opinions of any medical provider that treated Plaintiff for injuries he claims are associated with the occurrence alleged in his Complaint. For additional detail, see the medical records and materials produced by Plaintiff as part of his production response. Investigation continues.

**Illinois Supreme Court Rule 213(f)(3) -- Controlled Opinion Witnesses.**

None at this time. Answering further, Defendants reserve the right to retain and disclose controlled opinion witnesses and will do so, if necessary, in accordance with all applicable court orders and discovery rules.

24. List the names and addresses of all other persons (other than yourself and persons heretofore listed) who have knowledge of the facts of said occurrence and/or of the injuries and damages claimed to have resulted therefrom.

**ANSWER:** None, other than as disclosed in response to the interrogatories above.

25. Identify any statements, information and/or documents known to you and requested by any of the foregoing Interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each Interrogatory, specify the legal basis for the claim as required by Supreme Court Rule 201(n).

**ANSWER:** None at this time.

26. State the name and address of each person at the premises (although maybe at different location or not a witness to the incident) described at the time of the occurrence.

**ANSWER:** See response to Interrogatory Nos. 1 and 2.

27. Was the Plaintiff struck and injured by the chain saw while in operation on the date and time alleged. If so, what caused the chain saw to strike the Plaintiff.

**ANSWER:** On information and belief, yes. Answering further, Defendants were not present at the time of the occurrence. See answer to Interrogatory No. 9.

28. Describe what, if any, of the Plaintiff's conduct caused or contributed to his injury on the date and time in question.

**ANSWER:** See answer to Interrogatory No. 9.

29. Did the chain saw malfunction at any time during its use prior to Plaintiff's alleged injury.

**ANSWER:** To the best of the answering parties' knowledge, no.

30. Prior to Plaintiff's alleged injury, was the subject chain saw operating safely and properly.

**ANSWER:** To the best of the answering parties knowledge, yes.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By 

RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)



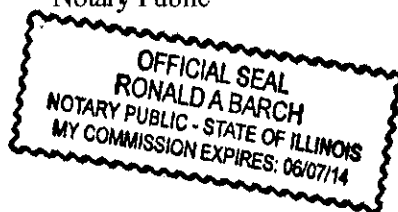
STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF WINNEBAGO            )

BILL McGuire, being first duly sworn on oath, deposes and states that he is one of the defendants herein; that he has read the foregoing interrogatory answers; and that the interrogatory answers herein are true, correct and complete to the best of his knowledge and belief.

Bill McGuire  
Bill McGuire

Subscribed and sworn to before  
me on the 6<sup>th</sup> day August, 2012.

RBA  
Notary Public



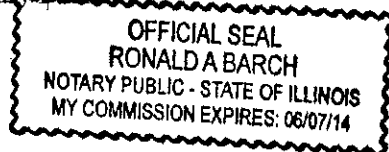
STATE OF ILLINOIS                     )  
  ) SS  
COUNTY OF WINNEBAGO             )

CAROLYN McGUIRE, being first duly sworn on oath, deposes and states that she is one of the defendants herein; that she has read the foregoing interrogatory answers; and that the interrogatory answers herein are true, correct and complete to the best of her knowledge and belief.

Carolyn McGuire  
Carolyn McGuire

Subscribed and sworn to before  
me on the 6th day August, 2012.

  
\_\_\_\_\_  
Notary Public



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 9/6/12.

  
\_\_\_\_\_

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,	)	
	)	
Plaintiff,	)	Case No. 12 LA 178
	)	
vs.	)	
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE MCGUIRE and BILL	)	
MCGUIRE, and CAROLINE MCGUIRE	)	
and BILL MCGUIRE, Individually,	)	
	)	
Defendants.	)	

**ANSWER TO DEFENDANT'S, DAVID GAGNON, INTERROGATORIES**  
**TO CO-DEFENDANT BILL MCGUIRE**

TO: Mr. David Gagnon  
c/o Attorney Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Defendant, BILL MCGUIRE, by and through HIS attorneys, Cicero, France, Barch & Alexander, PC, and for HIS Answer to Defendant David Gagnon's Interrogatories to Co-Defendant Bill McGuire, states as follows:

1. State the full name of the Defendant answering as well as your current residence address, date of birth, marital status, driver's license number and issuing state, and the last four digits of your social security number, and, if different, give the full name as well as the current address, date of birth, marital status, driver's license number and issuing state, and social security number of the individual signing the answers.

**ANSWER:** William "Bill" McGuire  
1016 W. Elder Avenue, McHenry, IL 60051  
Married: Carolyn  
DOB: July 29, 1952  
Defendant objects to providing driver's license information and Social Security Numbers. Such information is highly sensitive and private and is furthermore irrelevant to any issues in the pending lawsuit.

2. State the full name and current residence address of each person who witnessed or claims to have witnessed the occurrence that is the subject of this suit.

**ANSWER:** David Gagnon  
39010 90<sup>th</sup> Place  
Genoa City, WI 53128

Paul Dulberg  
4606 Hayden  
McHenry, IL 60051

3. State the full name and current residence address of each person not named (in 2) above who was present or claims to been present at the scene immediately before, at the time of or immediately after said occurrence.

**ANSWER:** Before and After:  
Bill and Carolyn McGuire  
1016 W. Elder Avenue  
McHenry, IL 60051

4. As a result of said occurrence were you made a Defendant in any criminal or traffic case? If so, state the court, the case number, the charge or charges placed against you and whether or not you pleaded guilty thereto and the final disposition.

**ANSWER:** No.

5. Were you the owner of the chainsaw used in the alleged occurrence? If so, was said chainsaw repaired and, if so, when, where, and by whom and what was the cost of said repairs?

**ANSWER:** Yes, I was the owner of the subject chain saw. It was new and therefore did not require any pre-occurrence repairs. It did not require any post-occurrence repairs either.

6. If you were the owner of the chainsaw in question, were you named or covered under any policy or liability insurance effective on the date of said occurrence and, if so, state the name of each such company, the policy number, the effective period, and the maximum liability limits for each person and each occurrence, including umbrella or excess insurance coverage, property damage and medical payment coverage.

**ANSWER:** Yes, I was the owner of the subject chain saw.  
Auto-Owners Insurance Company  
Policy No. 48-010-965-01  
Eff.: May 9, 2011 thru May 9, 2012  
Personal Liability (Each Occurrence): \$300,000.00  
Medical Payments (Each Person): \$1,000.00

7. Do you have any information tending to indicate:

- (a) That any Plaintiff was, within the five years immediately prior to said occurrence confined in a hospital, treated by a physician or x-rayed for any reason other than personal injury? If so, state the Plaintiff so involved and give the name and address of each hospital, physician, technician or clinic, the approximate date of such confinement or service and state, in general the reason for such confinement or service.
- (b) That any Plaintiff had suffered serious personal injury prior to the date of said occurrence? If so, state each Plaintiff so involved and state when, where, and, in general, how he or she was injured and describe, in general, the injuries suffered.
- (c) That any Plaintiff has suffered either (a) any personal injury or (b) serious illness, since the date of said occurrence? If so, state each Plaintiff so involved and, for (a) state when, where and, in general how he or she was injured and describe, in general, the injuries suffered and for (b) state when he or she was ill and describe, in general the illness.
- (d) That any Plaintiff has ever filed any other suit for his or her own personal injuries? If so, state each Plaintiff so involved and give the court in which filed, the year filed and the title and docket number of said case.

**ANSWER:**

- a. On information and belief, the answering party believes that Paul Dulberg was involved in a motor vehicle accident that resulted in a shoulder injury of some sort. The answering party does not know of any other details about the auto accident or injuries, if any.
- b. See answer to Interrogatory No. 7(a).
- c-d. No.

8. Were any photographs, movies and/or videotapes taken of the scene of the occurrence or of the persons or vehicles involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subjects thereof and who now has custody of them, and the name, address and occupation and employer of the person taking them.

**ANSWER:** None, other than those furnished as part of Plaintiff's discovery response.

9. Have you (or has anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the occurrence complained of occurred, or have you overheard any statements made by any person at any time with regard to the injuries complained of by Plaintiff or the manner in which the occurrence complained of occurred? If the answer to this interrogatory is in the affirmative, state the following:

- (a) The date or dates of such conversations and/or statements;
- (b) The place of such conversations and/or statements;
- (c) All persons present for the conversations and/or statements;
- (d) The matters and things stated by the person in the conversations and/or statements;
- (e) Whether the conversation was oral, and/or recorded; and
- (f) Who has possession of the statement if written and/or recorded.

**ANSWER:** (a) thru (f):

On information and belief, David Gagnon and Paul Dulberg were present at the time of the alleged occurrence and therefore know the circumstances surrounding the occurrence. Answering further, Defendants Bill McGuire and Carolyn McGuire were not present at the time of the occurrence but knew that David Gagnon and Paul Dulberg were present on the date of the occurrence. From conversations with David Gagnon, the answering Defendant believes that Mr. Gagnon and Mr. Dulberg had been cutting logs and tree branches into smaller sections without incident. While in the process of cutting tree branches Paul Dulberg unexpectedly and without warning moved his right arm directly in the path of the running chain saw. Answering further, on information and belief, a few weeks after the subject occurrence Paul Dulberg did roofing work and moved heavy pieces of lumber for Mike Thomas, 460 Walbeck Drive, Twin Lakes, WI 53181 (312/961-9655). Investigation continues.

10. Do you know of any statements made by any person relating to the occurrence complained of by the Plaintiff? If so, give the name and address of each such witness and the date of the statement, and state whether such statement was written and/or oral.

**ANSWER:** See response to Interrogatory No. 9.

11. Had you consumed any alcoholic beverage within twelve (12) hours immediately prior to the occurrence? If so, state the names and addresses of those from whom it was obtained, where it was consumed, the particular kind and amount of alcoholic beverage so consumed by you, and the names and current residence addresses of all persons known by you to have knowledge concerning the consumption of the alcoholic beverages.

**ANSWER:** Objection. This interrogatory seeks irrelevant information. Answering subject to said objection, no.

12. Have you ever been convicted of a misdemeanor involving dishonesty, false statement or a felony? If so, state the nature thereof, the date of the conviction, and the court and the caption in which the conviction occurred. For the purpose of this interrogatory, a plea of guilty shall be considered a conviction.

**ANSWER:** No.

13. Had you used drugs or medications within twenty-four (24) hours immediately prior to the occurrence? If so, state the names and addresses of those from whom it was obtained, where it was used, the particular kind and amount of drug or medication so used by you, and the names and current addresses of all persons known by you to have knowledge concerning the use of the drug or medication.

**ANSWER:** Objection. This interrogatory seeks irrelevant information. Answering subject to said objection, no.

14. Were you employed on the date of the occurrence? If so, state the name and address of your employer, and the date of employment and termination, if applicable. If your answer is in the affirmative, state the position, title and nature of your occupational responsibilities with respect to your employment.

**ANSWER:** Objection. This interrogatory seeks irrelevant information.

15. What was the purpose and/or use for which the chainsaw was being operated at the time of the occurrence?

**ANSWER:** At the time of the alleged occurrence, Defendants Bill McGuire and Carolyn McGuire were in the process of replacing an old shed on their property. Paul Dulberg helped David Gagnon tear down the old shed. The answering Defendant further believes that Mr. Dulberg took the components of the old shed to his property for eventual reassembly. On the date of the occurrence, Mr. Dulberg was helping David Gagnon take down several trees to make



room for a new shed. On information and belief, prior to the occurrence Mr. Gagnon and Mr. Dulberg had been cutting logs and tree branches into smaller sections without incident. While in the process of cutting tree branches Paul Dulberg unexpectedly and without warning moved his right arm directly in the path of the running chain saw.

16. State the names and address of all persons who have knowledge of the purpose for which the vehicle was being used at the time of the occurrence.

**ANSWER:** See answers to Interrogatory Nos. 2, 3 and 15.

17. Do you have any medical and/or physical condition which required a physician's report and/or letter of approval in order to drive? If so, state the nature of the medical and/or physical condition, the physician or other health care professional who issued the letter and/or report, and the names and addresses of any physician or other health care professional who treated you for this condition prior to the occurrence.

**ANSWER:** Objection. This interrogatory seeks irrelevant information. Defendant has not injected his driving capabilities as an issue in the case.

18. State the name and address of any physician, ophthalmologist, optician or other health care professional who performed any eye examination of you with the last five years and the dates of each such examination.

**ANSWER:** Objection. This interrogatory seeks irrelevant information. Defendant has not injected his eye sight as an issue in the case.

19. State the name and address of any physician or other health care professional who examined and/or treated you within the last 10 years and the reason for such examination and/or treatment.

**ANSWER:** Objection. This interrogatory seeks irrelevant information. Defendant has not injected his health as an issue in the case.

20. Pursuant to Illinois Supreme Court Rule 213(f), provide the following:

- (a) List the name(s) and address(s) of each lay witness(s) and identify the subjects on which the witness(s) will testify;
- (b) List the name(s) and address(s) of each independent witness(s) and identify the subjects on which the witness(s) will testify and the opinions that party expects to elicit;
- (c) List the name(s) and address(s) of each controlled expert witness(s) and identify:
  - (i) The subject matter on which the witness(s) will testify;
  - (ii) The conclusions and opinions of the witness(s) and the bases therefore;
  - (iii) The qualifications of the witness(s), and
  - (iv) Any reports prepared by the witness(s) about the case.

**ANSWER:**

**Illinois Supreme Court Rule 213(f)(1) – Lay Witnesses:**

The answering party has not yet determined the identity of the witnesses that might be called upon to offer lay witness testimony and opinions at trial. However, each of the following individuals are possible trial witnesses:

- a. Paul Dulberg. Presumably, Mr. Kemp will testify about his age, education and work experience. He may testify concerning all the events and occurrences alleged in his complaint. He may also testify concerning his state of health before the events and occurrences alleged in his complaint, the injuries he attributes to the events and occurrences alleged in his complaint, and his current state of health. Lastly, it is anticipated that he will testify concerning all matters covered by his discovery responses and discovery deposition, if taken. Investigation continues.
- b. David Gagnon. The answering party does not know the specifics of Mr. Gagnon's potential trial testimony. Presumably, however, Mr. Gagnon will testify about his age, education and work experience. He may testify concerning his connection to Bill McGuire and Carolyn McGuire. He may testify concerning the events and occurrences alleged in Plaintiff's Complaint. He may also testify concerning observations he made about Mr. Dulberg's state of health before the events and occurrences alleged in Plaintiff's Complaint, observations he made about the injuries Mr. Dulberg attributes to the events and occurrences alleged in Plaintiff's Complaint, and observations he made about Mr. Dulberg's current state of health. Lastly, it is anticipated that he will testify concerning all matters covered by his discovery responses and discovery deposition, if taken. Investigation continues.

- c. Bill McGuire. If called upon to testify, Mr. McGuire will testify about his age, education and work experience. He will testify concerning his connection to David Gagnon and Carolyn McGuire. He may testify concerning the circumstances surrounding the occurrence alleged in Plaintiff's Complaint. He may also testify concerning observations he made about Mr. Dulberg's state of health immediately after and since the occurrence alleged in Plaintiff's Complaint, including observations he made about the injuries Mr. Dulberg attributes to the occurrence alleged in Plaintiff's Complaint. Lastly, it is anticipated that he will testify concerning all matters covered by his discovery responses and discovery deposition, if taken. Investigation continues.
- d. Carolyn McGuire. If called upon to testify, Mrs. McGuire will testify about her age, education and work experience. She will testify concerning her connection to David Gagnon and Bill McGuire. She may testify concerning the circumstances surrounding the occurrence alleged in Plaintiff's Complaint. She may also testify concerning observations she made about Mr. Dulberg's state of health immediately after and since the occurrence alleged in Plaintiff's Complaint, including observations she made about the injuries Mr. Dulberg attributes to the occurrence alleged in Plaintiff's Complaint. Lastly, it is anticipated that she will testify concerning all matters covered by her discovery responses and discovery deposition, if taken. Investigation continues.
- e. Mike Thomas. If called upon to testify, Mr. Thomas may testify about his age, education and work experience. He may testify concerning his connection to Paul Dulberg. He may also testify concerning observations he made about Mr. Dulberg's state of health after the occurrence alleged in Plaintiff's Complaint, including observations he made of Mr. Dulberg performing roofing work and moving lumber. Lastly, it is anticipated that he will testify concerning all matters covered in his discovery deposition, if taken. Investigation continues.
- f. Investigation continues.

**Illinois Supreme Court Rule 213(f)(2) – Independent Opinion Witnesses.**

To the extent any of the individuals disclosed above as potential Rule 213(f)(1) witnesses also qualify for disclosure as an independent expert witness within the meaning of Illinois Supreme Court Rule 213(f)(2), the responding Defendants incorporate the above Rule 213(f)(1) disclosure as though fully and completely set forth herein as a Rule 213(f)(2) disclosure. Answering further, the responding Defendants further incorporate the identity and opinions of any medical provider that treated Plaintiff for injuries he claims are associated with the occurrence

alleged in his Complaint. For additional detail, see the medical records and materials produced by Plaintiff as part of his production response. Investigation continues.

**Illinois Supreme Court Rule 213(f)(3) – Controlled Opinion Witnesses.**

None at this time. Answering further, Defendants reserve the right to retain and disclose controlled opinion witnesses and will do so, if necessary, in accordance with all applicable court orders and discovery rules.

21. List the names and addresses of all other persons (other than yourself and persons heretofore listed) who have knowledge of the facts of said occurrence and/or of the injuries and damages claimed to have resulted therefrom.

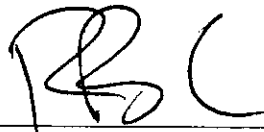
**ANSWER:** None, other than as disclosed in response to the interrogatories above.

22. Identify any statements, information and/or documents known to you and requested by any of the foregoing Interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each Interrogatory, specify the legal basis for the claim as required by Supreme Court Rule 201(n).

**ANSWER:** None at this time.

BILL MCGUIRE, Defendant, by his attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS                     )  
  ) SS  
COUNTY OF WINNEBAGO            )

BILL McGUIRE, being first duly sworn on oath, deposes and states that he is one of the defendants herein; that he has read the foregoing interrogatory answers; and that the interrogatory answers herein are true, correct and complete to the best of his knowledge and belief.

William J McGuire  
Bill McGuire

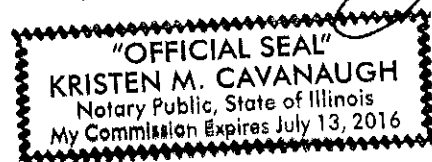
Subscribed and sworn to before  
me on the \_\_\_\_\_ day September, 2012.

Kristen M. Cavanaugh  
Notary Public

Subscribed and sworn to before me

this October day of 02 2012  
at Lake State of Illinois.

Notary Public Kristen M. Cavanaugh



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 9/27/12.

  
\_\_\_\_\_

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

January 25, 2013

*copy*

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

Pursuant to Carolyn and Bill McGuire's duty to seasonably update prior discovery responses, I enclose herewith copies of records received in response to the records subpoena issued to AMS Screw.

Very truly yours,



RONALD A. BARCH

RB:mj\18ltr.OC  
Encl.

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**

A Professional Corporation  
Attorneys at Law  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
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\_\_\_\_\_  
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TEL: (815) 226-7700  
FAX: (815) 226-7701

January 24, 2013

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**VIA HAND-DELIVERY on January 24, 2013.**

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

Pursuant to Carolyn and Bill McGuire's duty to seasonably update prior discovery responses, I enclose herewith copies of records received in response to subpoenas issued to the following entities/providers:

- a. Mid America Hand to Shoulder Clinic;
- b. Mid America Orthopedics.

I still have not received a response from either Dr. Sek or AMS Screw.

Very truly yours,



RONALD A. BARCH

RB:mj\17ltr.OC

Encl.

cc Tom Malatia (Claim No. 13-2779-11)



CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation

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October 24, 2012

TEL: (815) 226-7700

FAX: (815) 226-7701

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

Pursuant to Carolyn and Bill McGuire's duty to seasonably update prior discovery responses, I enclose herewith copies of records received in response to subpoenas issued to the following entities/providers:

- a. Centegra Northern Illinois Medical Center;
- b. Associated Neurology, SC.

I have yet to receive any responses to subpoenas issued to Dr. Frank Sek, MidAmerica Hand to Shoulder Clinic, MidAmerica Orthopaedics and AMS Screw Products. I will of course supplement upon receipt of any additional records.

On an additional note, I have written once and called Attorney Accardo twice regarding his Notice of Deposition scheduling David Gagnon for October 31, 2012 at 1:00 p.m. Since Mr. Gagnon is Attorney Accardo's client, I am assuming that the deposition notice contains a misnomer and that he actually intends to depose Paul Dulberg on October 31, 2012 at 1:00 p.m. It would be helpful, however, if one of you would confirm the identity of the deponent scheduled for October 31, 2012, at 1:00 p.m. I remain available to do the deposition of either Paul Dulberg or David Gagnon on that date and at that time.

Regarding Carolyn and Bill McGuire, I reiterate that I am not available on November 29, 2012 as I am already committed to depositions in a different case. I therefore will not be producing either of my clients for deposition on November 29, 2012. This letter will further confirm, however, that I am in a position to produce Mr. and Mrs. McGuire on November 26, a date already selected by Mr. Mast for the deposition of Mr. Gagnon.

I look forward to clarification on the deposition scheduled for October 31 and also look forward to hearing from both of you regarding the potential for the depositions of Mr. and Mrs. McGuire on November 26. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'RAB', with a stylized flourish extending from the end.

RONALD A. BARCH

RB:mj\14ltr.OC

cc Tom Malatia (Claim No. 13-2779-11)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,	)	
	)	
Plaintiff,	)	Case No. 12 LA 178
	)	
vs.	)	
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE MCGUIRE and BILL	)	
MCGUIRE, and CAROLINE MCGUIRE	)	
and BILL MCGUIRE, Individually,	)	
	)	
Defendants.	)	

**ANSWER TO DEFENDANT DAVID GAGNON'S CONSOLIDATED NOTICE TO  
PRODUCE PURSUANT TO SUPREME COURT RULE 214 AND SUPREME COURT  
RULE 237 BY DEFENDANTS BILL MCGUIRE AND CAROLINE MCGUIRE**

TO: Mr. David Gagnon  
c/o Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N LaSalle Street, Ste 2650  
Chicago, IL 60601-1092

Defendants, BILL MCGUIRE AND CAROLYN MCGUIRE (improperly named Caroline),  
by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their Answer to  
Defendant's, David Gagnon, Consolidated Notice to Produce Pursuant to Supreme Court Rule 214  
and Supreme Court Rule 237, state as follows:

1. Produce for the purpose of adverse examination at trial and arbitration, pursuant to 735  
ILCS 5/2-1102, Plaintiff Hans A. Mast.

**ANSWER:** No answer required.

2. All copies of damage bills, estimates of repair or replacement for any property claimed to  
have been damaged in the occurrence in question, including, but not limited to, estimates,  
cancelled checks, receipts or other documentary evidence representing payment for such  
damages.

**ANSWER:** None known to answering Defendant.

3. All photographs or video, images, of any of the parties to this suit, of vehicles, property, or physical objects involved in the occurrence, scene of the occurrence. For each item produced, identify the date the item was originally produced, the identity and contact information of the photographer, videographer, filmmaker or other individual who produced the item described and the identity and contact information of the current custodian of the original item described.

**ANSWER:** None, other than photo copies that accompanied Plaintiff's production response to Defendants.

4. Any statement, memoranda, or other writing recording of any interview with any party, other person, or witness who has knowledge of the facts alleged in the Complaint or who has opinions relating to any of the issues alleged in the Complaint, except those protected by privilege.

**ANSWER:** None in answering Defendants' possession other than the typed statement of David Gagnon, which was included in Plaintiff's production response to Defendants (see attached).

5. Any releases, hold harmless, or any other type of settlement agreements between Plaintiff(s) and any other party which may have been responsible for the damages claimed by Plaintiff(s).

**ANSWER:** None known to answering Defendants.

6. All policies of insurance providing collateral source of payments to the Plaintiff(s), including, but not limited to, medical payment insurance, disability insurance, PIP insurance, and/or employment related insurance. Please attach any/all policies of insurance referred to above.

**ANSWER:** Requested. Will produce upon receipt.

7. Any and all medical hospital, medication, therapeutic, clinical records, bills and reports. Any Social Security records relating to applications for disability claims, along with documentary evidence.

**ANSWER:** None, other than those included in Plaintiff production response to Defendants

8. All incident reports pertaining to the incident including but not limited to reports to employer and/or insurance company.

**ANSWER:** None known to answering Defendants.

9. Any and all employment records of the Plaintiff.

**ANSWER:** None in answering Defendants' possession.

10. Any and all school, vocational or educational records of the Plaintiff.

**ANSWER:** None in answering Defendants' possession.

11. Any and all photographs, recordings, charts, graphs, sketches, documents, papers or any other tangible item or documentary evidence which you intend to use and/or introduce at trial and arbitration.

**ANSWER:** Defendants remain in possession of the real property in question and also remain in possession of the subject chain saw and associated manual. The chainsaw and manual will be made available for inspection by counsel via appointment, as previously requested by Plaintiff's counsel.

12. The names and addresses of all witnesses you intend to call at the trial and arbitration of this matter.

**ANSWER:** Undetermined at this juncture. Answering further, see answers to Rule 213(f) Interrogatories.

13. The names and addresses, and specialties of all opinion witnesses other than those claimed as a consultant that you intend to call at the trial and arbitration of this matter.

**ANSWER:** No such list exists at this time.

14. Copies of all reports and qualifications for each opinion witness you intend to call at the trial and arbitration of this matter.

**ANSWER:** No such reports exist at this time.

15. Copies of any and all subpoenas issued for arbitration and trial of this cause, with this request continuing throughout the pendency of this action.

**ANSWER:** None at this time.

16. If the party or his attorney responding to this Request to produce knows of the existence or location of any document or items requested, even though they are not within the current possession of the party or his/her attorney, identify the location, the custodian and the nature of the document or items.
- a. The date on which said document or tangible object was created;
  - b. The name and last known address of the author of the document or maker of the tangible object;
  - c. The name and last known address of the recipient of the document or tangible object or item;
  - d. A brief description of the subject matter of the document or description of the tangible object or item;
  - e. The basis of the claim of privilege.

**ANSWER:** Not known to answering Defendants.

17. An affidavit of the responding party of their attorney stating whether the production is complete in accordance with this Request pursuant to Supreme Court Rule 214 and Supreme Court Rule 237.

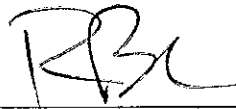
**ANSWER:** No answer required.

18. Copies of all individual United States and applicable individual state income tax returns, including any and all W2 forms and supporting documents for the year before, the year of and each year after the occurrence at issue. Further if any claim of lost income is based on self-employment, produce and all business and accounting records, including the name, address and telephone number of the accountant keeping or maintaining said records, for the year before, the year of and each year after the occurrence at issue.

**ANSWER:** Objection. This request seeks information which is irrelevant. Answering further, the Defendants have not injected their personal income as an issue in the case.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700


STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF WINNEBAGO            )

RONALD A. BARCH, being first duly sworn on oath, deposes and states that he is one of the attorneys for the Defendants, BILL McGUIRE and CAROLYN McGUIRE, that he has read the foregoing Answer signed by him; that the allegations as to insufficient knowledge are true to the best of his knowledge and belief.



\_\_\_\_\_  
RONALD A. BARCH

Subscribed and sworn to before  
me on 9-27-12.



\_\_\_\_\_  
Notary Public




**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 9/27/12.

  
\_\_\_\_\_

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)



## MEMORANDUM

TO: File

FROM: Hans

DATE: April 13, 2012

SUBJECT: **PAUL DULBERG - RECORDED PHONE STATEMENT FROM  
DEFENDANT, DAVID GAGNON**

Recorded statement saved under "Dulberg file - starts 9:16 to 6:03.

I was turning \_\_\_\_\_ so that the back was going to cut and an easier go at it. Therefore, the branches that came down, I guess I can say "we" without saying "me" opted to stand the branches up and proceeded to cut. We done this many times, basically scalding off the small branches to make in size of 2 or 3 inch diameter pine needles left, nothing of real value to something to clean up. So, in doing so we had cut probably, I don't know, have a cord of little tiny pieces and had some left and we got to one where I didn't change position, and just so you it was the way that I was operating the saw and it checked, in other words, I wasn't free wheeling it out in front of me, always in position and we got to a branch that maybe we shouldn't have tried to cut, it was a little flimsy, so when I hit the crotch it flexed. At that time, yes I was handling the saw, but Paul at the same time and just because we know each other so well, I assumed it would be ok to support it. In doing so, I was already into the cut and the crotch just \_\_\_\_\_ and I just nicked his arm. So I am wondering at this point, I was there in the operating room I looked into his flesh I was there weeping with him not accepting negligence or responsibility in full but certainly feeling my friend's pain, calling my mother of course she is concerned, she provided for all of the information and such for his medical bills and whatever to be paid and paid for his medication that day for pain and actually gave him some money for, you know, doing the work. I think \_\_\_\_\_ and he worked and he probably had intentions of getting something and actually I am wondering what is the premise that he is suing on and to what extent if you can answer those questions for me because I have known Paul for a long time, ok, I am going to tell you something else, he helped me roof my roof this summer, he did renovation work for a guy over here in Twins Lakes and ironically we talked and you know and I'm like yeah I know that guy, his name is Mike Thomas and, I mean, what is the premise that is he suing on?

Hans - I would be happy to tell ya, I mean, I don't know if you know this, our lines are recorded, but I don't have to keep it if you don't want me to.

No, I don't care, everything I am saying is the truth and that's the way that I operate and I'm glad that it is recorded and that we are both verified and so continue.

Hans - I don't expect you to tell me anything but the truth anyway, so as long as that is a good deal then fine.

What he said, you know, is that, we can make a lot of money in this, and I said we? I said Paul, I'm still thinking about your arm and getting home and getting your meds and he say ah, we'll talk about it later. So, once again, per law I understand that he is entitled to something but there should be no

need why it should be hyped, pumped, exaggerated it and what I just told you was the truth. ok, as far as his injury my face was right in there. I mean he was all... and got pain medication and their\_\_\_\_\_ filling away at his flesh, but when it came down to it, I'm not a doctor, but I can tell ya the fascia is a white membrane underneath your, separates your muscle from your fatty tissue of your epidermis, that is how deep it went. Now, we are not to judge or to say how bad it is, but as far as I'm concerned and anyone there, he had 7 stitches I think, 2 inside and then 6 outside, it was a deep superficial gouge and cutting the nerves, tendons, muscle.

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**INTERROGATORIES TO**  
**CO-DEFENDANT GAGNON**

TO: David Gagnon  
c/o Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

The Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, by Cicero, France, Barch & Alexander, PC, their attorneys, hereby propound the following written interrogatories upon DAVID GAGNON to be answered in writing and under oath within the time required by law based upon information available to him.

INTERROGATORY NO. 1): State the full name, present residence address and birthdate of the person answering these Interrogatories.

ANSWER:

INTERROGATORY NO. 2): State your marital status on the date of the occurrence in question and, if married, your spouse's name and age on said date.

ANSWER:

INTERROGATORY NO. 3): State the full name and present or last known address (indicating which) of each person who:

- (a) Witnessed or claims to have witnessed the occurrence in question.

ANSWER:

- (b) Was present or claims to have been present at the scene immediately before said occurrence.

ANSWER:

- (c) Was present or claims to have been present immediately after said occurrence.

ANSWER:

- (d) Otherwise has or claims to have any knowledge of the facts or possible causes of the occurrence to include any damages or injuries alleged to have resulted from said occurrence.

ANSWER:

INTERROGATORY NO. 4): State specifically and with certainty the personal injuries and property damage, if any, sustained by PAUL DULBERG as a result of said occurrence.

ANSWER:

INTERROGATORY NO. 5): With regard to said injuries, state:

- (a) The name and address of each treating and/or consulting practitioner.

ANSWER:

- (b) The name and address of each hospital or clinic where PAUL DULBERG was treated and the date or inclusive dates on which each hospital or clinic rendered PAUL DULBERG service.

ANSWER:

- (c) The amount to date of their respective bills for services.

ANSWER:

- (d) Those from whom you have written reports. (Pursuant to Supreme Court Rule 214, please attach a legible copy of said report to the answers hereto.)

ANSWER:

INTERROGATORY NO. 6): State the name and address of each witness, party, plaintiff or defendant from whom you have obtained statements, indicating whether such statements are written or oral, who has possession of such statements, and pursuant to Supreme Court Rule 214, attach legible copies of any written statements hereto.

ANSWER:

INTERROGATORY NO. 7): State whether PAUL DULBERG was hospitalized or had suffered any illness or personal injury prior to or subsequent to the date of said occurrence, and if so, state the nature and date of each such hospitalization, illness or personal injury.

ANSWER:

INTERROGATORY NO. 8): State whether PAUL DULBERG suffered any permanent scarring as a result of the accident alleged in the complaint. If so, state the location of such scar, the width and length of such scar or scars. (Pursuant to Supreme Court Rule 214, please attach any photos of any such scar to your answers hereto.)

ANSWER:

INTERROGATORY NO. 9): State whether prior to the accident alleged in the complaint PAUL DULBERG suffered any physical disability or impairment of any kind whatsoever. If so, state the nature of such physical disability or impairment and how PAUL DULBERG came to have such physical disability or impairment.

ANSWER:

INTERROGATORY NO. 10): State the location of the alleged occurrence, pinpointing such location in feet, inches and direction from fixed objects or boundaries at the scene of the occurrence.

ANSWER:

INTERROGATORY NO. 11): State with particularity the nature of the alleged defect, object substance or condition which caused the alleged occurrence giving the exact dimensions and physical description of such including the size, shape, color, height, length and depth of such defect or object.

ANSWER:

INTERROGATORY NO. 12): State with particularity what PAUL DULBERG was doing at the time of the accident alleged in the complaint.

ANSWER:

INTERROGATORY NO. 13): State with particularity what DAVID GAGNON was doing at the time of the accident alleged in the complaint.

ANSWER:

INTERROGATORY NO. 14): State with particularity the address for David Gagnon on June 28, 2011.

ANSWER:

INTERROGATORY NO. 15): State with particularity all the reasons why PAUL DULBERG was present on the premises known commonly as 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois on the date of the alleged occurrence.

ANSWER:

INTERROGATORY NO. 16): State with particularity all the reasons why DAVID GAGNON was present on the premises known commonly as 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois on the date of the alleged occurrence.

ANSWER:

INTERROGATORY NO. 17): State with particularity your basis for alleging that David Gagnon was working under the supervision and control of Defendants Bill McGuire and Carolyn McGuire at the time of the occurrence, as asserted in your answer to Plaintiff's Complaint.

ANSWER:

INTERROGATORY NO. 18): State with particularity your basis for alleging that Defendants Bill McGuire and Carolyn McGuire instructed and/or advised David Gagnon in the use of a chain saw on or before the date of the occurrence, as asserted in your answer to Plaintiff's Complaint.

ANSWER:

INTERROGATORY NO. 19): State with particularity your basis for alleging that David Gagnon was under the supervision and control of Defendants Bill McGuire and Carolyn McGuire and working as their apparent and actual agent on the date of and at the time of the occurrence, as asserted in your answer to Plaintiff's Complaint.

ANSWER:



INTERROGATORY NO. 20): State with particularity any and all defects associated with the chain saw you believe or claim was involved in the occurrence alleged in Plaintiff's Complaint.

ANSWER:

INTERROGATORY NO. 21): State whether any photographs or videos were taken of the scene of the occurrence or of the persons, objects or premises involved, and if so, state the number of photographs or videos taken, their subject matter and who now has custody of them.

ANSWER:

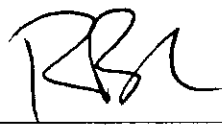
INTERROGATORY NO. 22): Pursuant to Supreme Court Rule 213(f), furnish the identity and addresses of witnesses who will testify at trial and the following information:

- (a) For each lay witness, identify the subjects on which the witness will testify.
- (b) For each independent expert witness, identify the subjects on which the witness will testify and the opinions the party expects to elicit.
- (c) For each controlled expert witness, identify:
  - (i) the subject matter on which the witness will testify;
  - (ii) the conclusions and opinions of the witness and the bases therefor;
  - (iii) the qualifications of the witness; and
  - (iv) any reports prepared by the witness about the case.

ANSWER:

Pursuant to Illinois Supreme Court Rule 213(i), please seasonably supplement or amend any answer or response to the preceding interrogatories and to the interrogatories previously answered in this case whenever new or additional information subsequently becomes known to you or your attorneys.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By   
RONALD A. BARCH (6209572)

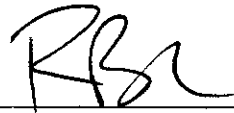
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 9/27/12.

  
\_\_\_\_\_

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**REQUEST TO PRODUCE**  
**TO CO-DEFENDANT GAGNON**

TO: David Gagnon  
c/o Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Pursuant to Supreme Court Rule 214, Defendants, Bill McGuire and Carolyn McGuire, by Cicero, France, Barch & Alexander, PC, their attorneys, request DAVID GAGNON to produce for inspection, copying, and reproduction on the 28th day after service of this request the documents, objects or tangible things set forth below.

DAVID GAGNON is requested to produce these documents either by mailing legible copies to Cicero, France, Barch & Alexander, PC, 6323 East Riverside Blvd., Rockford, IL 61114, or by producing the documents for inspection and copying on the 28th day after service of this request at Cicero, France, Barch & Alexander, PC, 6323 East Riverside Blvd., Rockford, IL 61114.

As used in this request the term "document" includes without limitation, any graphic matter, whether paper, cardboard, tape, plastic, film or any other material and includes any recording and transcript thereof. The term "you" or "your" refers not only to the party to whom this request is directed, but also to any representative who acts for you or under your control.

With respect to each document covered by the request which you refuse to produce by

reason of any attorney-client privilege, you are requested to identify the nature and date of the document, its author and title, and each recipient of the document and his title.

1. Medical bills for any medical treatment rendered to PAUL DULBERG from January 1, 2010 to the present date.

2. Pharmacy bills for prescriptions and/or appliances regarding PAUL DULBERG from January 1, 2010 to the present date.

3. All photographs, slides, videos or motion pictures taken of PAUL DULBERG, any physical objects involved, or the scene of the occurrence.

4. All reports or records of doctors, hospitals, clinics or medical practitioners which, in any way, relate to the physical or mental condition of PAUL DULBERG prior to the alleged occurrence (including other injuries, illnesses or hospitalizations).

5. All reports or records of doctors, hospitals, clinics or medical practitioners which, in any way, relate to the physical or mental condition of PAUL DULBERG subsequent to the alleged occurrence (including other injuries, illnesses or hospitalizations).

6. A list giving the names and addresses of all persons making any examination or inspection in reference to the occurrence in question, any of the physical objects involved, or the scene of the occurrence.

7. All accident reports, investigation reports and materials, and all other like documents prepared as a result of or in reference to the occurrence complained of in the Complaint.

8. All receipts, records, bills, statements, invoices, wage loss materials, and any other documents relating to the amount of damages sought by the plaintiff.

9. Statements of any witnesses or persons having knowledge pertaining to the facts or issues in the lawsuit, including any party.

You are also requested to furnish an Affidavit to counsel for all parties stating whether the production is complete, and to advise counsel for all parties as to the date upon which the documents, objects or tangible things will be produced.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

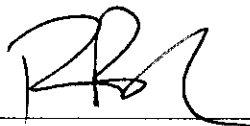
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 9/27/12.

  
\_\_\_\_\_

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,	)	
	)	
Plaintiff,	)	Case No. 12 LA 178
	)	
vs.	)	
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE MCGUIRE and BILL	)	
MCGUIRE, and CAROLINE MCGUIRE	)	
and BILL MCGUIRE, Individually,	)	
	)	
Defendants.	)	

**ANSWER TO PLAINTIFF'S REQUEST TO PRODUCE BY  
DEFENDANTS BILL MCGUIRE AND CAROLINE MCGUIRE**

TO: Paul Dulberg  
c/o Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

Defendants, BILL MCGUIRE AND CAROLYN MCGUIRE (improperly named Caroline),  
by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their Answer to  
Plaintiff's Request to Produce, state as follows:

1. All statements (oral, written, or transcribed, signed or unsigned) by parties to this action  
given to some person or entity other than their attorney or insurer.  
  
**ANSWER:** None in Defendants' possession other than the typed statement of David  
Gagnon, which was included in Plaintiff's production response.
2. All statements (oral, written, or transcribed, signed or unsigned) from any person who:
  - a) Witnessed or claims to have witnessed the occurrence specified in the Plaintiff's  
Complaint;



- b) Was present at the scene of the occurrence;
- c) Has or claims to have knowledge of any of the facts of the occurrence specified in the Plaintiff's Complaint;
- d) Has or claims to have knowledge of the condition of the Plaintiff; or
- e) Has or claims to have knowledge of the location specified in the Plaintiff's Complaint.

**ANSWER:** (a) thru (e): See response to Request No. 1.

- 3. All photographs, slides, motion pictures, videotapes, or other photographic reproductions taken subsequent to the alleged occurrence of the Plaintiff, any physical objects involved in the occurrence, the scene of the occurrence, and/or the occurrence itself.

**ANSWER:** None, other than the photo copies that accompanied Plaintiff's production response.

- 4. All documents pertaining to the physical or mental condition of the Plaintiff prior and subsequent to the alleged occurrence including injuries sustained in other accidents

**ANSWER:** None, other than the medical records and bills and accompanied Plaintiff's production response.

- 5. Complete, unedited, and unabridged copies of any and all medical reports and documents pertaining to the Plaintiff, and purporting to diagnose, analyze and/or otherwise evaluate any and all injuries allegedly sustained by the Plaintiff in the occurrence specified in the Plaintiff's Complaint.

**ANSWER:** See response to Request No. 4.

- 6. Complete unedited, and unabridged copies of any and all police, accident or incident documents and reports, including any supplementary or reconstruction reports prepared in conjunction with the occurrence set forth in the Plaintiff's Complaint.

**ANSWER:** None in the Defendants' possession.

- 7. All documents, articles, papers and textbooks you intend to use during the trial of this cause.

**ANSWER:** Not determined yet.

8. All rules, regulations, bylaws, guidelines of any public authority, inspecting or reviewing authority or other private body, which you intend to use during the trial of this cause.

**ANSWER:** Not determined yet.

9. All reports or documents which may contain the opinions, theories, conclusions, or estimates regarding the condition of the Plaintiff existing both prior to and subsequent to the incident in question or the matters in question.

**ANSWER:** None in Defendants' possession at this time other than as reflected in the medical records that accompanied Plaintiff's production response.

10. All reports or documents which may contain the opinions, theories, conclusions, or estimates regarding the occurrence in question.

**ANSWER:** See response to Request No. 9.

11. A certified copy of all liability insurance policies and declaration pages that covered the Defendant for the acts or omissions, as alleged in the Plaintiff's Complaint including the policies of members of the Defendant's household.

**ANSWER:** Requested. Will be produced upon receipt.

12. Each and every document, record, report, writing memorandum, physical object and the like revealed or referenced in this Defendant's Answers to Supreme Court Rule 213

**ANSWER:** With the exception of Plaintiff's production response, the answering Defendants are not in possession of responsive documents at this time.

13. All maintenance or inspection schedules, records, logs, notes, charts, calendars, or other tangible evidence concerning the maintenance or inspection of the exterior of the premises described in the complaint including dates, locations, employees, and nature of such work.

**ANSWER:** No such documents exist.

14. All maintenance or inspection schedules, records, logs, notes, charts, calendars or other tangible evidence concerning the maintenance or work described in the complaint on the premises including dates, locations, employees, and nature of such work.

**ANSWER:** No such documents exist.

15. All incident reports, investigation or other tangible evidence concerning the accident alleged, witnesses etc.

**ANSWER:** Defendants remain in possession of the real property in question and also remain in possession of the subject chain saw and associated manual.

16. Preserve and maintain the chain saw and any other instrumentalities of the accident or scene.

**ANSWER:** No response required.

17. Any written invoices, payments or writings concerning hiring, retaining for use of David Gagnon for work at the premises.

**ANSWER:** No such documents exist.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

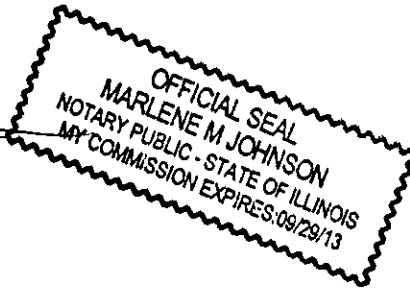
STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF WINNEBAGO            )

RONALD A. BARCH, being first duly sworn on oath, deposes and states that he is one of the attorneys for the Defendants, BILL McGUIRE and CAROLYN McGUIRE, that he has read the foregoing Answer signed by him; that the allegations as to insufficient knowledge are true to the best of his knowledge and belief.



\_\_\_\_\_  
RONALD A. BARCH

Subscribed and sworn to before  
me on 8/6/12.

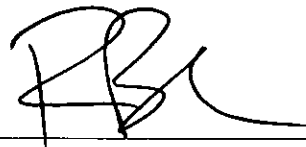
  
\_\_\_\_\_  
Notary Public

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served upon:

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 8/6/12.

  
\_\_\_\_\_

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**NOTICE OF SERVING DISCOVERY**

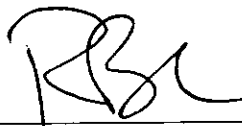
TO: McHenry County Circuit Clerk  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

PLEASE TAKE NOTICE that on August 6, 2012, the Defendants herein by their attorneys, Cicero, France, Barch & Alexander, PC, caused the following documents to be served upon the Plaintiff herein, by mailing copies of same to the attorneys of record for the Plaintiff, as indicated on the attached Certificate of Service:

1. Answers to Plaintiff's Written Interrogatories by Bill McGuire and Carolyn McGuire.
2. Response to Plaintiff's Production by Bill McGuire and Carolyn McGuire.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 8/6/12.

A handwritten signature in black ink, appearing to be 'H. Mast', is written over a horizontal line.

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**REQUEST TO PRODUCE**  
**TO PLAINTIFF**

TO: Paul Dulberg  
c/o Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

Pursuant to Supreme Court Rule 214, Defendants, Bill McGuire and Carolyn McGuire, by Cicero, France, Barch & Alexander, PC, their attorneys, requests PAUL DULBERG to produce for inspection, copying, and reproduction on the 28th day after service of this request the documents, objects or tangible things set forth below.

PAUL DULBERG is requested to produce these documents either by mailing legible copies to Cicero, France, Barch & Alexander, PC, 6323 East Riverside Blvd., Rockford, IL 61114, or by producing the documents for inspection and copying on the 28th day after service of this request at Cicero, France, Barch & Alexander, PC, 6323 East Riverside Blvd., Rockford, IL 61114.

As used in this request the term "document" includes without limitation, any graphic matter, whether paper, cardboard, tape, plastic, film or any other material and includes any recording and transcript thereof. The term "you" or "your" refers not only to the party to whom this request is directed, but also to any representative who acts for you or under your control.

With respect to each document covered by the request which you refuse to produce by



reason of any attorney-client privilege, you are requested to identify the nature and date of the document, its author and title, and each recipient of the document and his title.

1. Medical bills for any medical treatment rendered to PAUL DULBERG from January 1, 2010 to the present date.

2. Pharmacy bills for prescriptions and/or appliances regarding PAUL DULBERG from January 1, 2010 to the present date.

3. All photographs, slides, videos or motion pictures taken of PAUL DULBERG, any physical objects involved, or the scene of the occurrence.

4. All reports or records of doctors, hospitals, clinics or medical practitioners which, in any way, relate to the physical or mental condition of PAUL DULBERG prior to the alleged occurrence (including other injuries, illnesses or hospitalizations).

5. All reports or records of doctors, hospitals, clinics or medical practitioners which, in any way, relate to the physical or mental condition of PAUL DULBERG subsequent to the alleged occurrence (including other injuries, illnesses or hospitalizations).

6. A list giving the names and addresses of all persons making any examination or inspection in reference to the occurrence in question, any of the physical objects involved, or the scene of the occurrence.

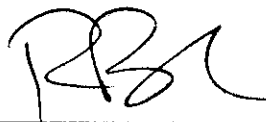
7. All accident reports, investigation reports and materials, and all other like documents prepared as a result of or in reference to the occurrence complained of in the Complaint.

8. All receipts, records, bills, statements, invoices, wage loss materials, and any other documents relating to the amount of damages sought by the plaintiff.

9. Statements of any witnesses or persons having knowledge pertaining to the facts or issues in the lawsuit, including any party.

You are also requested to furnish an Affidavit to counsel for all parties stating whether the production is complete, and to advise counsel for all parties as to the date upon which the documents, objects or tangible things will be produced.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By   
RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 7/10/12.



---

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**DEFENDANT'S SUPPLEMENTAL INTERROGATORIES TO PLAINTIFF**  
**(Medicare Secondary Payer Mandatory Reporting)**

TO: Paul Dulberg  
c/o Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

The Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, by their attorneys, Cicero, France, Barch & Alexander, PC, hereby propounds the following supplemental written interrogatories upon PAUL DULBERG to be answered in writing and under oath within the time required by law based upon information available to him.

NOTE: The information requested through the following supplemental interrogatories is necessary so that the Defendants and any insurer of the Defendants can comply with the Medicare reporting obligations. See 42 U.S.C. 1395y(b)(7) & (b)(8), referred to commonly as the Medicare Secondary Payer Mandatory Reporting Provisions of Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007.

INTERROGATORY NO. 1: Please provide the following information about yourself:

- a. Date of birth;
- b. Social Security Number or Health Insurance Claim Number ("HICN").

ANSWER:

INTERROGATORY NO. 2: Are you currently a Medicare beneficiary? If so, please identify any and all amounts that have been paid by Medicare in satisfaction of medical expenses from any healthcare provider involved in the treatment of the injuries you are claiming in connection with the above-captioned lawsuit. Please also outline any communications that you have had regarding with Medicare and/or any Medicare Secondary Payer Recovery Center "(MRPRC)" regarding Medicare liens, if any.

ANSWER:

INTERROGATORY NO. 3: Describe in detail all injuries you have sustained as a result of the occurrence alleged in your Complaint.

ANSWER:

INTERROGATORY NO. 4: Do you have any documentation in your possession and/or control regarding Medicare payments made to you or on your behalf in connection with the injuries you are claiming in connection with the above-captioned lawsuit. If yes, please provide copies of all documentation responsive to this interrogatory.

ANSWER:

INTERROGATORY NO. 5: Do you have any documentation in your possession and/or control regarding Medicare's right to recover payments made to you or on your behalf in connection with the injuries you are claiming in connection with the above-captioned lawsuit, including but not limited to Medicare conditional payment letters, lien notices from Medicare and/or lien notices from a MSPRC.

ANSWER:

INTERROGATORY NO. 6: State all healthcare benefits you have received or will eligible to receive as a result of injuries you attribute to the occurrence alleged in your Complaint.

ANSWER:

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By   
RONALD A. BARCH (6209572)

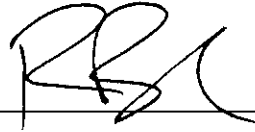
Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 7/10/12.

  
\_\_\_\_\_

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**INTERROGATORIES TO PLAINTIFF**

TO: Paul Dulberg  
c/o Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

The Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, by Cicero, France, Barch & Alexander, PC, their attorneys, hereby propound the following written interrogatories upon PAUL DULBERG to be answered in writing and under oath within the time required by law based upon information available to the Plaintiff.

INTERROGATORY NO. 1): State the full name, present residence address, birthdate, birthplace and Social Security number of the person answering these Interrogatories; and state PAUL DULBERG's full name, present residence address, birthdate, birthplace and Social Security number.

ANSWER:



INTERROGATORY NO. 2): State your marital status on the date of the occurrence in question and, if married, your spouse's name and age on said date.

ANSWER:

INTERROGATORY NO. 3): State the full name and present or last known address (indicating which) of each person who:

- (a) Witnessed or claims to have witnessed the occurrence in question.

ANSWER:

- (b) Was present or claims to have been present at the scene immediately before said occurrence.

ANSWER:

- (c) Was present or claims to have been present immediately after said occurrence.

ANSWER:

- (d) Otherwise has or claims to have any knowledge of the facts or possible causes of the occurrence to include any damages or injuries alleged to have resulted from said occurrence.

ANSWER:

INTERROGATORY NO. 4): State specifically and with certainty the personal injuries and property damage, if any, sustained to PAUL DULBERG as a result of said occurrence.

ANSWER:

INTERROGATORY NO. 5): With regard to said injuries, state:

- (a) The name and address of each treating and/or consulting practitioner.

ANSWER:

- (b) The name and address of each hospital or clinic where PAUL DULBERG was treated and the date or inclusive dates on which each hospital or clinic rendered PAUL DULBERG service.

ANSWER:

- (c) The amount to date of their respective bills for services.

ANSWER:

- (d) Those from whom you have written reports. (Pursuant to Supreme Court Rule 214, please attach a legible copy of said report to the answers hereto.)

ANSWER:

INTERROGATORY NO. 6): As a result of said personal injuries to PAUL DULBERG, are you claiming any loss of income including, but not limited to, wages or salaries?

ANSWER:

If so, state:

- (a) The name and address of your employer at the time of the occurrence.

ANSWER:

- (b) The dates or inclusive dates on which you were unable to work and the amount of income loss claimed.

ANSWER:

INTERROGATORY NO. 7): State the name and address of each witness or defendant from whom you have obtained statements, indicating whether such statements are written or oral, who has possession of such statements, and pursuant to Supreme Court Rule 214, attach legible copies of any written statements hereto.

ANSWER:

INTERROGATORY NO. 8): State the name and address of PAUL DULBERG's family practice physician.

ANSWER:

INTERROGATORY NO. 9): State whether PAUL DULBERG was hospitalized or had suffered any illness or personal injury prior to or subsequent to the date of said occurrence, and if so, state the nature and date of each such hospitalization, illness or personal injury.

ANSWER:

INTERROGATORY NO. 10): State whether PAUL DULBERG suffered any permanent scarring as a result of the accident alleged in the complaint. If so, state the location of such scar, the width and length of such scar or scars. (Pursuant to Supreme Court Rule 214, please attach any photos of any such scar to your answers hereto.)

ANSWER:

INTERROGATORY NO. 11): State whether prior to the accident alleged in the complaint PAUL DULBERG suffered any physical disability or impairment of any kind whatsoever. If so, state the nature of such physical disability or impairment and how PAUL DULBERG came to have such physical disability or impairment.

ANSWER:

INTERROGATORY NO. 12): State the location of the alleged occurrence, pinpointing such location in feet, inches and direction from fixed objects or boundaries at the scene of the occurrence.

ANSWER:

INTERROGATORY NO. 13): State with particularity the nature of the alleged defect, object substance or condition which caused the alleged occurrence giving the exact dimensions and physical description of such including the size, shape, color, height, length and depth of such defect or object.

ANSWER:

INTERROGATORY NO. 14): State with particularity what PAUL DULBERG was doing at the time of the accident alleged in the complaint.

ANSWER:

INTERROGATORY NO. 15): State with particularity your basis for alleging that on or about June 28, 2011, David Gagnon living and/or staying at the premises known commonly as 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois.

ANSWER:

INTERROGATORY NO. 16): State with particularity all the reasons why PAUL DULBERG was present on the premises known commonly as 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois on the date of the alleged occurrence.

ANSWER:

INTERROGATORY NO. 17): State with particularity your basis for alleging that David Gagnon was contracted and/or hired by Defendants Bill McGuire and Carolyn McGuire to cut down, trim and/or maintain the trees and brush at their premises, as further alleged in Plaintiff's Complaint.

ANSWER:

INTERROGATORY NO. 18): State with particularity your basis for alleging that David Gagnon was working under the supervision and control of Defendants Bill McGuire and Carolyn McGuire at the time of the occurrence alleged in Plaintiff's Complaint.

ANSWER:

INTERROGATORY NO. 19): State with particularity your basis for alleging that Defendants Bill McGuire and Carolyn McGuire instructed and/or advised David Gagnon in the use of a chain saw on or before the date of the occurrence alleged in Plaintiff's Complaint.

ANSWER:

INTERROGATORY NO. 20): State with particularity any and all defects associated with the chain saw you believe or claim was involved in the occurrence alleged in Plaintiff's Complaint.

ANSWER:

INTERROGATORY NO. 21): State whether you have any information indicating or otherwise suggesting that Defendants Bill McGuire and/or Carolyn McGuire knew or should have known that PAUL DULBERG was about to assist or was assisting David Gagnon with tree cutting and/or trimming on the date and in the location of the occurrence alleged in Plaintiff's Complaint. If your answer is in the affirmative, further state with particularity the bases for your contention that that Defendants Bill McGuire and/or Carolyn McGuire knew or should have known that PAUL DULBERG was about to assist and/or was assisting David Gagnon with tree cutting and/or trimming on the date and in the location of the occurrence alleged in Plaintiff's Complaint.

ANSWER:

INTERROGATORY NO. 22): State whether any photographs or videos were taken of the scene of the occurrence or of the persons, objects or premises involved, and if so, state the number of photographs or videos taken, their subject matter and who now has custody of them.

ANSWER:

INTERROGATORY NO. 23): Pursuant to Supreme Court Rule 213(f), furnish the identity and addresses of witnesses who will testify at trial and the following information:

- (a) For each lay witness, identify the subjects on which the witness will testify.
- (b) For each independent expert witness, identify the subjects on which the witness will testify and the opinions the party expects to elicit.

- (c) For each controlled expert witness, identify:
- (i) the subject matter on which the witness will testify;
  - (ii) the conclusions and opinions of the witness and the bases therefor;
  - (iii) the qualifications of the witness; and
  - (iv) any reports prepared by the witness about the case.

ANSWER:

Pursuant to Illinois Supreme Court Rule 213(i), please seasonably supplement or amend any answer or response to the preceding interrogatories and to the interrogatories previously answered in this case whenever new or additional information subsequently becomes known to you or your attorneys.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

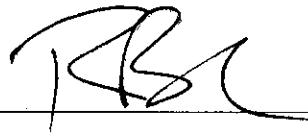


**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 7/10/12.

  
\_\_\_\_\_

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

Called want

- told him activity of  
up to \$5000. - I set
- He wants to know if PB  
has any live notes. PB  
will send some free +  
send. He'll then take  
to Duberg.

**Sent:** Wednesday, January 08, 2014 3:26 PM

**To:** Chantel Bielskis

**Subject:** RE: Dulberg

Chantel, I'm so sorry but I forgot to scan myself a copy of the order before I sent it into the office for processing! UGH...

The next status date is 4/4/14 at 9:00 a.m. Rm 201 if that helps.

I can send you and Ron a copy once it gets scanned into our system.

Perry A. Accardo

Law Office of Steven A. Lihosit

**From:** Chantel Bielskis [<mailto:CB@cicerofrance.com>]

**Sent:** Friday, January 03, 2014 10:21 AM

**To:** Accardo, Perry

**Subject:** Dulberg

Hello again –

Will you please email Ron a copy of today's order (and copy me) so he has it for his file? Thanks.

Chantel R. Bielskis

***Cicero, France, Barch & Alexander, P.C.***

6323 E. Riverside Blvd.

Rockford, IL 61114

(815)226-7700 – Office Phone

(815)226-7701 – Office Fax

[cb@cicerofrance.com](mailto:cb@cicerofrance.com)

9/23/13

- TC with Hans Most. More Than  
Not calling bank. use firm  
address so RB can subpoena  
him.

10/29/12

NOTE  
Dulberg

— cc w/ Hans West

— He has no notes  
for 10/31/12 —

— He is not producing  
his client on 10/31

— He has notice for  
Gagnon on 11/26 —

— DB maybe to Dulberg  
+ then Gagnon  
same day 11/26?

— looks for him if  
okay for Accardo

(AITE/Dulberg)

10/24/12

called AMS Screen Products

915/675-9094 —

Spoke with Joe Graves

— Rec'd request forwarded  
to corp. office in NJ

— call Karen —

732/545-8888

x 231

10/24/12

Called Karen. She

has been out for 2 weeks  
with death in family

Has subpoena — will

forward by Friday —

~~Karen @  
AMS  
Antimaterials service  
can~~

815/344-2382

7/27/12

@ 2:23

Dulberg

Sheila

344-3797

Have Mass

→ Can we move to 8/1.

→ Okay just call for  
day will work for  
you. Just call  
Sheila to set a  
day that works.

7/27/(3:00 pm)

Called ~~Plan of Mass~~

TC →

Have Mass. No problem  
w/ Protective Order — Set  
over to 8/1 @ 9:00 —  
No inspection until Co-D  
on board. — OK







EXHIBIT

2 A

tabbles®





EXHIBIT

2 B

tabbles



EXHIBIT

tabbles

2 c





EXHIBIT

2 D

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EXHIBIT

2 E





EXHIBIT  
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2 F





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EXHIBIT

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2 H





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**EXHIBIT**  
2 I



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

PAUL DULBERG,

Plaintiff,

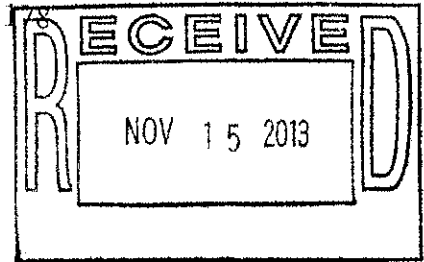
vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

No. 12 LA 178

**COPY**



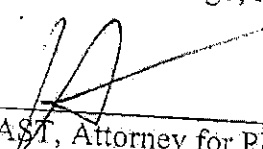
PROOF OF SERVICE

The undersigned, being first duly sworn on oath, deposes and states that on the 13th day of November, 2013, the following described documents were served by mailing true and correct copies thereof in an envelope, addressed as is shown below, that said envelope was sealed, that sufficient U.S. postage for first-class mail was placed thereon, and the same was deposited in the U.S. Mail in McHenry, Illinois, at or about the hour of 5:00 p.m.

DOCUMENT DESCRIPTION: **PLAINTIFF'S SUPPLEMENTAL ANSWERS TO INTERROGATORIES**

ADDRESSED TO: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

Perry Accardo  
Law Office of Steven A. Lihosit  
200 N. LaSalle Street, Suite 2550  
Chicago, IL 60601-1092

  
HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH**

3416 West Elm Street

McHenry, IL 60050

815-344-3797

Attorney No. 6203684

Barbara Dulberg, s/a/a to testify to the pain and disability experienced by the Plaintiff due to injuries suffered in the accident and the lack of prior symptoms or disability, inability to work, hours and wage history and loss of income from work as a result.

Mike McArtor, to testify to matters contained in his discovery deposition.

Defendants, each of them, David Gagnon and Carolyn and Bill McGuire, will be called as an adverse witness pursuant to Section 2-1102 of the Illinois Code of Civil Procedure, to testify to matters involving the accident including deposition testimony.

All witnesses identified by Defendant and/or deposed, on matters so identified or testified to.

Supervisor: Joe Groves, AMS Screw Products, High View, Spring Grove, Illinois, Approx. \$10 per hours, 40 hours a week. Was hired but could not pursue employment due to accident. To testify to loss of job opportunity and income.

Court Reporters present during evidence and/or discovery depositions of those parties and witnesses now or in the future deposed in this or any similar cause to testify to the accuracy of the transcripts and testimony stated therein by each witness including exhibits marked and testified to during the deposition.

All other independent witnesses disclosed by answer to previous interrogatory will testify to those matters and opinions naturally flowing from their personal knowledge and involvement in this matter and those matters specifically disclosed and or to be disclosed in the future.

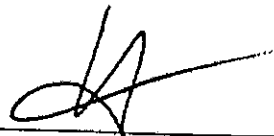
Drs. Marcus Talerico (Mid America Hand to Shoulder) and Karen Levin/Mitchell Grobman (Associated Neurology), Biofora/Sagerman (Hand Surgery Associates) and Kathy Kujawa (Alexian Brothers Neuosciences), are intended to be called as opinion witness(es) to testify to the care and treatment of the Plaintiff to the extent allowed under Rule 213 and to all matters expressly and/or impliedly set forth in the patient's chart including matters flowing therefrom, including, but not limited to, history, exam, diagnostics/findings, exam/findings, diagnosis, treatment, physical therapy, medication, follow-up and continuing treatment through to trial; the nature and extent of injuries sustained by Plaintiff as set forth above and in deposition including injuries, and that such injuries were caused/aggravated by the underlying trauma; that the treatment for such injuries was/is reasonable and medically necessary and causally related to underlying accident, and any other opinions or matters set forth or described in the patients medical file or hospital chart, in addition to any matters and/or *opinions naturally flowing* from the witnesses work or personal knowledge and involvement in this matter, in addition to testimony and opinions on the following issues:

- Plaintiff suffered and is diagnosed as having the above injuries, not limited to: traumatic injury to right arm including numbness, neuropathy, scarring, and branch

The accounts/financial services/billing representatives (any or each of them) from each of the facilities whereat the Plaintiff treated, as set forth in his discovery and deposition and Medical Expense Report(s) produced in discovery, including { } will each and themselves testify that based upon their experience and customs and practices and the practices of their internal office and those on their behalf, in their opinion the charges pertaining to Plaintiff's medical treatment in this case, as outlined in the Medical Expense Report, are reasonable and customary in the industry within the area. No one individual has been identified by the facility to testify, but if the defense wants to depose a specific individual before the evidence deposition of the representative is taken, Plaintiff will then designate a person for this purpose, otherwise the evidence deposition notice may simply designate the "representative with knowledge of the customary charges for such treatment" at each facility.

The records keepers from each of the facilities whereat the Plaintiff treated, as set forth in his/her discovery responses and deposition and Medical Expense Report provided throughout the course of this case, will each themselves testify to all foundational matters and requirements for admission of such records into evidence, including testimony as to the custody of the records kept in the ordinary course of business, and history provided by the patient and reliance upon such in the treatment or care of the plaintiff.

Plaintiff reserves the right to update these disclosures in the future in accordance with the order of the court, to add or delete witnesses as may be appropriate and in accordance with the court's order and reserves the right not to call a witness above as may be appropriate at trial.



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HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH**

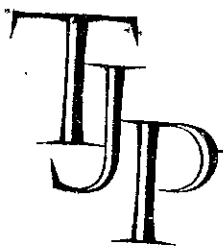
3416 West Elm Street

McHenry, IL 60050

815-344-3797

Attorney No. 06203684





The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280  
[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK†  
DIANA M. REITER

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

July 24, 2012

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

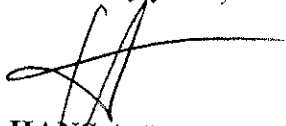
Dear Mr. Barch:

Pursuant to your Rule 214 Request for Production directed to the Plaintiff, please be advised as follows:

1. See medical expense report itemizing bills (with bills attached) in the amount of \$7,313.43. Plaintiff is still treating and bills are coming treaters including Associates in Neurology, Dr. Frank Sek, Fox Lake Dynamic Hand Therapy, Hand Surgery Associates and Dr. Sagerman/Biafora, Mid-America Hand to Shoulder Clinic and Dr. Talerico, Northern Illinois Medical Center and Northwest Community Hospital. Investigation continues.
2. See response to No. 1 above.
3. Attached are photographs of the injuries and/or defendants or parties in the case. Investigation continues.
4. See response to No. 1 above. Medical records are attached obtained thus far from Drs. Karen Levin at Associated Neurology, Northern Illinois Medical Center, Mid-America Hand to Shoulder Clinic and Open Advanced MRI. Investigation continues.
5. See response to No. 4 above.
6. Objection, improper 214 request.
7. None known at this time. Investigation continues.

8. See response to No. 1 above.
9. None, other than the recorded statement of the Defendant, David Gagnon - transcription attached.
10. The undersigned attorney verifies and certifies that the above-responses are true and correct to the best of his belief and knowledge except where investigation continues.

Very truly yours,



HANS A. MAST

smq  
Enclosures

# MEDICAL EXPENSES

Paul Dulberg

Date of Accident: June 28, 2011

Date of Report: March 19, 2012

---

Northern Illinois Medical Center

4201 Medical Center Drive

McHenry, IL 60050-8409

815-344-5000 - Acct. 11179-00323

06/28/11 ..... \$1,323.75 ..... \$1,323.75

Moraine Emergency Physicians

PO Box 8759

Philadelphia, PA 19101-8759

800-355-2470 - Acct. MNI711179003233

06/28/11 ..... \$1,346.00 ..... \$1,346.00

McHenry Radiologists Imaging Associates

PO Box 220

McHenry, IL 60051-0220

815-759-0800 - Acct. 235130-QMRIG

06/28/11 ..... \$50.00 ..... \$50.00

Associated Neurology SC

Attn: Dr. Levin

1900 Hollister Drive

Suite 250

Libertyville, IL 60048

847-549-0055 - Chart # 18062

07/28/11 ..... \$225.00

08/10/11 ..... 930.00

Total ..... \$1,155.00

Open Advanced MRI of Round Lake

Medchex

PO Box 502

Katohah, NY 10536

866-959-1100 - Acct. 265065

02/03/12 ..... \$3,390.00 ..... \$3,390.00

Walgreens

3925 W. Elm Street



McHenry, IL 60050

815-363-0722

06/28/11 ..... \$48.68 ..... \$48.68

---

TOTAL EXPENSES: ..... \$7,313.43

Misc Expenses

Medical Supplies ..... \$19.61

Total Misc. Expenses ..... \$19.61

TOTAL ALL EXPENSES ..... \$7,333.04

# MEMORANDUM

TO: File

FROM: Hans

DATE: April 13, 2012

SUBJECT: **PAUL DULBERG - RECORDED PHONE STATEMENT FROM  
DEFENDANT, DAVID GAGNON**

Recorded statement saved under "Dulberg file - starts 9:16 to 6:03.

I was turning \_\_\_\_\_ so that the back was going to cut and an easier go at it. Therefore, the branches that came down, I guess I can say "we" without saying "me" opted to stand the branches up and proceeded to cut. We done this many times, basically scalding off the small branches to make in size of 2 or 3 inch diameter pine needles left, nothing of real value to something to clean up. So, in doing so we had cut probably, I don't know, have a cord of little tiny pieces and had some left and we got to one where I didn't change position, and just so you it was the way that I was operating the saw and it checked, in other words, I wasn't free wheeling it out in front of me, always in position and we got to a branch that maybe we shouldn't have tried to cut, it was a little flimsy, so when I hit the crotch it flexed. At that time, yes I was handling the saw, but Paul at the same time and just because we know each other so well, I assumed it would be ok to support it. In doing so, I was already into the cut and the crotch just \_\_\_\_\_ and I just nicked his arm. So I am wondering at this point, I was there in the operating room I looked into his flesh I was there weeping with him not accepting negligence or responsibility in full but certainly feeling my friend's pain, calling my mother of course she is concerned, she provided for all of the information and such for his medical bills and whatever to be paid and paid for his medication that day for pain and actually gave him some money for, you know, doing the work. I think \_\_\_\_\_ and he worked and he probably had intentions of getting something and actually I am wondering what is the premise that he is suing on and to what extent if you can answer those questions for me because I have known Paul for a long time, ok, I am going to tell you something else, he helped me roof my roof this summer, he did renovation work for a guy over here in Twins Lakes and ironically we talked and you know and I'm like yeah I know that guy, his name is Mike Thomas and, I mean, what is the premise that is he suing on?

Hans - I would be happy to tell ya, I mean, I don't know if you know this, our lines are recorded, but I don't have to keep it if you don't want me to.

No, I don't care, everything I am saying is the truth and that's the way that I operate and I'm glad that it is recorded and that we are both verified and so continue.

Hans - I don't expect you to tell me anything but the truth anyway, so as long as that is a good deal then fine.

What he said, you know, is that, we can make a lot of money in this, and I said we? I said Paul, I'm still thinking about your arm and getting home and getting your meds and he say ah, we'll talk about it later. So, once again, per law I understand that he is entitled to something but there should be no





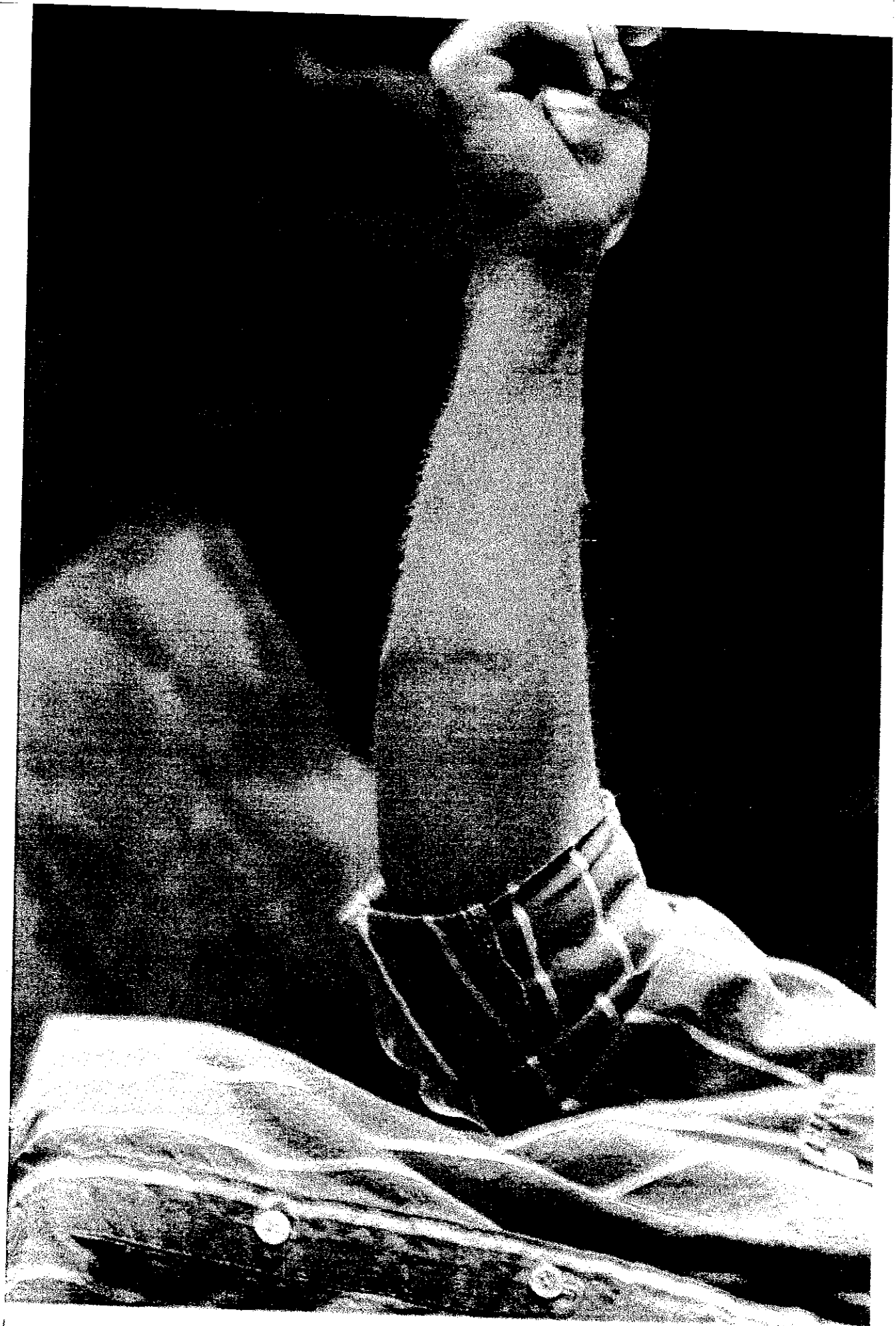


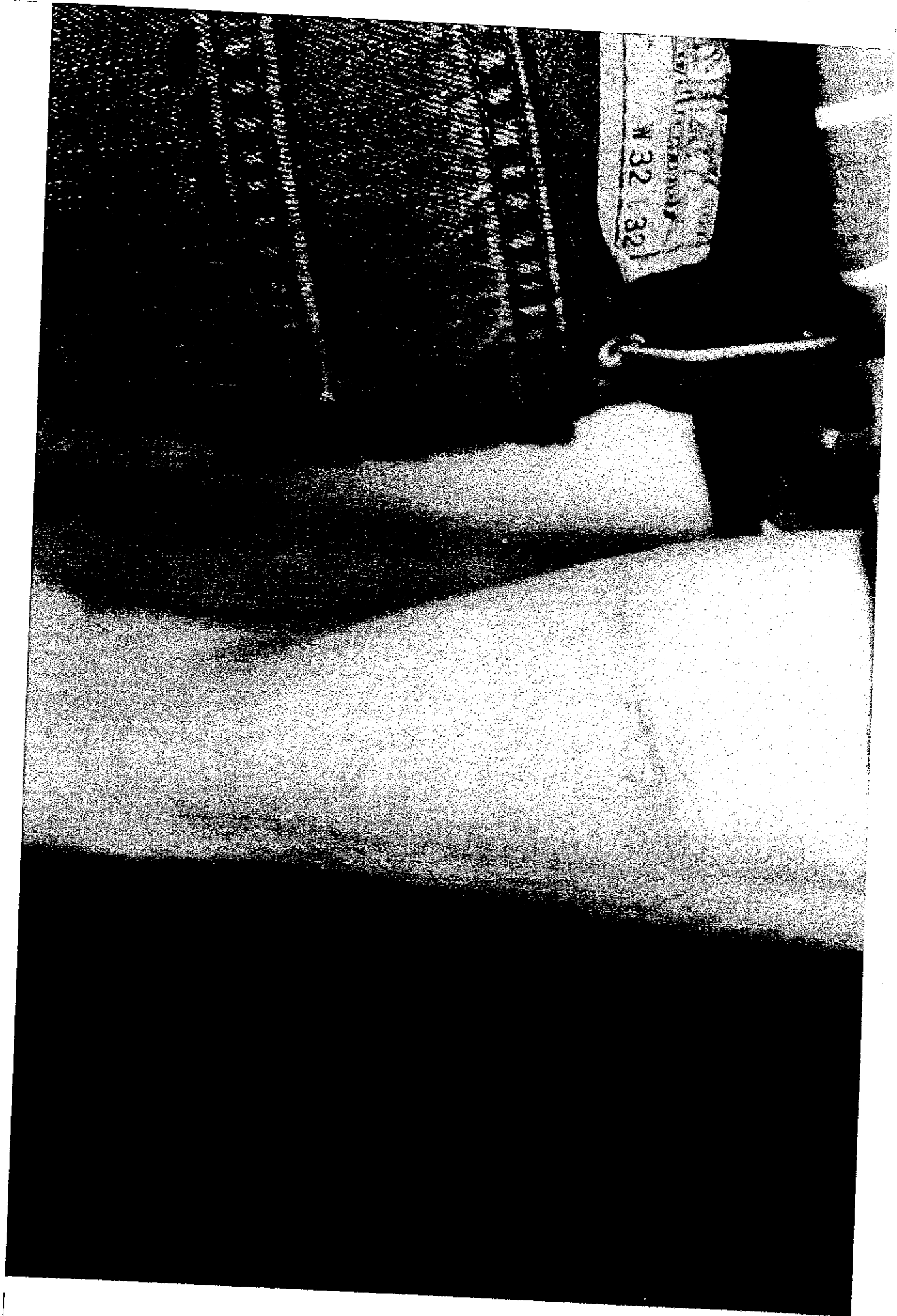






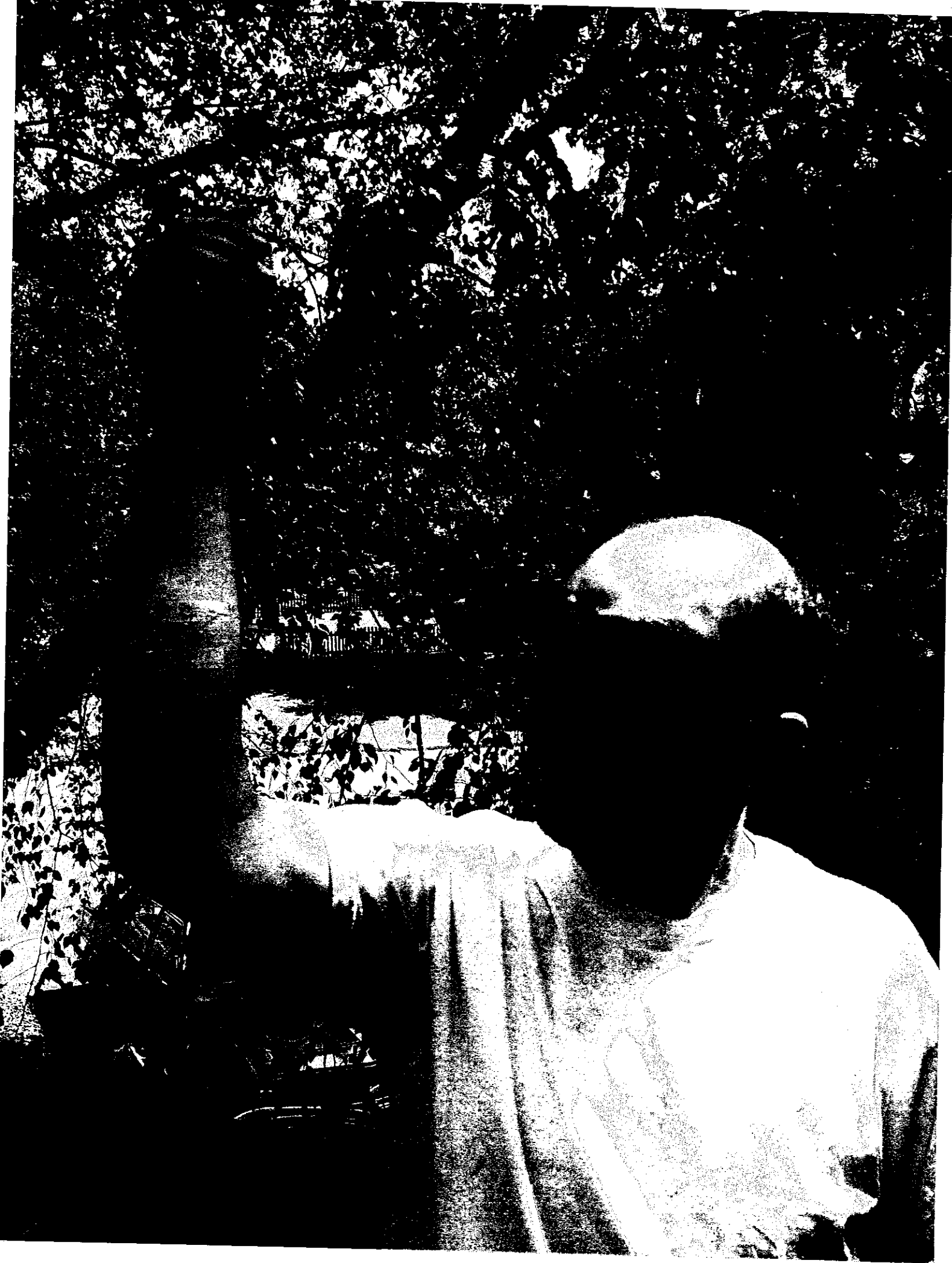














GILBERG\*PAUL\*  
B0000109381  
28:1



BERG PAUL R  
80000109381  
Page 1



ILBERG \*PAUL \*R  
ID: B0000109381  
Page: 1

ALBERG^PALA^R  
B0000109381  
Page:1

From: OAMRI of Round Lake 8475463600 8475463633

To: medchex

Page: 2/3

Date: 2/7/2012 12:21:50 PM



Open  
Advanced  
MRI

PATIENT: DULBERG, PAUL  
MRN: 1585839

PHYSICIAN: LEVIN, MD, KAREN  
EXAM: MR FOREARM W/ AND  
W/O 73220  
DOS: 02/03/2012

DOB: 03/19/1970

EXAMINATION: MRI examination of the right forearm without and with intravenous contrast infusion..

CLINICAL HISTORY: History of right forearm trauma with a chainsaw. Possible neuroma, nerve impingement or injury in the forearm. Possible tendon disruption. It appears that the patient had some difficulty holding still during image acquisition. There is motion artifact on this examination. Weakness in the fourth and fifth fingers. Pain in the forearm and hand.

TECHNIQUE: Multiplanar T1 and T2-weighted spin-echo pulse sequences and STIR sequence. Post-infusion multiplanar T1-weighted sequences were performed. A skin marker was taped to the point of maximal symptoms.

Contrast: 15 cc of gadolinium was infused.

FINDINGS: There is no bone abnormality seen. The bone marrow signal characteristics are normal.

There is no cystic or solid mass appreciated. The visualized muscles have normal signal characteristics.

There is no abnormal soft tissue infiltration or induration. Specifically, in the area of the skin marker which is marking the point of maximal symptoms, there is no soft tissue abnormality appreciated.

There is no abnormality identified along the course of the ulnar nerve in the forearm.

IMPRESSION: There is no forearm abnormality appreciated. This does not exclude the possibility of an ulnar nerve impingement or injury but there is no gross mass or abnormal infiltration along the expected course of the ulnar nerve. No obvious tendon or muscle abnormality appreciated at this time.

Thank you for referring your patient to Open Advanced MRI. If you have any questions, Dr. Levin, please feel free to contact me at my direct line which is: 630.885.2100.

720 Rollins Road Round Lake Beach, IL 60073 Phone: 847-546-3600 Fax: 847-546-3633

www.openadvancedmri.com

If there are any questions about this fax or you are not the intended recipient. Please call 1-888-674-4674.



# MidAmerica Hand to Shoulder Clinic

## OAKBROOK TERRACE

1 TransAm Plaza Drive,  
Ste. 460  
Oakbrook Terrace, IL 60181  
P 830.317.7007  
F 630.317.7088

## LOCKPORT

18810 W. 159th St.  
Ste. 103  
Lockport, IL 60441  
P 708.237.7200  
F 708.237.7201

## PALOS HEIGHTS

10330 S. Roberts Road  
Palos Hills, IL 60465  
P 708.237.7200  
F 708.237.7201

## LIBERTYVILLE

1419 Peterson Road  
Libertyville, IL 60048  
P 847.247.0547  
F 847.247.0540

## SCHAUMBURG

1990 East Algonquin Rd.  
Ste. 200  
Schaumburg, IL 60173  
P 847.303.5790  
F 847.303.5795

## HISTORY & PHYSICAL

PATIENT: Dulberg, Paul

AGE: 41 years old

EXAM DATE: 12/02/11

CHIEF COMPLAINT: Right forearm pain.

### HPI:

Patient is a 41-year-old male who is right-hand dominant. He was referred by Dr. Karen Levin, MD, neurology, for evaluation of an injury he sustained to his right medial forearm in June of 2011. He apparently was using a chain saw when he accidentally struck the volar medial aspect of his right forearm in roughly the mid forearm range with a chain saw. He had a large open wound down to muscle. He was seen in the emergency department where the wound is here it at the muscle was sewn together and the skin was closed. He followed up with his primary care provider. He has noted persistent pain which he describes as intermittent and shooting in character radiating from the laceration site. He occasionally has intermittent numbness and tingling in the ring and small finger. He reports grip weakness and no endurance with wrist flexion and gripping. He has not had therapy to date. He did have an EMG/NCS performed by Dr. Levin in August of 2011. Per the patient the study was normal. I do not have that study available at this moment. He currently is not working but is a graphic designer by training. He reports using a computer mouse for 20 minutes causes significant forearm pain.

### MEDICATION:

Patient has no current medications.

### ALLERGIES:

nkda

### REFERRAL SOURCE:

Not Referred By

### ILLNESSES:

Arthritis

### OPERATIONS:

Ulnar Nerve Transportation: Active

### SOCIAL HISTORY:

Alcohol - Denies

Marital Status: Single

Smoking: current every day smoker

Diabetes

Graphic Designer

### FAMILY HISTORY:

### OCCUPATION:

### ROS:

1. Head and Neck:
2. Heart:
3. Lungs:
4. GI:
5. GU:
6. Neuro:
7. Musculoskeletal:
8. Abdomen:
9. Heme/Lymph:
0. Other:

System reported as normal by patient.  
System reported as normal by patient.  
System reported as normal by patient.  
System reported as normal by patient.  
System reported as normal by patient.  
As per HPI.  
As per HPI.  
System reported as normal by patient.  
System reported as normal by patient.

### PHYSICAL EXAM:

Report Date: June 21, 2012 Patient: Dulberg, Paul R DOS: 12/02/11

**Vitals:**

Appearance:

Skin:

Neuro:

Vascular:

Focused Exam:

**No data for Vitals.**

No distress, good color on room air. Alert and cooperative.

Bilateral upper extremities: no open wounds or skin changes.

Bilateral upper extremities: Median, radial and ulnar nerves are motor and sensory intact.

Light touch intact all digits, no weakness or wasting.

Bilateral upper extremities: palpable radial pulses and brisk capillary refill.

Examination of his right upper extremity reveals his elbow has normal painless range of motion. No focal tenderness to palpation. Collateral ligaments are stable. His forearm compartments are soft. He has a well-healed transverse laceration on the volar medial mid forearm level. There is no erythema, drainage, or fluctuance at the level of the laceration.

There is no tenderness to palpation at the laceration site. There is some apparent muscle incongruity. Distally his hand demonstrates no atrophy. He has 5 out of 5 intrinsic strength.

5 out of 5 APB strength. He can make a full fist with full extension of all digits. He does not demonstrate a clawed posture. He has a negative Froment sign. He has a positive Wartenberg sign. Wrist flexion and extension is 5 out of 5 strength. He has a palpable FCU and ECU tendons at the level of the wrist. They have appropriate tension.

None today.

**IMAGING:****ASSESSMENT:****DIAGNOSIS:****PROCEDURES:**906.1-LATE EFFECT OPEN WND EXTREM  
99203-NEW Detailed, Low Complexity**PLAN:****Plan:**

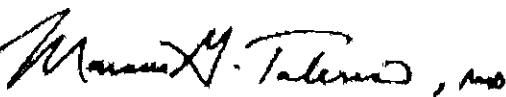
I reviewed findings, treatment options, and recommendations with the patient concerning the forearm complaints he has. I would like to see the official report of the EMG/NCS. We will obtain this report. There is no evidence of a complete injury to his ulnar nerve on physical exam. His complaints are likely muscular in origin. He may have some superficial sensory complaints as well. I do not think he needs any surgical intervention at this time. I did recommend and provided him with a prescription for occupational therapy to work on strengthening and conditioning of the forearm muscles. They can also perform some pain control modalities. I would like to see him back in 4-6 weeks' time to see if therapy is of some assistance to him. I will contact him by phone if his EMG is significantly abnormal. Otherwise we will discuss it at the next followup visit. Patient was in agreement with the plan.

**Prescription:**

No data for Prescription

**Work Status:**

Not applicable.



Marcus G. Talerico, M.D.

Referred by: Dr. Karen Levin

Primary Care Physician: Dr. Sek

Other: n/a

Fax: Created: 12/5/2011 10:13:00 AM Referring Physician: MC

**OAKBROOK TERRACE**

1 TransAm Plaza Drive,  
Ste. 460  
Oakbrook Terrace, IL 60181  
P 630.317.7007  
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**SCHAUMBURG**

1990 East Algonquin Rd.  
Ste. 200  
Schaumburg, IL 60173  
P 847.303.5790  
F 847.303.5795

**PATIENT:** Dulberg, Paul R **AGE:** 41 years old **EXAM DATE:** 01/06/12

**HOME:** 4648 Aden Court  
McHenry, IL 60051

**PID:** 1002454

**CHIEF COMPLAINT:** Right forearm pain.

**Nurse's Notes:** Patient doesn't feel occupation therapy is helping. He complaints of pain/soreness and loss of strength. MT  
**Referred by:** Not Referred By

**HPI:** Patient is a 41-year-old male who is right-hand dominant. He was referred by Dr. Karen Levin, MD, neurology, for evaluation of an injury he sustained to his right medial forearm in June of 2011. He apparently was using a chain saw when he accidentally struck the volar medial aspect of his right forearm in roughly the mid forearm range with a chain saw. He had a large open wound down to muscle. He was seen in the emergency department where the wound was debrided and the muscle was sewn together and the skin was closed. He followed up with his primary care provider. He has noted persistent pain which he describes as intermittent and shooting in character radiating from the laceration site. He occasionally has intermittent numbness and tingling in the ring and small finger. He reports grip weakness and no endurance with wrist flexion and gripping. He has not had therapy to date. He did have an EMG/NCS performed by Dr. Levin in August of 2011. Per the patient the study was normal. I saw the patient a proximally one month ago recommended a course of occupational therapy. He has attended one or 2 sessions thus far. I also obtained and the EMG nerve conduction study to review. The patient reports no improvement in symptoms. He thinks that therapy is not helpful. He feels he is getting weaker. He feels burning in the forearm region. He also asked me about disability paperwork.

**MEDICAL HISTORY:** Arthritis

**MEDICATION:** naproxen (Dosage: 375 mg Tablet, Delayed Release (E.C.) SIG: Take 1 tablet Oral twice a day Oral Dispense: 90 Refills: 2)

**ALLERGIES:** nkda

**SOCIAL HISTORY** Alcohol - Denies

Marital Status: Single

Smoking: current every day smoker

**PHYSICAL EXAM:**

**Appearance:** No distress. Alert and cooperative.  
**Skin:** Bilateral upper extremities: no open wounds or skin changes. Well-healed laceration in the mid forearm region right side ulnar aspect. No evidence of infection.  
**Neuro:** Bilateral upper extremities: light touch intact all digits, no weakness or wasting.  
**Focused Exam:** Elbow with full and painless motion in the right side. Forearm compartments are soft there is no obvious deformity. He has preserved wrist flexion and extension strength. He can make a full fist and has full extension of all digits. He has no intrinsic or thenar atrophy. He has 5/5 APB and intrinsic strength. He has a negative Froment sign. He does have a positive Wartenberg sign. FDP to the small finger is 5/5.

**AGING:**

None today.

Report Date: June 21, 2012 Patient: Dulberg, Paul R DOS: 01/06/12

DIAGNOSIS:  
PROCEDURES:

906.1-LATE EFFECT OPEN WND EXTREM  
99213-ESTABLISHED Expanded, Low Complexity

**ASSESSMENT & PLAN:**

Plan:

I reviewed findings, treatment options, and recommendations with the patient concerning the forearm complaints he has. I reviewed the EMG/NCS which is a normal study. There is no evidence of ulnar nerve injury. Given the location of his injury this is the only significant problem I can imagine from this wound. There is no evidence of any nerve or tendon injury. He may have some residual soreness and some superficial sensory abnormalities but this should improve over time. Our recommendation is simply continued therapy. No need for surgical intervention that I can foresee. Unfortunately do not have anything further to offer the patient at this time. I would be happy to see him back in the future on an as needed basis.

Work Status:

Not applicable.

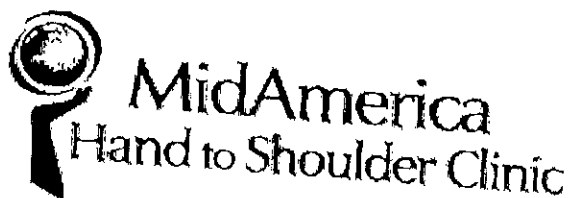
*Marcus G. Talerico, M.D.*

Marcus G. Talerico, M.D.

Referred by: Dr. Karen Levin  
Other: Hans Mast(Attorney)

Fax Created: Date: 6/20/2012 3:25 PM

Fax Created: Date: 6/20/2012 3:28 PM



# Fax

To: Hans Mast

From: Tish

Fax: 8153445280

Pages: 6 (Including Cover Letter)

Phone:

Date: 3/26/2012

Phone: 847-720-7114

Re: Paul Dulberg

Fax: 847-720-7344

☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

■ Comments:

Attached please find a ledger for the amount due for injury sustained by Mr. Paul Dulberg.

THIS TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE THE READER OF THIS MESSAGE AND NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OF AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU





ASSOCIATED NEUROLOGY, S.C.

MITCHELL S. GROBMAN, M.D.  
KAREN F. LEVIN, M.D.

July 28, 2011

Mr. Hans Mast  
3416 W. Elm Street  
McHenry, IL 60050

RE: Paul Dulberg

Dear Mr. Mast,

Mr. Dulberg was previously seen by my associate, Dr. Mitchell Grobman, in 2002 for left ulnar neuropathy, and had surgery and essentially became asymptomatic by 2007 and who had never had difficulty in his right arm. Approximately a month prior to the evaluation, he had been holding a branch for a neighbor when the chainsaw came up and cut his right forearm. He was taken to Northern Illinois Medical Center where they put in inner stitches in the muscle and outer stitches. He originally had very significant pain, but as the pain was getting better, he started noticing that he had numbness in his fifth digit in the inner aspect of his forearm. He had not been dropping things. It was mostly just a tingling and a numb feeling. He denies ever having any right-sided symptoms or right-sided injuries. His examination was significant for a healing scar in the right forearm and for decreased light touch, pinprick, and temperature sensation in the ulnar distribution of the right arm. His strength was normal. Given the distribution, it was felt that this was a branch neuropathy to the sensory nerves. I did have him undergo nerve conduction studies to make sure that the median and ulnar nerves were all without involvement and they were. I recommended that he see a hand surgeon as well just to be certain that there were no other treatment options for him; however, most likely this was just a sensory branch neuropathy that may improve or may result in permanent numbness in the distribution that he was showing numbness. Mr. Dulberg should followup if any additional symptoms develop or if he wished to try any neuropathic pain treatment if it became painful and not just numb.

Sincerely,

*Karen Levin, MD*  
(mdm)

Karen F. Levin, M.D.

KFL/klm

ACCOUNT NO. B11179-00323		ADMISSION DATE/TIME 06/28/11 0246PM		BY MHC	STATION ROOM EDB -		ACC	SERVICE	TYPE	AI	AS	DISCHARGE DATE TIME	
SEX M	DOB 03/19/70	AGE 41Y	BOC SEC NO 323-76-4001	DEMOY N	AD N	OD	INJURY AT WORK	EMD	EDB	J	J	UNIT NUMERICAL RECORD NO 80000102381	
PATIENT NAME AND ADDRESS DULBERG, PAUL R 4606 HAYDEN CT				ENGLISH (847) 497-4250 CELL# IL 60051-7918 *MCHEENRY CNTY, IL				PATIENT EMPLOYER SHARP PRINTING 4606 HAYDEN CT (847) 497-4250 SKILL EMP IL 60050				FIN CLASS LAB-MVA/M	
GUARANTOR NAME AND ADDRESS DULBERG, PAUL R 4606 HAYDEN CT				(847) 497-4250 SKILL IL 60051-7918 CELL#				GUARANTOR EMPLOYER SHARP PRINTING 4606 HAYDEN CT (847) 497-4250 SKILL EMP IL 60050					
EMERGENCY CONTACT 1 DULBERG, HERBERT 4606 HAYDEN CT				(847) 497-4250 *FATHER IL 60051-7918				RELATIVE 1 EMPLOYER					
EMERGENCY CONTACT 2 DULBERG, BARBARA 4606 HAYDEN CT				(847) 497-4250 *MOTHER IL 60051-7918				PATIENT ALTERNATE ADDRESS					
INSURANCE 1 PAUL DULBERG/ACCIDENT 4606 HAYDEN CT JOHNSBURG ACCIDENT 99999				1 601067 IL 60051 DULBERG, PAUL R 999999999 (847) 497-4250 DOB: 03/19/70				INSURANCE 2				DOB:	
INSURANCE 3				DOB:				INSURANCE 4				DOB:	
DIAGNOSIS/COMPLAINT HR COMPLAINT				ATTENDING PHYSICIAN FORD, ARIWAT W				PRIMARY CARE PHYSICIAN SEK, FRANK					
				ADMITTING PHYSICIAN FORD, ARIWAT W				ADDITIONAL PHYSICIAN					

PRINCIPAL DIAGNOSIS

COMPLICATIONS AND COMORBIDITIES

PRINCIPAL PROCEDURE & DATE

OTHER PROCEDURES & DATE

STN: TRA

I CERTIFY THAT THE NARRATIVE DESCRIPTIONS OF THE PRINCIPAL AND SECONDARY DIAGNOSES & THE MAJOR PROCEDURES PERFORMED ARE ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE

SIGNATURE \_\_\_\_\_ MD DATE \_\_\_\_\_

# RESTRICTIONS / RELEASE FORM



**Northern Illinois Medical Center**  
**Emergency Department**  
**4201 Medical Center Drive**  
**McHenry, Illinois 60050**  
**(815) 344-5000**



**Memorial Medical Center**  
**3701 Doty Rd.**  
**Woodstock, Illinois 60098**  
**(815) 334-3900**

PATIENT NAME

*Paul Dulberg*

DATE

*6/28/2011*

PHYSICIAN SIGNATURE

*[Signature]*



1117900323  
 DULBERG, PAUL R  
 M 41Y 03/18/1970  
 06/28/2011 B 0000109361

- ☐ May return to ☐ work ☐ school ☐ gym without restriction.  
☒ May not return to ☒ work ☐ school ☐ gym for 2 day(s).

☐ May return to school with the following restrictions:

- ☐ Gym/Sports restrictions are \_\_\_\_\_ for \_\_\_\_\_ day(s).  
☐ Must take prescription medication for \_\_\_\_\_ day(s).  
☐ May return to work with the following restrictions:  
☐ No lifting greater than \_\_\_\_\_ lbs. for \_\_\_\_\_ day(s).  
☐ Machinery/Driving restriction while on medication that can cause drowsiness.  
☐ No continuous ☐ standing ☐ sitting for \_\_\_\_\_ day(s).  
☐ Must keep \_\_\_\_\_ elevated for \_\_\_\_\_ day(s).  
☐ Sedentary work only for \_\_\_\_\_ day(s).  
☐ Must use crutches for \_\_\_\_\_ day(s).  
☐ No overhead work for \_\_\_\_\_ day(s).  
☐ No bending or twisting for \_\_\_\_\_ day(s).  
☐ Must wear immobilizer for \_\_\_\_\_ day(s).  
☐ No climbing on ladder or stairs for \_\_\_\_\_ day(s).  
☐ Other \_\_\_\_\_  
☐ See your physician in \_\_\_\_\_ days for reevaluation.

<input type="checkbox"/> LIMITED WORK WITH	
<input type="checkbox"/> NO WORK WITH	
<input type="checkbox"/> Right	<input type="checkbox"/> Left
<input type="checkbox"/> Hand	<input type="checkbox"/> Hand
<input type="checkbox"/> Arm	<input type="checkbox"/> Arm
<input type="checkbox"/> Foot	<input type="checkbox"/> Foot
<input type="checkbox"/> Leg	<input type="checkbox"/> Leg
For _____ Days	

All patients are referred to their personal physicians or a doctor on the staff of this hospital. Release from restriction must be obtained from that doctor and not the Emergency Department.

I (or responsible person) have/has received and understand(s) the instructions to follow as noted above.

Patient signature (or responsible person): *Paul Dulberg*

PRINTED BY: SJS0422  
 DATE 12/08/2011  
**EMCARE, INC**

ED 102 NIMC/MAC

Centegra Northern Illinois Medical Center  
4201 Medical Center Drive  
McHenry, IL 60050  
(815) 344-5000

Patient: PAUL DULBERG, Med. Rec. #: B0000109381, Visit #:  
B1117900323, Date: 06/28/2011 Time: 17:02

Home Care Instructions

IMPORTANT: We examined and treated you today on an emergency basis only. This was not a substitute for, or an effort to provide, complete medical care. In most cases, you must let your doctor check you again. Tell your doctor about any new or lasting problems. We cannot recognize and treat all injuries or illnesses in one Emergency Department visit. If you had special tests, such as EKG's or X-rays, we will review them again within 24 hours. We will call you if there are any new suggestions. You were treated today by: Ford, Apiwat W.,

After your visit to our Emergency Department, you may receive a survey in the mail. We want to be sure we have given you very good care and we ask that you please fill out the survey and return it in the mail.

After you leave, please follow the instructions below.

This Information is About Your Follow Up Care

Call as soon as possible to make an appointment to see your doctor in 10 days for suture removal. You can reach your doctor by calling their clinic phone number.

Please return to the Emergency Department in 10 days for suture removal if you would prefer to have the sutures removed in the ER. We do recommend that you follow-up with your Primary Care Physician but you can return to the ER for removal of your stitches if you choose.

This Information is About Your Illness and Diagnosis

**WOUND CARE (with stitches)**

Your wound was closed with stitches. These are small threads that keep the skin closed to help it heal. You have 3 internal and 11 external stitches. These should be removed in 10 days.

**At home, please follow these instructions:**

- Wash your hands before touching the dressing or wound.
- Keep the wound clean and dry.
- After 2 days, wash the wound gently with warm water and soap. Pat it dry.
- Put a light dressing on it if it rubs or there is drainage.

**Call your doctor if:**

- you have redness, pain, or swelling in the area of your stitches.
- your wound drains pus.
- your stitches come out before your wound is healed.
- you have any new or bothersome symptoms.

This is Information About Your New Medications - Start taking as prescribed.

**HYDROCODONE and ACETAMINOPHEN** (Vicodin, Vicodin ES, Lortab, Lortab elixir, Zamacet, Norco, Zydane, Anexsia, Anolor, Bancap HC)

Take this medicine by mouth with food in the following dose: one 10mg/325mg tablet every 4 to 6 hours if needed for pain. Do not take more than as directed per day (24 hours).

This is a mixture of medicines (hydrocodone and acetaminophen) used to relieve moderate to severe pain. This medicine may be used for other reasons, as prescribed by your doctor.

**Side effects may include:**

- sleepiness or dizziness
- upset stomach, nausea or vomiting
- constipation

Other side effects may occur, but are not as common. Allergy would show up as: rash or itching, facial or throat swelling, wheezing or shortness of breath. This medicine can be habit forming if used for a long period of time.

**Follow these instructions:**

- Never take more of this medicine than prescribed. Too much acetaminophen in your body can cause liver damage.
- Read the labels of non-prescription medicines before taking them. Many contain acetaminophen. To avoid an overdose, do not take any other medicines that contain acetaminophen.
- Talk to your doctor or pharmacist before taking medicines for sleep, colds or allergies. Severe drowsiness may occur.
- Do not share this medicine with others as this medicine is a controlled substance. Sharing this medicine with others is against the law.
- To avoid constipation while taking this medicine:
  - Drink plenty of liquids. Try to drink 8 to 10 eight-ounce glasses of water or juice each day.
  - Include extra fiber in your diet.
  - Exercise daily.
- Watch for signs of dependence:
  - feeling that you "cannot live without this medicine".
  - you need more of this medicine than before to get the same relief.
- Do not drink alcohol, drive or operate machinery until you know how this medicine affects you.
- Store this medicine away from heat, moisture or direct light.
- If you are taking this on a regular schedule and you miss a dose, take it as soon as possible. If it is almost time for your next dose, skip the missed dose and return to your regular schedule. Do not double the doses.
- **Talk with your doctor before taking any other medicines (including vitamins and herbals) as you may require additional monitoring.**

**Call your doctor if you have:**

- any sign of dependence or allergy.
- increased pain not helped by the pain medicine.
- slow, weak breathing.
- seizures.
- slow or irregular heart beat.
- a yellow-color to your skin or eyes, or dark urine.
- stomach pain.
- unusual or extreme tiredness.
- any new or severe symptoms.

**CEFADROXIL (Duricef)**

Take this medicine until gone in the following dose: 500 mg by mouth 2 times a day for 5 days.

Cefadroxil is an antibiotic used to treat infections caused by bacteria. Antibiotics kill bacteria or prevent them from growing inside your body. This medicine may be used for other reasons, as prescribed by your doctor.

**Side effects may include:**

- diarrhea
- upset stomach, nausea or vomiting
- headache

Other side effects may occur, but are not as common. An upset stomach is not a sign of allergy. Allergy would show up as rash or itching, facial or throat swelling, wheezing or shortness of breath.

**Follow these instructions:**

- Space your medicine doses evenly throughout the day. This medicine works best if there is a constant amount in your blood.
- Take this medicine with food to avoid an upset stomach.
- Swallow the capsule and tablet form of this medicine whole with a full 8-ounce glass of water.
- For diabetics, this medicine can cause false test results when testing your urine for sugar. Talk with your doctor if you have questions.
- Store the tablet or capsule form of this medicine away from heat, moisture or direct light.
- Store the liquid form of this medicine in the refrigerator. Shake the liquid well before each use.
- If you miss a dose, take it as soon as possible. If it is almost time for your next dose, skip the missed dose. Do not double the doses.
- Talk with your doctor before taking any other medicines (including vitamins and herbals) as you may require additional monitoring.

**Call your doctor if you have:**

- any sign of allergy.
- no improvement after you've taken all the medicine.
- a seizure.
- any sign of a new infection (fever, general aches, chills, or unusual tiredness or weakness).
- ongoing nausea, vomiting or stomach pain.
- white patches in your mouth.
- women: itching in or change in discharge from your vagina.
- inflammation (pain and swelling) in your intestine during treatment or up to weeks after you've finished this medicine:
  - ongoing diarrhea
  - stomach pain or cramping
  - blood or mucus in your bowel movements
- any new or bothersome symptoms.

**SMOKING CESSATION**

Smoking is the nation's leading preventable cause of death. It significantly increases the risk of coronary heart disease, stroke and cancer. In fact, more than half of all smoking related deaths in America each year are from heart disease, stroke, or other cardiovascular diseases. The good news is, that one year after quitting, the risk of heart disease is cut in half. After five to fifteen smoke-free years, the risk is that of a person who never smoked!

If you or someone you love is interested in quitting, consider joining our "Freedom From Smoking" classes for adults. Centegra Health System and the McHenry County Department of Health have partnered together to bring you an effective program that will help you quit smoking. Call 877-CENTEGRA, (877-236-8347) for more information regarding this program. To speak with a counselor immediately, call the Illinois Tobacco line at 1-866-QUIT-YES.

**PAIN MANAGEMENT AFTER DISCHARGE:**

A person may feel less pain just by being in familiar surroundings. Here are some frequently asked questions about your pain management:

- What can I do to help my pain management? A person's level of relaxation and their environment can affect their pain. If you are tired, overstimulated (too many visitors) are anxious about your diagnosis, or a past experience with a hospitalization, your pain perception may be impacted and your tolerance decreased. Ask questions, and inform us about any problems or concerns that you may have, re: pain. Partner with your health team for your best pain management.
- What if the medication is not working? Tell your health-care provider, physician, home health nurse, etc. You may need a different dose or type of medication.
- What if I feel I'm not getting enough pain control? Talk to your physician or home health nurse about it. Together you may be able to develop a plan to prevent or ease your pain. Depending on the cause of your pain, your health-care provider may suggest exercise, use of heat/cold, massage, repositioning, immobilization of the affected part, or distraction such as music or rest.
- There are other methods of pain management. Let your health-care provider assist you in finding the best one for you.

Weight management is one step to help maintain a healthy lifestyle. For certain medical problems, such as congestive heart failure, weight should be monitored daily.

**YOU ARE THE MOST IMPORTANT FACTOR IN YOUR RECOVERY.**

Follow the above instructions carefully. Take your medicines as prescribed. Most important, see a doctor again as discussed.

If you have problems that we have not discussed, or your problem changes or gets worse, call or visit your doctor right away. If you cannot reach your doctor, return to the Emergency Department immediately.

Centegra Health System is very concerned about your safety and well being. As part of our efforts to always provide very good care, any medications you received during this visit were reconciled with medication you are currently taking. This reconciliation was based on the information you or your representative provided regarding your current medications and allergies.

"I have received this information and my questions have been answered. I have discussed any challenges I see with this plan with the nurse or physician."

PAUL DULBERG or Responsible Person

PAUL DULBERG or Responsible Person has received this information and tells me that all questions have been answered.

PN Staff Signature

Centegra Northern Illinois Medical Center  
4201 Medical Center Drive  
McHenry, IL 60050  
(815) 344-5000

PAUL DULBERG was discharged on 06/28/2011 at 17:06 from the hospital. The following is a summary of the discharge instructions given to PAUL before discharge:

**This Information Is About Your Follow Up Care**

Call as soon as possible to make an appointment to see your doctor in 10 days for suture removal. You can reach your doctor by calling their clinic phone number. Please return to the Emergency Department in 10 days for suture removal if you would prefer to have the sutures removed in the ER. We do recommend that you follow-up with your Primary Care Physician but you can return to the ER for removal of your stitches if you choose..

**This Information Is About Your Illness and Diagnosis**

**WOUND CARE** (with stitches)

**This is Information About Your New Medications - Start taking as prescribed.**

**HYDROCODONE and ACETAMINOPHEN** (Vicodin, Vicodin ES, Lortab, Lortab elixir, Zamicet, Norco, Zydane, Anexsia, Anolor, Bancap HC)  
one 10mg/325mg tablet every 4 to 6 hours if needed for pain. Do not take more than as directed per day (24 hours).

**CEFADROXIL** (Duricef)

500 mg by mouth 2 times a day for 5 days.

1. How are you and/or your family doing today?
2. Is your pain/or symptoms better today?
3. Did you understand your discharge instructions?
4. Are you following up with a Doctor?

Centegra Northern Illinois Medical Center  
4201 Medical Center Drive  
McHenry, IL 60050  
(815) 344-5000

5. Comments:

Signature of nurse making phone call; \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

FORM GOES TO MEDICAL RECORDS



1117900326  
WELTER, KAITLYN D  
F 10Y 11/28/2000  
06/28/2011 B 00002977B7

AW  
Initials

**RELEASE FROM LIABILITY FOR VALUABLES**

I understand my belongings are my responsibility and I have been advised to send any items of value home. I release CHS from any liability for the loss, damage to, or theft of any of my belongings. Safes or lockers are available at the hospital facilities and may be used to store valuables.

**PATIENT PRE-CERTIFICATION RESPONSIBILITY**

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**ASSIGNMENT OF BENEFITS/ AGREEMENT FOR PAYMENT**

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**PATIENT INFORMATION OFFERED**

- |   |     |                 |                       |
|---|-----|-----------------|-----------------------|
| • Patient Rights/Responsibilities . . . . . | Yes | <u>Declined</u> | If No, Explain: _____ |
| • Advance Directive Information . . . . .   | Yes | <u>Declined</u> | If No, Explain: _____ |
| • Notice of Privacy Practices . . . . .     | Yes | <u>Declined</u> | If No, Explain: _____ |
| • Patient Billing Information . . . . .     | Yes | <u>Declined</u> | If No, Explain: _____ |

**PATIENT CERTIFICATION**

By signing this General Consent and Acknowledgement Form, I acknowledge I have read and understand the information contained in this form and accept its terms. I also acknowledge I have received a copy of this form for my records.

INPATIENTS ONLY:

TRICARE (Military) Insurance PATIENTS ☐ Yes, I have received TRICARE "Important Message"

Amanda J. Welter  
Patient/ Authorized Person

Mother  
Relationship

6/28/11  
Date

[Signature]  
Witness

I, \_\_\_\_\_, have interpreted/translated the above form to the patient. The patient has informed me he/she fully understands and agrees to the terms set out in this consent form.

Interpreter/Translator (Please Print Name)

Language

Interpretation/Translation Provider (Company name or Relationship to Patient)

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GENERAL CONSENT AND ACKNOWLEDGMENT





1117900326  
WELTER, KAITLYN D  
F 10Y 11/28/2000  
06/28/2011 B 0000297787

**Centegra Health System**

☐ CH - M ☐ CH - W

☐ Other (Specify) \_\_\_\_\_

## GENERAL CONSENT AND ACKNOWLEDGMENT

Account Number/Effective Date: \_\_\_\_\_

### CONSENT FOR MEDICAL TREATMENT

I have come to Centegra Health System (CHS) for medical treatment and consent to the customary examinations, tests, and procedures performed on patients in my condition. I understand and consent that independent professionals (such as my attending physician, on-call physicians, emergency medicine physicians, radiologists, anesthesiologists, pathologists, surgeons, obstetricians, consultants, nurse practitioners, physician assistants, certified registered nurse anesthetists and other specialists) may participate in my care as deemed necessary.

I agree to follow the Patient Rights & Responsibilities of CHS and to participate with independent professionals and CHS personnel in my care and treatment.

I understand the practice of Medicine is not an exact science and, therefore, no guarantees have been made regarding the likelihood of success or outcomes of any diagnosis, treatment, test, surgery or examination performed at CHS.

I understand this General Consent and Acknowledgement will remain in effect for this episode of care and will be provided to those areas of CHS where I receive care.

I understand the language in this Consent guides and controls all other forms and consents I may sign during my treatment with Centegra Health System and any inconsistencies shall be interpreted consistent with terms of this document.

### PATIENT ACKNOWLEDGMENT OF INDEPENDENT PHYSICIANS

I acknowledge the Independent professional(s) who provide services to me at CHS are not employees or agents of CHS, but are independent medical practitioners who have been permitted to use its facilities for the care and treatment of their patients. They include but are not limited to, my attending physician, on-call physicians, emergency medicine physicians, radiologists, anesthesiologists, pathologists, surgeons, obstetricians, consultants, nurse practitioners, physician assistants, certified registered nurse anesthetists and other specialists. My decision to seek care is not based upon any representation or advertisement of the independent professionals and I understand they are not employees or agents of CHS. CHS bills do not include physician, surgeon, or other independent professional services and I understand I will receive a separate bill directly from the independent professional. I have read and understand the above terms and confirm I am the patient or am authorized to sign on the patient's behalf.

### PATIENT ACKNOWLEDGMENT OF INDEPENDENT SERVICES

During the course of my hospital stay, my physician may determine I require care at another medical facility, or I may request care at an alternate facility. I acknowledge that all transportation services provided in connection with my transfer to another facility are provided by an independent third party and I will receive a separate bill directly from the service provider for which I may be responsible.

### USE AND DISCLOSURE OF HEALTH INFORMATION

Unless I request otherwise, CHS will provide my room location or telephone number to visitors and callers.

I understand CHS will use and disclose my health information for the purposes of treatment, payment, and health care operations, as permitted by law as described in the CHS Notice of Privacy Practices. Certain information can be used without obtaining my consent. I fully understand that the use or disclosure of my health information may include history, diagnosis and /or diagnostic treatment of mental health/ developmental disabilities conditions, alcohol or drug abuse and Acquired Immune Deficiency Syndrome (AIDS/ HIV).

I understand that if I refuse to allow disclosure of my health information to process my insurance claim, I may be financially responsible for all costs incurred by me for treatment. I agree to release and hold harmless CHS, its agents, and employees from any liability that may arise from the use or disclosure of my health information.

### PICTURES/IMAGES

I understand photographs, videotapes or other images may be taken to document my care. These images may be kept by CHS and/or by the independent professional involved in my care. I understand I have the right to view or obtain copies of these materials which are in possession of CHS upon written request. It is my responsibility to confirm if such photographs, videotapes or other images have been taken. I understand images identifying me will only be released as allowable under law or with my written authorization.

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DATE 12/08/2011

GENERAL CONSENT AND ACKNOWLEDGMENT

Page 1 of 2

ADC10000-00 01/07 01/08 10/08 04/09

\*3CNTG\*



# **Centegra Health System**

☒ CH - M    ☐ CH - W

☐ Other (Specify) \_\_\_\_\_



1117900323  
DULBERG, PAUL R  
M 41Y 03/19/1970  
06/28/2011 8 0000109391

## **GENERAL CONSENT AND ACKNOWLEDGMENT**

Account Number/Effective Date: \_\_\_\_\_

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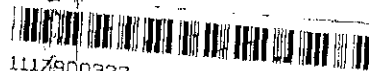
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DATE 12/08/2011

**GENERAL CONSENT AND ACKNOWLEDGMENT**

Page 1 of 2





1117900323  
DULBERG, PAUL R  
M 41Y 03/19/1970  
06/28/2011 8 0000109381

*Verbal*  
Initials

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INPATIENTS ONLY:

TRICARE (Military) Insurance PATIENTS ☐ Yes, I have received TRICARE "Important Message"

*Verbal Pen PT*  
Patient/ Authorized Person  
*Biggs*  
Witness

Relationship \_\_\_\_\_

Date 6/28/11

I, \_\_\_\_\_, have interpreted/translated the above form to the patient. The patient has informed me he/she fully understands and agrees to the terms set out in this consent form.

Interpreter/Translator (Please Print Name) \_\_\_\_\_

Language \_\_\_\_\_

Interpretation/Translation Provider (Company name or Relationship to Patient) \_\_\_\_\_

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GENERAL CONSENT AND ACKNOWLEDGMENT  
Page 2 of 2

Northern Illinois Medical Center  
Patient Name: DULBERG, PAUL R  
Account Number: B1117900323

NIMC Radiology

Northern Illinois Medical Center

06/28/2011

HISTORY:

10135 RIGHT FOREARM 2139703  
Chain saw versus forearm, forearm laceration.

IMPRESSION:

Right forearm films demonstrate no fracture or radiopaque foreign body. There is deep soft tissue laceration along the ventral surface of the mid forearm.

FINDINGS:

This exam consists of two views of the right forearm which demonstrate deep laceration on the ventral aspect of the mid forearm as best visualized on the lateral view. No fracture or radiopaque foreign body is identified.

cc: Apiwat W. Ford, D.O.  
Donald R Kennard, M.D.  
Frank Sek, M.D.

Electronically Authenticated  
Donald R Kennard, M.D. 06/28/2011 18:18  
815-759-4683

D 06/28/2011

T 06/28/2011 5:19 P / LBA

Northern Illinois Medical Center

NIMC Radiology

PRINTED BY: SJS0422

DATE 12/08/2011

AUL R

0000109381

1117900323

Centegra HealthSystem

Centegra Hospital - McHenry



B1117900323  
DULBERG, PAUL R  
M 41Y 03/19/1970  
06/28/2011  
0000109381

## EMERGENCY ADMISSION ASSESSMENT

TIME TRIAGED: 1455  
TIME TO TREATMENT AREA: 1455  
ED BED# 18  
EXPRESS BED# 405  
ESI: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5  
Primary Physician: Sek  
Height: 5'4" Weight: 145# GCS: 15 RTS: 12 BP: 123/75 R 14 197.4 SPO<sub>2</sub> 97 Time of Injury: Room air ☐ O<sub>2</sub> Pain Level: 9-10

Chief complaint/reason for visit: States chainsaw vs Rt arm  
15 min ago at home, she feeling lightheaded

CURRENT MEDS <input checked="" type="checkbox"/> Denies	Triage RN	ALLERGIES <input checked="" type="checkbox"/> NKKA	REACTION
		Medications:	
		Food:	
		Other: <input type="checkbox"/> Latex <input type="checkbox"/> Dyo	

Meds reviewed by: \_\_\_\_\_  
Language barrier ☐ Yes Interpreter Name/ATT Number: \_\_\_\_\_  
Do you feel safe at home? ☒ Yes ☐ No Is there anyone in your life that threatens, intimidates or harms you in any way? ☐ Yes ☒ No  
Crisis/Social Worker ☐ Notified: \_\_\_\_\_ ☐ Hero: \_\_\_\_\_ ☐ DNR Resources called: \_\_\_\_\_ Time: \_\_\_\_\_

Past Medical History <input type="checkbox"/> None	Yes	Yes	Yes	Yes	Yes
<input type="checkbox"/> Autoimmune	<input type="checkbox"/> Dementia/Alzheimer's	<input type="checkbox"/> Headaches/migraines	<input type="checkbox"/> Pressure Ulcer	<input type="checkbox"/> Infectious diseases	
<input type="checkbox"/> Asthma	<input type="checkbox"/> Endocrine	<input type="checkbox"/> Head inj past 3 months	<input type="checkbox"/> Recent exposure	<input type="checkbox"/> MRSA	
<input type="checkbox"/> Back problems	<input type="checkbox"/> GI problems	<input type="checkbox"/> Hypertension	<input type="checkbox"/> Reproductive problems	<input type="checkbox"/> VRE	
<input type="checkbox"/> Blood disorders	<input type="checkbox"/> GU Problems	<input type="checkbox"/> MusculoSkeletal problems	<input type="checkbox"/> Respiratory problems	<input type="checkbox"/> Chicken Pox	
<input type="checkbox"/> Cancer	<input type="checkbox"/> Glaucoma	<input type="checkbox"/> Neuro problems	<input type="checkbox"/> Seizures	<input type="checkbox"/> Measles	
<input type="checkbox"/> Cardiovascular	<input type="checkbox"/> HEENT problems	<input type="checkbox"/> PsychoSocial problems	<input type="checkbox"/> Skin problems	<input type="checkbox"/> Shingles	
<input type="checkbox"/> CHF	<input type="checkbox"/> Heart murmur		<input type="checkbox"/> Vision problems	<input type="checkbox"/> Strep Throat	
<input type="checkbox"/> LMP: _____	<input type="checkbox"/> Normal <input type="checkbox"/> Abnormal			<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Pregnant	<input type="checkbox"/> No <input type="checkbox"/> Unsure	Grava _____ Para _____ Ab _____ FHT _____			
Expanded/surgical history: Lt arm surg					
Implanted medical device: <input type="checkbox"/> Pacemaker <input type="checkbox"/> IV access <input type="checkbox"/> Eye <input type="checkbox"/> Knee <input type="checkbox"/> Hip <input type="checkbox"/> AICD <input type="checkbox"/> Other: _____					

TB History	Vaccine	Pediatric immunization
<input type="checkbox"/> None Ever had a positive TB test? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Self-history of TB <input type="checkbox"/> Bloody sputum <input type="checkbox"/> Weight loss <input type="checkbox"/> Night sweats <input type="checkbox"/> Loss of appetite <input type="checkbox"/> Family history of TB <input type="checkbox"/> Cough <input type="checkbox"/> Fever <input type="checkbox"/> Denies signs & symptoms <input type="checkbox"/> Fatigue <input type="checkbox"/> Recent international travel	<input type="checkbox"/> Flu <input type="checkbox"/> Tetanus <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Up to date <input type="checkbox"/> >5 years <input type="checkbox"/> Unsure	<input type="checkbox"/> Up to date <input type="checkbox"/> No <input type="checkbox"/> Unsure



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06

# CentegraHealthSystem

## EMERGENCY PHYSICIAN RECORD

### Upper Extremity Injury (4)

DATE: 6/28/11 TIME: 1457 ☐ on arrivalROOM: 18 EMS ArrivalHISTORIAN: patient spouse paramedics

HX / EXAM LIMITED BY:

## HPI

**chief complaint:** Injury to: right / left  
hand wrist forearm elbow arm  
shoulder collar-bone area

**duration / occurred:**  
 just prior to arrival **where:** home school  
 today neighbor's park  
 yesterday work street  
\_\_\_\_\_ days ago

**severity of pain:**  
 mild moderate severe worse / persistent since  
\_\_\_\_\_ pain intermittent / lasting

**context:** fall blow incised crushed burn

**associated symptoms:** tingling / numbness distally

## ROS

suspected FB (skin fac) trouble breathing / chest pain  
loss feeling / power arms / legs loss of bladder function  
headache / neck pain recent fever / illness  
double vision / hearing loss other injuries  
nausea / vomiting ☐ all systems neg except as marked

**SOCIAL HX** smoker drug use / abuse  
recent ETOH lives alone  
lives at home lives in nursing home

**FAMILY HX** negative

**PAST HX** negative R / L HANDED prior injury  
diabetes Type 1 / Type 2 diet / oral / insulin  
HTN heart disease DEGENERATIVE DISEASE  
Meds none / see nurses note  
Allergies NKDA / see nurses note

☒ Nursing Assessment Reviewed ☒ Vitals Reviewed ☐ Tetanus Immun. UTD

## PHYSICAL EXAM

**GENERAL APPEARANCE** c-collar (PTA / in ED) / backboard  
no acute distress mild / moderate / severe distress  
alert anxious

## EXTREMITIES

## HAND

nml inspection  
non-tender

## WRIST

nml inspection  
non-tender  
nml ROM\*

see diagram  
tenderness soft-tissue / bony  
swelling / ecchymosis  
deformity  
see diagram  
tenderness soft-tissue / bony  
tenderness in anatomical snuff box  
wrist pain on axial thumb load  
swelling / ecchymosis  
limited ROM  
deformity

## FOREARM / ELBOW

nml inspection  
non-tender  
nml ROM\*

## ARM /

## SHOULDER

nml inspection  
non-tender  
nml ROM\*

B1117900323

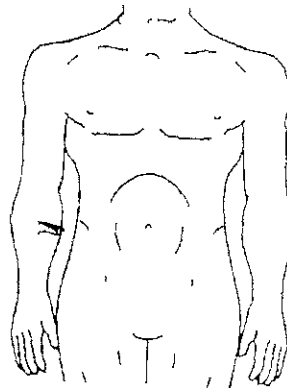
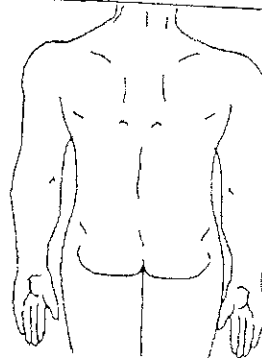
DULBERG, PAUL R

M 41Y 03/19/1970

06/28/2011

0000109381

see diagram  
tenderness soft-tissue / bony  
swelling / ecchymosis  
limited ROM  
deformity  
see diagram  
tenderness soft-tissue / bony  
swelling / ecchymosis  
limited ROM  
deformity



T=Tenderness P/T=Point Tenderness S=Swelling E=Ecchymosis B=Burn C=Contusion  
 L=Laceration A=Abrasion M=Muscle spasm PW=Puncture Wound  
 (0=without m=mild mod=moderate s=severe)  
 Example: T<sub>2</sub> = Tenderness on palpation (severe)

## NEURO / VASC / TENDON

sensation intact  
motor intact  
no vascular  
compromise  
tendon function  
normal

sensory / motor deficit  
pallor / cool skin / abnml cap refill  
pulse deficit radial ulnar  
deficit in tendon function



NIMC Bldg 2 570000000



B1117900323  
DULBERG, PAUL R  
M 41Y 03/19/1970  
06/28/2011  
0000109381

**SKIN**

warm, dry

diaphoretic / cool / cyanotic

**HEAD / ENT**

nml inspection  
pharynx nml

tenderness

swelling / ecchymosis

**NECK / BACK**

nml inspection  
non-tender

tenderness

swelling / ecchymosis

**RESPIRATORY**

chest non-tender  
breath snds nml

tenderness

swelling / ecchymosis / abrasions

crepitus / subcutaneous emphysema

decreased breath sounds

wheezes / rales / rhonchi

tachycardia / bradycardia

**CVS**

heart sounds nml

**GI (ABDOMEN)**

non-tender  
no organomegaly  
nml bowel snds\*

tenderness / guarding

**PROCEDURES****Wound Description / Repair**length 8 cm location RIGHT ARM BR/14

linear

irregular

flap

stellate

superficial

subcut

muscle

through-and-through

contused tissue

lip laceration

clean

contaminated minimally / moderately / \*heavily

distal NVT:

neuro &amp; vascular status intact

no tendon injury

anesthesia:

local

LET / tetracaine / adrenaline / cocaine

15 mL

marcaine 0.25% 0.5% lidoc 1% 2% epi / bicarb digital / metacarpal block

moderate sedation required; see attached 23d template

prep:

Betadine / scrub

irrigated / washed w/ saline

minimal / mod. / \*extensive

wound explored

foreign material removed

partially completely

minimal / mod. / \*extensive

no foreign body identified

repair:

SKIN-

#11

4-0

nylon / prolene / staples

\*SUBCUT-

#3

4-0

simple mattress (h/v)

OTHER-

#

-0

material

interrupted

running

simple

mattress (h/v)

\*may indicate intermediate repair

running

simple

mattress (h/v)

may indicate complex repair

splint

Vekro

OCL / Ortho-glass / Plaster

Aluminum-foam

applied by ED Physician / Orthopedist / Tech

examined post splint application

NV intact

alignment good

deformity reduced

no compartment syndrome

sling

nursemaid's elbow reduced with supination

foreign body removed

with forceps

with incision

closed reduction

finger traps

traction

**XRAYS**☐ Interp. by me☐ Reviewed by me☐ Discard w/ radiologist**R / L hand wrist forearm elbow humerus shoulder**

normal / NAD

no fracture

nml alignment

no foreign body

DJD

dislocation

soft-tissue swelling

positive anterior fat-pad sign

positive posterior fat-pad sign

foreign body

fracture non-displaced displaced

transverse oblique comminuted angulated

impacted torus

Other study:

☐ See separate report**PROGRESS**

Time

unchanged

improved

re-examined

initial fracture care provided: follow-up on

Rx given

referred to / discussed with Dr.

will see patient in:

ED / hospital / office in

days

Fall

Alleged Assault

Contusion

Hematoma

Sprain / Strain

Dislocation

Laceration

Fracture

R / L

radius

distal / shaft / proximal

ulna

distal / shaft / proximal / ulnar styloid

humerus

distal / shaft / proximal / supracondylar

Colles fracture

stabilized / restorative

DISPOSITION-

Time

CONDITION-

good

fair

poor

critical

improved

stable

unchanged

transferred

home

admitted

expired

Assessment and plan reviewed with resident / midlevel. Lab and ancillary studies show:

I confirm the diagnosis of:

Care plan reviewed. Patient will need:

Please see resident / midlevel note for details.

Physician Signature

RTI #

turned care over at

Physician Signature

RTI #

assumed care at

Template Complete

Additional T-Sheet

PRINTED BY: SJ30422

DATE: 6/28/2011

Upper Extremity Injury - 06

Page 2 of 2

Underline indicates organ system

\* equivalent or minimum required for organ system

CentegraHealthSystem



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M 41Y 03/19/1970  
06/28/2011  
0000109381

## ADMISSION ASSESSMENT

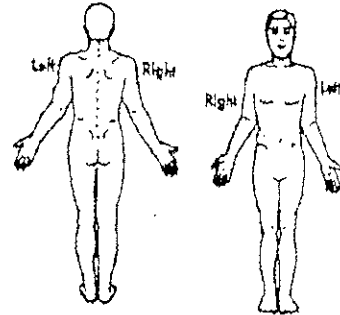
Do you currently have pain? ☒ Yes 9-10 (1-10) ☐ No If yes, is it ☐ Chronic ☐ New Onset  
Type of pain: ☐ Burning ☐ Dull Pressure ☐ Cramping ☐ Heavy ☐ Sharp ☐ Achy  
☐ Other: \_\_\_\_\_

Pain Scale used: ☐ Wong Baker ☐ FLACC ☐ Numeric

ALCOHOL INTAKE: ☒ Never ☐ Occasionally ☐ DAILY  
Type: \_\_\_\_\_ Amount: \_\_\_\_\_ Last Drink: \_\_\_\_\_  
STREET/REC DRUGS: ☒ Never ☐ Occasionally ☐ DAILY  
Type: \_\_\_\_\_ Amount: \_\_\_\_\_ Last Used: \_\_\_\_\_  
TOBACCO HISTORY: ☐ Never ☐ Occasionally ☒ DAILY  
Type: 1 PK 10 Amount: \_\_\_\_\_ Date Quit: \_\_\_\_\_

Mark drawing with number

1. Abrasion
2. Amputation
3. Avulsion
4. Bleeding
5. Burn
6. Bruise
7. Deformity
8. Fracture
9. GSW
10. Hematoma
11. Laceration
12. Pain
13. Stab wound
14. Foreign body
15. Pressure ulcer
16. Leg ulcer



Neurological ☐ NA  
LOC ☐ Yes ☐ No  
☒ Conscious ☐ Unconscious  
☒ Alert ☒ Oriented X 3  
☐ Crying ☐ Lethargic ☐ MAE  
☐ Slurred speech  
☐ Irritable  
☐ Combative  
Pupils ☐ NA ☒ PERL R L  
Reactive ☐ ☐  
Sluggish ☐ ☐  
Fixed ☐ ☐  
Nonreactive ☐ ☐  
Pupil size  
AVPU ☐ A ☐ V ☐ P ☐ U  
GCS \_\_\_\_\_

Cardiac/Circulatory: ☐ NA  
☒ Pink ☐ Warm ☐ Dry ☐ Cool  
☐ Hot ☐ Flushed ☐ Diaphoretic  
☐ Dusky ☐ Ashen ☐ Jaundice  
☐ Pale ☐ Clammy ☐ Cyanotic  
RADIAL PULSES R L  
Present ☒ ☒  
Absent ☐ ☐  
PEDAL Present: ☒  
Absent ☐  
Cap Refill ☒ <2 Sec ☐ >2 Sec  
Ankle edema ☐ Yes ☒ No  
Monitor: \_\_\_\_\_

Lung Sounds ☐ NA R L  
Clear ☒ ☒  
Rales ☐ ☐  
Wheezing ☐ ☐  
Rhonchi ☐ ☐  
Diminished ☐ ☐  
Absent ☐ ☐

EENT: ☐ NA ☒ Denies  
VISUAL ACUITY ☐ NA  
L: \_\_\_\_\_ R: \_\_\_\_\_  
☐ Correction ☐ No Correction

Ear Drainage: ☐ Yes ☐ No  
Describe: \_\_\_\_\_  
Epistaxis: ☐ NA R L  
Controlled ☐ ☐  
Uncontrolled ☐ ☐  
THROAT:  
☐ Diff. swallowing  
☐ Diff. speaking  
☐ Drooling

GI/Abdominal: ☐ NA ☐ Denies  
☒ Soft ☐ Distended ☐ Firm  
☒ Nontender ☐ Tender  
Bowel sounds: ☐ Present ☐ Absent  
☐ Hypoactive ☐ Hyperactive  
Last BM: \_\_\_\_\_  
☐ Diarrhea x \_\_\_\_\_ Denies  
☐ Vomiting x \_\_\_\_\_ Denies  
☐ Nausea ☐ Yes ☒ No  
Last oral intake: \_\_\_\_\_  
Comments: \_\_\_\_\_

Genito-Urinary: ☐ NA ☒ Denies  
URINARY ☐ NA  
☐ Frequency ☐ Pain  
☐ Hematuria ☐ Incontinent  
☐ Unable to void ☐ CUD  
VAGINAL/PENILE ☐ NA  
☐ Discharge ☐ Bleeding  
Character: \_\_\_\_\_  
Amount: \_\_\_\_\_

## FALL RISK ASSESSMENT

☐ Medically unsafe to be independently mobile  
☐ Unaware or forgetful of physical limitations  
☐ Recent history of falls

Respiratory ☒ NA  
☐ Distress ☐ None ☐ Mild  
☐ Moderate ☐ Severe  
☐ Stridor ☐ Nasal Flaring  
☐ Retractions  
☐ Productive cough: \_\_\_\_\_  
☐ Unproductive cough

ANY POSITIVE ANSWER INDICATES ENHANCED FALL RISK ☐ No risks noted

1455 Pt accompanied to ED by co-worker for 1/2 laceration by chainsaw to (R) forearm. Pt out to X-ray (1505) Pt awake, in ER# (8) Dr Ford all wounds (1522) Pt medicated as ordered (1522) Wound irrigated and cleaned. Dr Ford for suturing (1713) DC instructions to pt. All questions addressed. Pt verbalized understanding.

Associate Signature/Initials: WSP

Associate Signature/Initials: \_\_\_\_\_

EMERGENCY ADMISSION ASSESSMENT  
PRINTED BY: SP5DA32  
DATE 12/08/2011



B1117900323  
DULBERG, PAUL R  
M 41Y 03/19/1970  
06/28/2011  
0000109381

Time	Blood pressure	Pulse	Resp	Temp	SpO2	O2	GCS E/VIM	Monitor	Intake	Output
							/ /			
							/ /			
							/ /			
							/ /			
							/ /			
							/ /			
Orthostatic Lying:		Sitting:		Standing:			/ /			

Treatments/Procedures:

Examinations/Procedures:

☐ O<sub>2</sub> Therapy: \_\_\_\_\_ ☐ Intubated \_\_\_\_\_ ☐ Respiratory treatment: \_\_\_\_\_ Neb Tx: \_\_\_\_\_ ☐ Cont Pulse Ox \_\_\_\_\_

☐ Chest tube: \_\_\_\_\_ ☐ Time Out: \_\_\_\_\_ ☐ Eye Irrigation: \_\_\_\_\_ ☐ Ear Irrigation: \_\_\_\_\_

☐ NG tube # \_\_\_\_\_ @ \_\_\_\_\_ Character: \_\_\_\_\_ ☐ Gastric lavage: \_\_\_\_\_

☐ Lumbar puncture: \_\_\_\_\_ ☐ Time Out: \_\_\_\_\_

☐ Pelvic exam: \_\_\_\_\_ ☐ Straight Cath/CUD @ \_\_\_\_\_

Blood Glucose value: \_\_\_\_\_ Time: \_\_\_\_\_ By: \_\_\_\_\_

Normal Values Age 60 or more (80-99 mg/dl), 13-60 yr. (75-99), 1 mo.-13 yr. (60-99) Critical Value less than 40 or more than 400

Normal Value: Age newborn to 1d (40-60 mg/dl) 1d-1 Mo. (50-99) Critical Value less than 40 or more than 200

<input checked="" type="checkbox"/> Wound Care: <u>1 Liter NS</u>		<input type="checkbox"/> Dressing: _____	<input type="checkbox"/> Ortho Care: _____	<input type="checkbox"/> Crutches
<input type="checkbox"/> Irrigation: _____	<input type="checkbox"/> Antibiotic	<input type="checkbox"/> Ice Time: _____	<input type="checkbox"/> Cast	<input type="checkbox"/> Patient's own crutches
<input type="checkbox"/> Soak: _____	<input type="checkbox"/> Adaptic	<input type="checkbox"/> Elevate Time: _____	<input type="checkbox"/> Sling	<input type="checkbox"/> Crutch walking instr/ret demo
<input checked="" type="checkbox"/> Antiseptic Wash	<input type="checkbox"/> 4X4	<input type="checkbox"/> Splint: _____	<input type="checkbox"/> Tubi Grip	<input type="checkbox"/> Velcro Splint: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Kling	<input type="checkbox"/> Knee Immobilizer: _____		<input type="checkbox"/> Posterior mold: _____
	<input type="checkbox"/> Tube gauze	<input type="checkbox"/> Shoulder Immobilizer		<input type="checkbox"/> Location: _____
	<input type="checkbox"/> Steristrip	<input type="checkbox"/> Ace Wrap		<input type="checkbox"/> Width: _____
Isolation Type: _____	<input type="checkbox"/> Burn dressing	<input type="checkbox"/> SMV's after immobilization		<input type="checkbox"/> Length: _____

LEFT WITH ☐ Self ☐ Family ☒ Friend ☐ Police  
☒ Discharge Instructions given-expresses understanding  
☒ Discharge Pain Level: 4 (0-10) GCS: 15 RTS: 1  
 Discharge by: W. B. [Signature]

### Discharge Summary

RN. V

Tech:

☐ Inpatient   ☐ Observation   ☐ Surgical  
☐ Mode: \_\_\_\_\_ Time: \_\_\_\_\_ Accompanied by: \_\_\_\_\_  
☐ ER hold from \_\_\_\_\_ to \_\_\_\_\_  
☐ To unit/room # \_\_\_\_\_  
☐ No old chart   ☐ Old chart in ED   ☐ Chart to floor  
☐ Discharge Pain Level: \_\_\_\_\_ (0-10)  
       GCS: \_\_\_\_\_       RTS: \_\_\_\_\_

Skin Integrity Intact ☒ Yes ☐ No (see documentation)

EMERGENCY ADMISSION ASSESSMENT  
PRINTED BY: SJS04022  
DATE: 12/08/2011



B1117900323  
DULBERG, PAUL R  
M 41Y 03/19/1970  
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ADMISSION ASSESSMENT

Lab	MD/DO Order Time MD/DO Initials	Lab	MD/DO Order Time MD/DO Initials	Lab	MD/DO Order Time MD/DO Initials	Medical Imaging	MD/DO Order Time MD/DO Initials
<input type="checkbox"/> ABC		<input type="checkbox"/> PTT		<input type="checkbox"/> wound culture		<input type="checkbox"/> T Spine	
<input type="checkbox"/> Amylase		<input type="checkbox"/> RSV		<input type="checkbox"/>		<input type="checkbox"/> LS Spine	
<input type="checkbox"/> Blood Culture		<input type="checkbox"/> Salicylate				<input type="checkbox"/> Ultrasound	
<input type="checkbox"/> BMP		<input type="checkbox"/> Sputum culture				<input type="checkbox"/> CT Scan-Brain	
<input type="checkbox"/> BNP		<input type="checkbox"/> Strep				<input type="checkbox"/> CT Scan-C Spine	
<input type="checkbox"/> CBC w/diff		<input type="checkbox"/> Trichomonas		<b>Other/Miscellaneous</b>		<input type="checkbox"/> CT Scan-Chest	
<input type="checkbox"/> CMPL		<input type="checkbox"/> Troponin <input type="checkbox"/> POC		<input type="checkbox"/> O <sub>2</sub>		<input type="checkbox"/> CT Scan-Chest PE	
<input type="checkbox"/> D. Dimer		<input type="checkbox"/> Tylenol		<input type="checkbox"/> EKG Time Acquired		<input type="checkbox"/> CT Scan-Abd/Pelvis	
<input type="checkbox"/> Digoxin Level		<input type="checkbox"/> Type & screen		Time Read		<input type="checkbox"/> MRI	
<input type="checkbox"/> ETOH		<input type="checkbox"/> Type & cross		<input type="checkbox"/> EKG Time Acquired		<input type="checkbox"/> FAST Scan	
<input type="checkbox"/> GC/Chlamydia		<input type="checkbox"/> of units		Time Read		<input type="checkbox"/> ED Preg Ltd US	
<input type="checkbox"/> Hepatic Panel		<input type="checkbox"/> UA		<b>Medical Imaging</b>		<input type="checkbox"/> ED Preg follow up US	
<input type="checkbox"/> HCG Qualitative		<input type="checkbox"/> UA/Reflex culture		<input type="checkbox"/> Chest PA/Lat		<input type="checkbox"/> ED Pelvis Ltd US	
<input type="checkbox"/> HCG Quantitative		<input type="checkbox"/> Urine Culture		<input type="checkbox"/> Chest Port		<input type="checkbox"/> ED Abd Aorta US	
<input type="checkbox"/> Influenza Screen		<input type="checkbox"/> Urine Drug Screen		<input type="checkbox"/> C-Spine		<input type="checkbox"/> ED Doppler pelvis	
<input type="checkbox"/> Lipase		<input type="checkbox"/> Urine HCG		<input type="checkbox"/> X-Table		<input type="checkbox"/> ED Venous Duplex Ext	
<input type="checkbox"/> MRSA		<input type="checkbox"/> Pos <input type="checkbox"/> Neg <input type="checkbox"/> POC		<input type="checkbox"/> Pelvis		<input type="checkbox"/> ED Trauma trans echo	
<input type="checkbox"/> PT		<input type="checkbox"/> Urine Dip <input type="checkbox"/> POC				<input type="checkbox"/> ED Trauma abd ltd	
		<input type="checkbox"/> Wet prep					

MD/DO Order Time & Initials	ORB	Start Time	Stop Time	IV Solution & Amount	Warm Y/N	Additives	Site	Cath Size	Rate	Amt Infused	Initials

Pt Height: 5'09" Pt Weight: 116.5 Allergies: NKDA

MD/DO Order Time & Initials	ORB	Time Given	Stop Time	Pain Scale	Medication/Order	Dosage	Route	Site	Initials	Time	Effects	Pain Scale	Initials
<u>MD/DO</u>		<u>15:00</u>		<u>10</u>	<u>NORCO</u>	<u>10mg</u>	<u>PO</u>						
<u>MD/DO</u>		<u>15:00</u>			<u>Acetaminophen</u>	<u>650mg</u>	<u>PO</u>						
					<u>Buprenorphine</u>	<u>0.2mg</u>	<u>PO</u>						

☐ Td 0.5mL ☐ Tdap 0.5mL ☐ TT 0.5mL Time: \_\_\_\_\_ Site: \_\_\_\_\_ RN: \_\_\_\_\_ Lot# \_\_\_\_\_ Exp \_\_\_\_\_ Mfr \_\_\_\_\_ ☐ ViS Given  
☐ Nursing Assessment and Medication Reconciliation Reviewed  
☐ Vitals Reviewed \_\_\_\_\_

Tech: \_\_\_\_\_ Initials: \_\_\_\_\_ Tech: \_\_\_\_\_ Initials: \_\_\_\_\_  
RN: \_\_\_\_\_ Initials: \_\_\_\_\_ Physician: \_\_\_\_\_ Initials: \_\_\_\_\_  
RN: \_\_\_\_\_ Initials: \_\_\_\_\_ Physician: \_\_\_\_\_ Initials: \_\_\_\_\_

NAME

Dulberg, Paul

ADDRESS

8-10-11

here for NCV's → normal.

DATE

this is branch nerve injury

main median & ulnar nerves are ok.  
Slightly will improve somewhat  
of next several months

To see hand surgeon as well

1/1

1-30-12 here because his therapist asked that  
he be re-evaluated. still getting numbness  
& tingling & burning on <sup>inner</sup> side of arm & hand  
when side of arm & hand  
if he bends his little finger as it  
aggravates the pain & sets it off all day.

He is feeling for disability for disc disease  
& wanted to make sure this isn't  
related to that

Exam: ↓ strength <sup>in</sup> ~~extra~~ (R) 4th digit abductor

normal ad duction

c flexion of 5th digit ↑ pain in arm  
scar is raised? bump on end.

Imp well ✓ MRI forearm to R/O neuroma  
R/O disruption of tendon or nerve  
Full p MRI. 15 min spent o pk

1/1

DATE: 7-28-2011

## ASSOCIATED NEUROLOGY, S.C.

NAME Dulberg, Paul

MENTAL STATUS

☒ M ☒ F☒ R ☒ L HANDED☐ R

## CRANIAL NERVES

☐ L☐ SMELL☐ VISION☐ ACUITY☐ FIELDS☐ FUNDUS

OPTIC DISC

VESSELS

FOVEA

☐ LIDS☐ OCULAR MOVEMENT☐ CONVERGENCE☐ NYSTAGMUS☐ PUPILS☐ SIZE / SHAPE☐ LIGHT☐ CONSENSUAL☐ AFFERENT PUPIL☐ CORNEAL REFLEX☐ FACIAL SENSATION☐ PIN☐ LIGHT TOUCH☐ MUSC. OF MASTIC.☐ FACIAL MUSCLES☐ UPPER☐ LOWER☐ TASTE☐ AUDITORY ACUITY☐ SOFT PALATE☐ GAG☐ STERNOMASTOID☐ TRAPEZIUS☐ TONGUE☐ R

## COORDINATION

☐ L☐ FNF☐ HKS

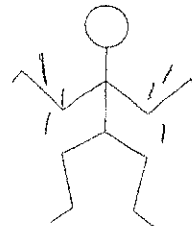
## RAPID ALTERNATING MOVEMENTS

☐ TONGUE☐ HANDS☐ FINGERS☐ FOOT

## EXPLANATORY NOTES

☐ R

## REFLEXES

☐ L☐ HOFFMAN☐ TROMNER☐ PM☐ GRASP☐ SUCK☐ SNOUT☐ GLABELLAR☐ JAW☐ R

## GAIT

☐ L☐ SPONTANEOUS☐ ON TOES☐ ON HEELS☐ ARM SWING☐ BASE☐ TANDEM☐ POSTURE☐ STABILITY☐ ROMBERG☐ TANDEM ROMBERG

## GENERAL

☐ CAROTID PULSE☐ CAROTID BRUIT☐ PERIPHERAL PULSE☐ TINEL☐ PHALEN☐ NECK ROM☐ ROM AT WAIST☐ STRAIGHT LEG RAISING☐ PARASPINAL TENDERNESS☐ CARDIAC MURMUR☐ KERNIG☐ BRUDZINSKI☐ L'HERMITTES

Sitting

SUPINE

STANDING

BP

HR

104/68

72

16

## HEALTH QUESTIONNAIRE

ASSOCIATED NEUROLOGY, S.C.

Patient's Name:

Seulberg, Paul

Date:

7/28/11

Handedness:

☒ Right ☐ Left

## REASON FOR VISIT

Chinaw to Right Forearm

AGE:

41

## MEDICAL HISTORY

If you have had any of the following symptoms or diseases, please check (✓) and indicate at what age.

- |  |  |  |  |  |
|--|--|--|--|--|
| <input type="checkbox"/> Headaches   | <input type="checkbox"/> Frequent Nosebleeds                                       | <input type="checkbox"/> Bowel Polyps  | <input type="checkbox"/> Crohn's/Colitis   | <input type="checkbox"/> Tuberculosis  |
| <input type="checkbox"/> Dizzy or <input type="checkbox"/> Fainting Spells         | <input type="checkbox"/> Sinus Pain <input type="checkbox"/> Sore Throat           | Stools: <input type="checkbox"/> Bloody <input type="checkbox"/> Black <input type="checkbox"/> Pale | <input type="checkbox"/> Herpes <input type="checkbox"/> AIDS (HIV)                                  | <input type="checkbox"/> Contact w/Blood or Body Fluids  |
| <input type="checkbox"/> Decreased Hearing   | <input type="checkbox"/> Teeth/Gum Pain/Bleeding                                   | <input type="checkbox"/> Hemorrhoids <input type="checkbox"/> Hemia                                  | <input type="checkbox"/> Blood Transfusions  | <input type="checkbox"/> Sexual Problems   |
| <input type="checkbox"/> Ringing in Ear  | <input type="checkbox"/> Chronic Cough   | <input type="checkbox"/> Urine Infections (frequent)   | <input type="checkbox"/> Males: <input type="checkbox"/> Prostate <input type="checkbox"/> PSA Test  | <b>Females: Please complete rest.</b>  |
| <input type="checkbox"/> Falling Vision <input type="checkbox"/> Eye Pain          | <input type="checkbox"/> Hay Fever/Allergies                                       | Urination: <input type="checkbox"/> Overnight > twice  | <input type="checkbox"/> Painful <input type="checkbox"/> Bloody <input type="checkbox"/> No Control | <b>Menstrual Flow:</b>   |
| <input type="checkbox"/> Double or <input type="checkbox"/> Blurred Vision         | <input type="checkbox"/> Pneumonia/Pleurisy  | <input type="checkbox"/> D <input type="checkbox"/> e in Force/Flow                                  | <input type="checkbox"/> Kidney Issues   | Age Started _____  |
| <input type="checkbox"/> Hoarseness  | <input type="checkbox"/> Bronchitis/Emphysema                                      | <input type="checkbox"/> Venereal Disease/Genital Warts  | <input type="checkbox"/> Urethral Discharge  | <input type="checkbox"/> Reg. <input type="checkbox"/> Irreg. <input type="checkbox"/> Pain/Cramps |
| <input type="checkbox"/> Difficulty Swallowing                                     | <input type="checkbox"/> Asthma/Wheezing   | <input type="checkbox"/> Anemia <input type="checkbox"/> Bruise Easily                               | <input type="checkbox"/> Cancer (Type) _____   | Days of Flow _____   |
| <input type="checkbox"/> Convulsions/Seizures                                      | <input type="checkbox"/> Shortness of Breath:                                      | <input type="checkbox"/> Diabetes <input type="checkbox"/> Excessive Thirst                          | <input type="checkbox"/> Thyroid Disease   | Length of Cycle _____ Days   |
| <input type="checkbox"/> Stroke <input type="checkbox"/> Head Injury               | <input type="checkbox"/> On Exertion <input type="checkbox"/> Lying Flat           | <input type="checkbox"/> Arthritis/Rheumatism  | <input type="checkbox"/> Bone Fracture/Joint Injury  | 1st Date of Last Period _____  |
| <input type="checkbox"/> Tremor/Hands Shaking                                      | <input type="checkbox"/> Chest Pain or Tightness                                   | <input type="checkbox"/> Gout <input type="checkbox"/> Osteoporosis                                  | <input type="checkbox"/> Rashes <input type="checkbox"/> Hives                                       | Number of: _____   |
| <input checked="" type="checkbox"/> Muscle Weakness                                | <input type="checkbox"/> High Blood Pressure                                       | <input type="checkbox"/> Nervousness <input type="checkbox"/> Depression                             | <input type="checkbox"/> Moodiness <input type="checkbox"/> Excessive Stress                         | _____ Pregnancies _____ Abortions  |
| <input checked="" type="checkbox"/> Numbness/Tingling Sensations                   | <input type="checkbox"/> Heart Murmur  | <input type="checkbox"/> Mental Illness  | <input type="checkbox"/> Chicken Pox <input type="checkbox"/> Polio <input type="checkbox"/> Mumps   | _____ Miscarriages _____ Live Births   |
| <input type="checkbox"/> Back Pain   | <input type="checkbox"/> Irregular Pulse <input type="checkbox"/> Palpitations     | <input type="checkbox"/> Lyme Disease  | <input type="checkbox"/> Measles <input type="checkbox"/> German Measles                             | <input type="checkbox"/> Pain/Bleeding During Sex  |
| <input type="checkbox"/> Foot Pain <input type="checkbox"/> Cold Numb Feet         | <input type="checkbox"/> High Cholesterol/Fat                                      | <input type="checkbox"/> Rheumatic Fever <input type="checkbox"/> Scarlet Fever                      | <input type="checkbox"/> Birth Control Method _____  | If B.C. Pili, Name _____   |
| <input type="checkbox"/> Difficulty Sleeping                                       | <input type="checkbox"/> Swollen Ankles <input type="checkbox"/> Blood Clots       |  | <input type="checkbox"/> Infertility History   | <input type="checkbox"/> Flushing/Menopause  |
| <input type="checkbox"/> Memory Loss <input type="checkbox"/> Phobias              | <input type="checkbox"/> Calf Pain When Walking                                    |  | Date of Last PAP Test _____  | <input type="checkbox"/> Normal <input type="checkbox"/> Abnormal                                  |
| <input type="checkbox"/> Difficulty Walking  | <input type="checkbox"/> Varicose Veins/Phlebitis                                  |  | Date of Last Mammogram _____   | <input type="checkbox"/> Normal <input type="checkbox"/> Abnormal                                  |
| <input type="checkbox"/> Difficulty Speaking                                       | <input type="checkbox"/> Loss of Appetite (recent)                                 |  |  |  |
| <input type="checkbox"/> Imbalance   | <input type="checkbox"/> Indigestion/Heartburn                                     |  |  |  |
| <input checked="" type="checkbox"/> Neck Pain <input type="checkbox"/> Facial Pain | <input type="checkbox"/> Persistent Nausea/Vomiting                                |  |  |  |
| <input type="checkbox"/> Meningitis/Encephalitis                                   | <input type="checkbox"/> Peptic Ulcer/Abdominal Pain                               |  |  |  |
| <input type="checkbox"/> Weight Loss or <input type="checkbox"/> Gain              | <input type="checkbox"/> Gall Bladder Trouble                                      |  |  |  |
| <input type="checkbox"/> Unusual Fatigue/Loss of Energy                            | <input type="checkbox"/> Jaundice/Hepatitis  |  |  |  |
| <input type="checkbox"/> Frequent Ear Infections                                   | <input type="checkbox"/> Change in Bowel Habits                                    |  |  |  |
| <input type="checkbox"/> Glaucoma <input type="checkbox"/> Cataracts               | <input checked="" type="checkbox"/> Diarrhea <input type="checkbox"/> Constipation |  |  |  |

## HOSPITAL ADMISSIONS

Indicate the year of hospitalization and the reason. Do not include normal pregnancies.

YEAR	ILLNESS OR OPERATION	YEAR	ILLNESS OR OPERATION	YEAR	ILLNESS OR OPERATION
	Left Arm ALTER NERVE TRANS				

## MEDICATIONS

List all that you take include those you buy without a prescription.

Naproxin

## DRUG ALLERGIES

None

## FAMILY HISTORY

If any blood relative has suffered any of the following, please check below and indicate which relative.

- |   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Epilepsy (Seizures)      | <input type="checkbox"/> Glaucoma       | <input type="checkbox"/> Anemia            | <input type="checkbox"/> High Blood Pressure |
| <input type="checkbox"/> Migraine Headaches       | <input type="checkbox"/> Diabetes       | <input type="checkbox"/> Bleeds Easily     | <input type="checkbox"/> High Cholesterol    |
| <input type="checkbox"/> Stroke                   | <input type="checkbox"/> Thyroid Goiter | <input type="checkbox"/> Clotting Disorder | <input type="checkbox"/> Alcoholism          |
| <input type="checkbox"/> Other Neurologic Disease | <input type="checkbox"/> Hay Fever      | <input type="checkbox"/> Arthritis         | <input type="checkbox"/> Genetic Disease     |
| <input type="checkbox"/> Mental Illness           | <input type="checkbox"/> Asthma         | <input type="checkbox"/> Heart Disease     | <input type="checkbox"/> Cancer (Type) _____ |

## HABITS

Cigarettes: 1 Packs/Day for 22 YearsAlcohol: 1 Drinks/WeekCoffee: 2 Cups/DayRegular Exercise: ☐ Yes ☒ No

Quit Smoking: \_\_\_\_\_ Years Ago

Street Drugs: NoneTESTS/EXAMS  
(Year of Last One)Cholesterol \_\_\_\_\_  
Rectal \_\_\_\_\_  
T.B. Test \_\_\_\_\_Sugar \_\_\_\_\_  
Chest X-Ray \_\_\_\_\_  
Eye Exam \_\_\_\_\_Other Blood Tests \_\_\_\_\_  
Cardiogram \_\_\_\_\_  
Dental Exam \_\_\_\_\_

Have you had any of these tests done? If so, please check and indicate year.

☐ Angiogram \_\_\_\_\_  
☐ CT Scan of Head \_\_\_\_\_  
☐ CT Scan of Neck \_\_\_\_\_  
☐ CT Scan of Lower Back \_\_\_\_\_☐ MRI Scan of Head \_\_\_\_\_  
☐ MRI Scan of Neck \_\_\_\_\_  
☐ MRI Scan of Lower Back \_\_\_\_\_  
☐ Neck X-Rays \_\_\_\_\_☐ Lumbar Puncture (Spinal Tap) \_\_\_\_\_  
☐ EEG (Brain Wave) \_\_\_\_\_  
☐ EMG \_\_\_\_\_  
☐ Myelogram \_\_\_\_\_



ASSOCIATED NEUROLOGY, S.C.

MITCHELL S. GROBMAN, M.D.  
KAREN F. LEVIN, M.D.

July 28, 2011

Mr. Hans Mast  
3416 W. Elm Street  
McHenry, IL 60050

RE: Paul Dulberg

Dear Mr. Mast,

Mr. Dulberg was previously seen by my associate, Dr. Mitchell Grobman, in 2002 for left ulnar neuropathy, and had surgery and essentially became asymptomatic by 2007 and who had never had difficulty in his right arm. Approximately a month prior to the evaluation, he had been holding a branch for a neighbor when the chainsaw came up and cut his right forearm. He was taken to Northern Illinois Medical Center where they put in inner stitches in the muscle and outer stitches. He originally had very significant pain, but as the pain was getting better, he started noticing that he had numbness in his fifth digit in the inner aspect of his forearm. He had not been dropping things. It was mostly just a tingling and a numb feeling. He denies ever having any right-sided symptoms or right-sided injuries. His examination was significant for a healing scar in the right forearm and for decreased light touch, pinprick, and temperature sensation in the ulnar distribution of the right arm. His strength was normal. Given the distribution, it was felt that this was a branch neuropathy to the sensory nerves. I did have him undergo nerve conductions to make sure that the median and ulnar nerves were all without involvement and they were. I recommended that he see a hand surgeon as well just to be certain that there were no other treatment options for him; however, most likely this was just a sensory branch neuropathy that may improve or may result in permanent numbness in the distribution that he was showing numbness. Mr. Dulberg should followup if any additional symptoms develop or if he wished to try any neuropathic pain treatment if it became painful and not just numb.

Sincerely,

*Karen Levin, MD*  
(mdm)

Karen F. Levin, M.D.

KFL/klm

Patient Name: Paul Dulberg (847) 546-3000

D.O.B.: 3/19/70 SS# \_\_\_\_\_

Phone #: Home: (847) 497-4250 Work: \_\_\_\_\_

Send additional copy of report to: 729-5

Diagnosis: s/p trauma R/O neuroma or nerve or

tendon  
disruption

- ☐ MRI  
☐ Brain  
☐ C-Spine  
☐ T-Spine  
☐ LS-Spine

- ☐ With Contrast  
☐ Without Contrast

☐ anesthesiology administer sedation is medically necessary because of \_\_\_\_\_

- ☐ MRA  
☐ Intracranial  
☐ Extracranial

☒ MRI upper ext. (R) non joint C & S good

☐ Ultrasound \_\_\_\_\_

☐ X-Ray \_\_\_\_\_

☐ CT \_\_\_\_\_

☐ With Contrast ☐ Without Contrast

☐ Echo ☐ TEE ☐ 24 Hour Holter ☐ Tilt Table To be read by Dr. \_\_\_\_\_

☐ EEG may sedate using \_\_\_\_\_ gram(s) chloral hydrate if necessary ☐ Other \_\_\_\_\_

☐ Labs

- |  |                                       |  |
|--|---------------------------------------|--|
| <input type="checkbox"/> carbamazepine           | <input type="checkbox"/> phenytoin    | <input type="checkbox"/> phenobarbital                     |
| <input type="checkbox"/> valproic acid           | <input type="checkbox"/> gabapentin   | <input type="checkbox"/> lupus anticoagulant               |
| <input type="checkbox"/> protein C               | <input type="checkbox"/> protein S    | <input type="checkbox"/> antithrombin III                  |
| <input type="checkbox"/> CBC w/plts              | <input type="checkbox"/> folate       | <input type="checkbox"/> activated protein C resistance    |
| <input type="checkbox"/> thyroid profile         | <input type="checkbox"/> TSH          | <input type="checkbox"/> anticardiolipin antibody          |
| <input type="checkbox"/> hepatic profile         | <input type="checkbox"/> PTT          | <input type="checkbox"/> sedimentation rate                |
| <input type="checkbox"/> basic metabolic profile | <input type="checkbox"/> B12          | <input type="checkbox"/> ANA with reflex testing           |
| <input type="checkbox"/> glycohemoglobin         | <input type="checkbox"/> RPR          | <input type="checkbox"/> comprehensive metabolic profile   |
| <input type="checkbox"/> immunofixation          | <input type="checkbox"/> homocysteine | <input type="checkbox"/> Acetylcholine receptor antibodies |
| <input type="checkbox"/> _____                   | <input type="checkbox"/> _____        | <input type="checkbox"/> _____                             |

☐ Mitchell S. Grobman, M.D. ☒ Karen F. Levin, M.D.

Date

1-30-12

*[Signature]*

**NEUROPHYSIOLOGY REPORT**

Name: Dulberg, Paul

Test No.: 11-0802

Date of Exam: 10 Aug 11

**Motor Nerve Conduction:**

Nerve and Site	Latency	Amplitude	Segment	Latency Difference	Distance	Conduction Velocity
Median.R						
Wrist	3.9 ms	9.1 mV				
Elbow	8.8 ms	6.1 mV	Wrist-Elbow	4.9 ms	255 mm	52 m/s
Ulnar.R						
Wrist	2.9 ms	10.7 mV				
Below elbow	6.2 ms	10.1 mV	Wrist-Below elbow	3.3 ms	180 mm	55 m/s
Above elbow	7.7 ms	9.5 mV	Below elbow-Above elbow	1.5 ms	100 mm	67 m/s

**F-Wave Studies:**

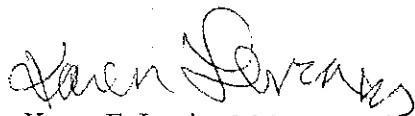
Nerve	M-Latency	F-Latency
Median.R	3.8 ms	30.9 ms
Ulnar.R	2.9 ms	27.3 ms

**Sensory Nerve Conduction:**

Nerve and Site	Onset Latency	Peak Latency	Amplitude	Segment	Latency Difference	Distance	Conduction Velocity
Median.R							
Digit II (index finger)	2.3 ms	2.9 ms	22 $\mu$ V	Wrist-Digit II (index finger)	2.3 ms	130 mm	57 m/s
Ulnar.R							
Digit V (little finger)	2.0 ms	2.6 ms	28 $\mu$ V	Wrist-Digit V (little finger)	2.0 ms	110 mm	55 m/s

**Interpretation:** NCV: Motor: Right median and ulnar motor responses are within normal limits. F-wave: Right median and ulnar f-waves are within normal limits. Sensory: Right median and ulnar responses are within normal limits.

**Conclusions:** No electrophysiologic evidence of diffuse neuropathy.

  
Karen F. Levin, M.D.



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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178


DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**PLAINTIFF'S RULE 237(b) NOTICE TO PRODUCE AT TRIAL AND/OR  
ARBITRATION TO DEFENDANTS, BILL McGUIRE AND CAROLINE McGUIRE**

NOW COMES the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW  
OFFICES OF THOMAS J. POPOVICH, P.C., and pursuant to Supreme Court Rule 237(b), demands  
the production of the following at the commencement of trial and/or arbitration:

1. Defendant, BILL McGUIRE, to be called as an adverse witness under the applicable rules.
2. Defendant, CAROLINE McGUIRE, to be called as an adverse witness under the applicable rules.
3. Any and all documents previously requested pursuant to Supreme Court Rule 214.

  
\_\_\_\_\_  
HANS A. MAST, Attorney for the Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**  
3416 West Elm Street  
McHenry, IL 60050  
815-344-3797  
Attorney No. 6203684

### HIPAA RECORDS RELEASE AUTHORIZATION

I, the undersigned, hereby authorize and allow release of medical and personal health information and records pertaining to Plaintiff, PAUL DULBERG (DOB: March 19, 1970), to the parties, and attorneys for those parties, in the action that has been filed entitled *Paul Dulberg, Plaintiff, v. David Gagnon, individually and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, individually, Defendants*, Case No. 12 LA 178, in the Circuit Court of the 122nd Judicial Circuit, McHenry County, Illinois ("the litigation").

I understand that the information that can be obtained by presentation of this Authorization includes copies of any and all hospital, clinic or doctor's records, notes, memoranda, pathology, radiology, surgical or other specialists or consultant reports, lab or test results, physical therapy records, inpatient and outpatient records, index cards, patient information or history sheets, prescription information, correspondence, billing and payment records, insurance information, photographs and all other related information and documents concerning this patient.

This Authorization may be used by my attorney to obtain any of the above information. This Authorization may also be used by any party to this litigation, to obtain any of the above information; however, this Authorization can only be used by other parties if accompanied by a valid subpoena or production request for those records with notice of that subpoena or production request to my attorney.

I understand that this Authorization may be used to obtain records of any health care provider or health insurer that may have medical information about me.

I understand that this Authorization is being provided for purposes of the litigation. The records and information obtained by use of this Authorization may be used in that litigation by the parties, including providing this material to experts or consultants, use of it at depositions and other discovery, as well as filing such records in court with pleadings or discovery documents.

This Authorization, unless otherwise revoked, shall be valid during the course of this litigation and until its resolution.

I understand that I may revoke this Authorization by instructing my attorney to advise all parties in writing that this Authorization is revoked.

By accepting and honoring this Authorization, any entity covered by the Health Insurance Portability and Accounting Act (hereinafter referred to as "HIPAA") agrees that the disclosure of the information will have no effect on my ability or inability to receive treatment, payment, enrollment or benefits from the entity providing the records.

I understand that by signing this Authorization otherwise protected health information about me may be disclosed by the parties that receive it and that those parties are not restricted by HIPAA or its regulation as to how they may disclose the information that is provided pursuant to this Authorization.

I understand that a photocopy of this Authorization shall have the same force and effect as the original.

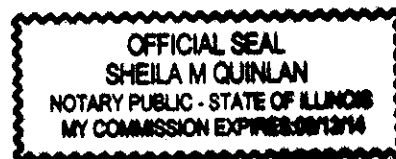
It is my earnest desire to move forward with the prosecution of the lawsuit as expeditiously as possible and I do not want to have to sign multiple authorizations as additional medical providers to myself are identified. Therefore, I specifically request that all of my medical providers honor this authorization, even though they are not specifically identified herein.

Paul Dulberg  
PAUL DULBERG, Plaintiff

Dated this 20<sup>th</sup> day of August, 2012.

Subscribed and sworn to before me this 20<sup>th</sup> day of August, 2012.

Sheila M. Quinlan  
Notary Public



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

PAUL DULBERG,

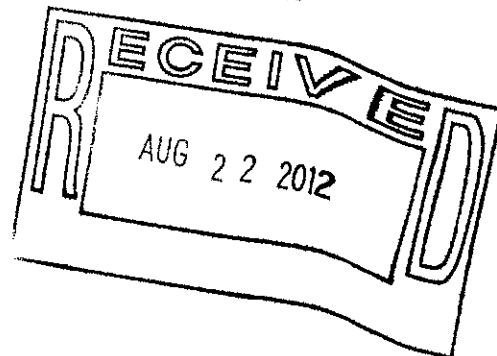
Plaintiff,

DAVID AGNON, Individually, and as  
Agent CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

No. 12 LA 178

**COPY**



**PROOF OF SERVICE**


undersigned, being first duly sworn on oath, deposes and states that on the 21<sup>st</sup> day of August 2012, the following described documents were served by mailing true and correct copies in an envelope, addressed as is shown below, that said envelope was sealed, that sufficient postage for first-class mail was placed thereon, and the same was deposited in the U.S. Mail at Rockford, Illinois, at or about the hour of 5:00 p.m.

**DOCUMENT DESCRIPTION:**

**PLAINTIFF'S ANSWERS TO DEFENDANTS'  
SUPPLEMENTAL INTERROGATORIES**

**ADDRESS:**

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

  
\_\_\_\_\_  
HANS A. MAST, Attorney for Plaintiff

LAW OFFICE OF  
3416 West  
McHenry  
815-344-3  
Attorney

THOMAS J. POPOVICH

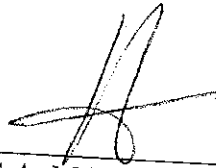
ANSWER: No

5. Do you have any documentation in your possession and/or control regarding Medicare's right to recover payments made to you or on your behalf in connection with the injuries you are claiming in connection with the above-captioned lawsuit, including but not limited to Medicare conditional payment letters, lien notices from Medicare and/or lien notices from a MSPRC.

ANSWER: No

6. State all healthcare benefits you have received or will eligible to receive as a result of injuries you attribute to the occurrence alleged in your Complaint.

ANSWER: None



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HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH**

3416 West Elm Street

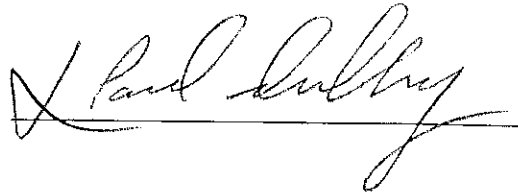
McHenry, IL 60050

815-344-3797

Attorney Registration No. 06203684

**Verification by Certification**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

A handwritten signature in cursive script, appearing to read "Paul D. Kelly", is written over a horizontal line.

DATE: \_\_\_\_\_

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**PLAINTIFF'S REQUEST FOR PRODUCTION TO  
DEFENDANTS, BILL McGUIRE AND CAROLINE McGUIRE**

NOW COMES the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW  
OFFICES OF THOMAS J. POPOVICH, P.C., pursuant to Illinois Supreme Court Rule 201(b) and  
214, and requests the production of the following documents within 28 days of service:

Definition: The word "document" as used in the following requests shall be defined as defined in  
Supreme Court Rule 201 (b)(1).

1. All statements (oral, written, or transcribed, signed or unsigned) by parties to this action given to some person or entity other than their attorney or insurer.
2. All statements (oral, written, or transcribed, signed or unsigned) from any person who:
  - a) Witnessed or claims to have witnessed the occurrence specified in the Plaintiff's Complaint;
  - b) Was present at the scene of the occurrence;
  - c) Has or claims to have knowledge of any of the facts of the occurrence specified in the Plaintiff's Complaint;
  - d) Has or claims to have knowledge of the condition of the Plaintiff; or
  - e) Has or claims to have knowledge of the location specified in the Plaintiff's Complaint.

3. All photographs, slides, motion pictures, videotapes, or other photographic reproductions taken subsequent to the alleged occurrence of the Plaintiff, any physical objects involved in the occurrence, the scene of the occurrence, and/or the occurrence itself.
4. All documents pertaining to the physical or mental condition of the Plaintiff prior and subsequent to the alleged occurrence including injuries sustained in other accidents.
5. Complete, unedited, and unabridged copies of any and all medical reports and documents pertaining to the Plaintiff, and purporting to diagnose, analyze and/or otherwise evaluate any and all injuries allegedly sustained by the Plaintiff in the occurrence specified in the Plaintiff's Complaint.
6. Complete unedited, and unabridged copies of any and all police, accident or incident documents and reports, including any supplementary or reconstruction reports prepared in conjunction with the occurrence set forth in the Plaintiff's Complaint.
7. All documents, articles, papers and textbooks you intend to use during the trial of this cause.
8. All rules, regulations, bylaws, guidelines of any public authority, inspecting or reviewing authority or other private body, which you intend to use during the trial of this cause.
9. All reports or documents which may contain the opinions, theories, conclusions, or estimates regarding the condition of the Plaintiff existing both prior to and subsequent to the incident in question or the matters in question.
10. All reports or documents which may contain the opinions, theories, conclusions, or estimates regarding the occurrence in question.
11. A certified copy of all liability insurance policies and declaration pages that covered the Defendant for the acts or omissions, as alleged in the Plaintiff's Complaint including the policies of members of the Defendant's household.
12. Each and every document, record, report, writing memorandum, physical object and the like revealed or referenced in this Defendant's Answers to Supreme Court Rule 213.
13. All maintenance or inspection schedules, records, logs, notes, charts, calenders, or other tangible evidence concerning the maintenance or inspection of the exterior of the premises described in the complaint including dates, locations, employees, and nature of such work.
14. All maintenance or inspection schedules, records, logs, notes, charts, calenders, or other tangible evidence concerning the maintenance or work described in the



complaint on the premises including dates, locations, employees, and nature of such work.

15. All incident reports, investigation or other tangible evidence concerning the accident alleged, witnesses etc.
16. Preserve and maintain the chain saw and any other instrumentalities of the accident or scene.
17. Any written invoices, payments or writings concerning hiring, retaining for use of David Gagnon for work at the premises.

Defendant is requested to preserve and protect the stairs at the premises described in the complaint from alteration, modification or destruction until further order of the court.

If any of the documents requested are in existence, but not in the possession, custody or control of a party, please indicate the names and addresses of the persons or firms in whose possession custody or control they presently reside.

If any document(s) requested are no longer in existence, please state whether such document: (a) is missing or lost, (b) has been destroyed, (c) has been transferred voluntarily or involuntarily to others, or (d) has been otherwise disposed of, and in each instance explain the circumstances surrounding the reason for and manner of such disposition and state the date or approximate date thereof.

If any document called for in this request has been destroyed intentionally at any time during the past ten years, such document should be identified and the reasons and date of its destruction noted.

Pursuant to Supreme Court Rule 201(n), if any documents called for in this request are not produced because of claim of common law or statutory privilege, please state the exact privilege being claimed together with the nature of the withheld information.

It is further requested that the parties in compliance with this request for production shall furnish an affidavit stating whether the production is complete in accordance with this request.

  
\_\_\_\_\_  
HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH**

3416 West Elm Street

McHenry, IL 60050

815-344-3797 Attorney No. 6203684

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**PLAINTIFF'S RULE 237(b) NOTICE TO PRODUCE AT TRIAL AND/OR  
ARBITRATION TO DEFENDANTS, BILL McGUIRE AND CAROLINE McGUIRE**

NOW COMES the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW  
OFFICES OF THOMAS J. POPOVICH, P.C., and pursuant to Supreme Court Rule 237(b), demands  
the production of the following at the commencement of trial and/or arbitration:

1. Defendant, BILL McGUIRE, to be called as an adverse witness under the applicable  
rules.
2. Defendant, CAROLINE McGUIRE, to be called as an adverse witness under the  
applicable rules.
3. Any and all documents previously requested pursuant to Supreme Court Rule 214.

  
\_\_\_\_\_  
HANS A. MAST, Attorney for the Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**

3416 West Elm Street

McHenry, IL 60050

815-344-3797

Attorney No. 6203684

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**PLAINTIFF'S INTERROGATORIES TO  
DEFENDANTS, BILL McGUIRE AND CAROLINE McGUIRE**

NOW COMES the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW OFFICES OF THOMAS J. POPOVICH, P.C., and pursuant to Illinois Supreme Court Rule 213, propounds the following interrogatories to Defendants, to be answered under oath, including full information known to you, your agents, and attorneys within 28 days of service:

In construing these Interrogatories:

1. If any discovery request cannot be answered in full after exercising due diligence to secure the information to do so, please so state and answer the request to the extent possible, specify an inability to answer the remainder of any such request and state whatever information or knowledge is presently available to you concerning the unanswered portion of said request.

2. All objections or answers to these Interrogatories that fail or refuse to respond to any Interrogatory on the ground of any claim of privilege or for any other reason shall:

- a. State the nature of the claim or other ground of objection;
- b. State all facts relied upon in support of the claim of privilege or other ground of objection;
- c. Identify all documents related to the claim of privilege or other ground of objection;

- d. Identify all persons having knowledge of any facts related to the claim of privilege or other ground of objection; and
  - e. Identify all events, transactions, or occurrences related to the claim of privilege or other ground of objection.
- 
1. State the full name of the defendant(s) answering, as well as your current residence address, date of birth, marital status, and social security number, and, if different, give the full name, as well as the current residence address, date of birth, marital status, and social security number of the individual(s) signing these Answers.
  2. State the full name and current residence address of each person who witnessed or claims to have witnessed the accident to the Plaintiff on the premises as described in the complaint.
  3. State the full name and current residence address of each person who witnessed or claims to have witnessed the work and/or conditions existing as described in the complaint at the location of the accident on the date of the accident described.
  4. State the name and address of the person(s) or entity that owned the property premises whereat the accident occurred as alleged, as of the date in question.
  5. State the name and address of the person(s) or entity that was involved in the work and/or maintenance of the exterior of the premises as alleged on the date in question.
  6. State the name and address of the person(s) or entity that decided or chose to undertake the work and/or maintenance of the exterior of the premises as alleged on the date in question, including chain saw use and activity.
  7. State the name and address of the person(s) or entity that was to supervise or oversee the work and/or maintenance at the exterior of the premises as alleged on the date in question including chain saw use and activity.
  8. State the full name and current residence address of each person, who was present and/or claims to have been present at the scene immediately before, at the time of, and/or immediately after said occurrence.
  9. State the name and address of each witness that knows or claims to know the circumstances of the alleged accident, how it occurred or how the Plaintiff became injured - as alleged in the complaint.

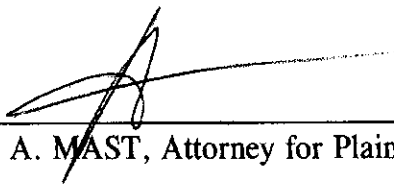
10. With respect to the chain saw that was being operated on the premises at the time of the alleged injury, state as follows:
  - a. Who was operating the chain saw at the time of Plaintiff's alleged injury;
  - b. Who owned the chain saw at the time of Plaintiff's alleged injury;
  - c. Who requested that the chain saw be used to perform work at the time of Plaintiff's injury.
11. With respect to David Gagnon's experience in use of a chain saw prior to the date of the alleged accident, state as follows:
  - a. How many times had David Gagnon operated the same or similar chain saw prior to the date of alleged accident;
  - b. What formal training did David Gagnon received in use or operation of a chain saw prior to the occurrence alleged;
  - c. Who, if any, (names and addresses) trained David Gagnon in use or operation of a chain saw prior to the occurrence;
12. What was the scope of work or task David Gagnon was engaged in with use of the chain saw at or about the time of the alleged accident.
13. Who (names and addresses) requested or chose to engage Gagnon in the "task" of use and operation of the chain saw at or about the time of the alleged accident.
14. What instructions or guidance, if any, was given to Gagnon prior to Plaintiff's alleged injury/accident with regard to how he was to perform the chain saw work at the premises.
15. Were you (Defendant) covered under any policy of insurance at the time of the occurrence. If so, were you named or covered under any policy, or policies, of liability insurance effective on the date of said occurrence, and: State the name of each such company or companies, the policy number or numbers, the effective period(s) occurrence, including umbrella or excess insurance coverage, property damage and medical payment coverage.
16. Do you have any information:
  - (a) That any plaintiff was, within the 5 years immediately prior to said occurrence, confined in a hospital and/or clinic, treated by a physician and/or other health professional, or x-rayed for any reason other than personal injury? If so, state each plaintiff so involved, the name and address of each such hospital and/or clinic, physician, technician and/or other health care professional, the approximate date

of such confinement or service and state the reason for such confinement or service;

- (b) That any plaintiff has suffered any serious personal injury and/or illness prior to the date of said occurrence? If so, state each plaintiff so involved, state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered;
  - (c) That any plaintiff has suffered any serious personal injury and/or illness since the date of said occurrence? If so, state each plaintiff so involved, state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered;
  - (d) That any plaintiff has ever filed any other suit for his or her own personal injuries? if so, state each plaintiff so involved, state the court, and caption in which filed, the year filed, the title and docket number of said case.
17. Were any photographs, movies and/or videotapes taken of the scene of the occurrence or of the persons involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subject thereof, who now has custody of them, the name, address and occupation and employer of the person taking them.
18. Have you (or anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the occurrence complained of occurred, or have you overheard any statements made by any person at any time with regard to the injuries complained of by plaintiff or the manner in which the occurrence complained of occurred? If the answer to this Interrogatory is in the affirmative, state the following:
- (a) The date or dates of such conversations and/or statements;
  - (b) The place of such conversations and/or statements;
  - (c) All persons present for the conversations and/or statements;
  - (d) The matters and things stated by the person in the conversations and/or statements;
  - (e) Whether the conversation was oral, written and/or recorded; and
  - (f) Who has possession of said statement if written and/or recorded.
19. Do you know of any statements made by any person relating to the occurrence complained of by the plaintiff? If so, give the name and address of each such witness, the date of said statement, and state whether such statement was written and/or oral.
20. State the name and address of each person having knowledge of Plaintiff's activities on the premises PRIOR to the accident in question.
21. State the name and address of each person having knowledge of Plaintiff's activities on the premises AFTER the accident in question.

22. Had the Plaintiff ever used or operated a chain saw on the premises or for the Defendant's prior to his alleged accident. If so, state the dates and times such occurred.
23. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial, and state the subject of each witness' testimony, giving the following information:
  - (a) The subject matter on which the opinion witness is expected to testify;
  - (b) The conclusions and/or opinions of the opinion witness and the basis therefore, including reports of said witness, if any;
  - (c) The qualifications of each opinion witness, including a Curriculum Vitae and/or resume, if any; and
  - (d) Identify any written reports of the opinion witness regarding this occurrence.
24. List the names and addresses of all other persons (other than yourself and persons heretofore listed) who have knowledge of the facts of said occurrence and/or of the injuries and damages claimed to have resulted therefrom.
25. Identify any statements, information and/or documents known to you and requested by any of the foregoing Interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each Interrogatory, specify the legal basis for the claim as required by Supreme Court Rule 201(n).
26. State the name and address of each person at the premises (although maybe at different location or not a witness to the incident) described at the time of the occurrence.
27. Was the Plaintiff struck and injured by the chain saw while in operation on the date and time alleged. If so, what caused the chain saw to strike the Plaintiff.
28. Describe what, if any, of the Plaintiff's conduct caused or contributed to his injury on the date and time in question.
29. Did the chain saw malfunction at any time during its use prior to Plaintiff's alleged injury.
30. Prior to Plaintiff's alleged injury, was the subject chain saw operating safely and properly.

**Demand to Supplement:** Pursuant to Supreme Court Rule 213(i), the party answering these interrogatories is hereby requested to seasonably supplement or amend any prior answer or response whenever new or additional information subsequently becomes known to that party or the party's attorneys or agents.



---

HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**

3416 West Elm Street

McHenry, Illinois 60050

815/344-3797

Attorney ID No.: 06203684



STATE OF ILLINOIS       )  
                                      )  
COUNTY OF McHENRY    )       SS

\_\_\_\_\_ being first duly sworn on oath, deposes and states that he/she is a Defendant in the above-captioned matter; that he/she has read the foregoing document entitled Answers to Interrogatories; and the answers made therein are true, correct and complete to the best of his/her knowledge and belief.

\_\_\_\_\_  
Defendant

SUBSCRIBED AND SWORN to \_\_\_\_\_  
before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

\_\_\_\_\_  
NOTARY PUBLIC

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**PLAINTIFF'S REQUEST FOR  
PRODUCTION TO DEFENDANT, DAVID GAGNON**

NOW COMES the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW  
OFFICES OF THOMAS J. POPOVICH, P.C., pursuant to Illinois Supreme Court Rule 201(b) and  
214, and requests the production of the following documents within 28 days of service:

Definition: The word "document" as used in the following requests shall be defined as defined in  
Supreme Court Rule 201 (b)(1).

1. All statements (oral, written, or transcribed, signed or unsigned) by parties to this  
action given to some person or entity other than their attorney or insurer.
2. All statements (oral, written, or transcribed, signed or unsigned) from any person  
who:
  - a) Witnessed or claims to have witnessed the occurrence specified in the  
Plaintiff's Complaint;
  - b) Was present at the scene of the occurrence;
  - c) Has or claims to have knowledge of any of the facts of the occurrence  
specified in the Plaintiff's Complaint;
  - d) Has or claims to have knowledge of the condition of the Plaintiff; or
  - e) Has or claims to have knowledge of the location specified in the Plaintiff's  
Complaint.

3. All photographs, slides, motion pictures, videotapes, or other photographic reproductions taken subsequent to the alleged occurrence of the Plaintiff, any physical objects involved in the occurrence, the scene of the occurrence, and/or the occurrence itself.
4. All documents pertaining to the physical or mental condition of the Plaintiff prior and subsequent to the alleged occurrence including injuries sustained in other accidents.
5. Complete, unedited, and unabridged copies of any and all medical reports and documents pertaining to the Plaintiff, and purporting to diagnose, analyze and/or otherwise evaluate any and all injuries allegedly sustained by the Plaintiff in the occurrence specified in the Plaintiff's Complaint.
6. Complete unedited, and unabridged copies of any and all police, accident or incident documents and reports, including any supplementary or reconstruction reports prepared in conjunction with the occurrence set forth in the Plaintiff's Complaint.
7. All documents, articles, papers and textbooks you intend to use during the trial of this cause.
8. All rules, regulations, bylaws, guidelines of any public authority, inspecting or reviewing authority or other private body, which you intend to use during the trial of this cause.
9. All reports or documents which may contain the opinions, theories, conclusions, or estimates regarding the condition of the Plaintiff existing both prior to and subsequent to the incident in question or the matters in question.
10. All reports or documents which may contain the opinions, theories, conclusions, or estimates regarding the occurrence in question.
11. A certified copy of all liability insurance policies and declaration pages that covered the Defendant for the acts or omissions, as alleged in the Plaintiff's Complaint including the policies of members of the Defendant's household.
12. Each and every document, record, report, writing memorandum, physical object and the like revealed or referenced in this Defendant's Answers to Supreme Court Rule 213.
13. All maintenance or inspection schedules, records, logs, notes, charts, calenders, or other tangible evidence concerning the maintenance or inspection of the exterior of the premises described in the complaint including dates, locations, employees, and nature of such work.
14. All maintenance or inspection schedules, records, logs, notes, charts, calenders, or other tangible evidence concerning the maintenance or work described in the

complaint on the premises including dates, locations, employees, and nature of such work.

15. All incident reports, investigation or other tangible evidence concerning the accident alleged, witnesses etc.
16. Preserve and maintain the chain saw and any other instrumentalities of the accident or scene.
17. Any written invoices, payments or writings concerning hiring, retaining or otherwise with respect to David Gagnon and his work at the premises.

Defendant is requested to preserve and protect the stairs at the premises described in the complaint from alteration, modification or destruction until further order of the court.

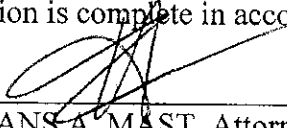
If any of the documents requested are in existence, but not in the possession, custody or control of a party, please indicate the names and addresses of the persons or firms in whose possession custody or control they presently reside.

If any document(s) requested are no longer in existence, please state whether such document: (a) is missing or lost, (b) has been destroyed, (c) has been transferred voluntarily or involuntarily to others, or (d) has been otherwise disposed of, and in each instance explain the circumstances surrounding the reason for and manner of such disposition and state the date or approximate date thereof.

If any document called for in this request has been destroyed intentionally at any time during the past ten years, such document should be identified and the reasons and date of its destruction noted.

Pursuant to Supreme Court Rule 201(n), if any documents called for in this request are not produced because of claim of common law or statutory privilege, please state the exact privilege being claimed together with the nature of the withheld information.

It is further requested that the parties in compliance with this request for production shall furnish an affidavit stating whether the production is complete in accordance with this request.

  
\_\_\_\_\_  
HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH**

3416 West Elm Street

McHenry, IL 60050

815-344-3797 Attorney No. 6203684

S:\Main\DULBERG, PAUL\Discovery\Request for Prod to Def Gagnon 9-27-12.wpd

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**PLAINTIFF'S INTERROGATORIES TO  
DEFENDANT, DAVID GAGNON**

NOW COMES the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW OFFICES OF THOMAS J. POPOVICH, P.C., and pursuant to Illinois Supreme Court Rule 213, propounds the following interrogatories to Defendant, to be answered under oath, including full information known to you, your agents, and attorneys within 28 days of service:

In construing these Interrogatories:

1. If any discovery request cannot be answered in full after exercising due diligence to secure the information to do so, please so state and answer the request to the extent possible, specify an inability to answer the remainder of any such request and state whatever information or knowledge is presently available to you concerning the unanswered portion of said request.

2. All objections or answers to these Interrogatories that fail or refuse to respond to any Interrogatory on the ground of any claim of privilege or for any other reason shall:

- a. State the nature of the claim or other ground of objection;
- b. State all facts relied upon in support of the claim of privilege or other ground of objection;
- c. Identify all documents related to the claim of privilege or other ground of objection;

- d. Identify all persons having knowledge of any facts related to the claim of privilege or other ground of objection; and
  - e. Identify all events, transactions, or occurrences related to the claim of privilege or other ground of objection.
- 
1. State the full name of the defendant answering, as well as your current residence address, date of birth, marital status, and social security number, and, if different, give the full name, as well as the current residence address, date of birth, marital status, and social security number of the individual(s) signing these Answers.
  2. State the full name and current residence address of each person who witnessed or claims to have witnessed the accident to the Plaintiff on the premises as described in the complaint.
  3. State the full name and current residence address of each person who witnessed or claims to have witnessed the work and/or conditions existing as described in the complaint at the location of the accident at the time and on the date of the accident described.
  4. State the name and address of the person(s) or entity that owned the property premises whereat the accident occurred as alleged, as of the date in question.
  5. State the name and address of the person(s) or entity that was involved in performing the work during which the accident occurred on the date in question, as alleged.
  6. State the name and address of the person(s) or entity that decided or chose to undertake the work at the time, as alleged on the date in question, including chain saw use and activity.
  7. State the name and address of the person(s) or entity that was to supervise or oversee the work at the premises at the time, as alleged on the date in question including chain saw use and activity.
  8. State the full name and current residence address of each person, who was present and/or claims to have been present at the scene immediately before, at the time of, and/or immediately after said occurrence.
  9. State the name and address of each witness that knows or claims to know the circumstances of the alleged accident, how it occurred or how the Plaintiff became injured - as alleged in the complaint.

10. With respect to the chain saw that was being operated on the premises at the time of the alleged injury, state as follows:
  - a. Who was operating the chain saw at the time of Plaintiff's alleged injury;
  - b. Who owned the chain saw at the time of Plaintiff's alleged injury;
  - c. Who requested that the chain saw be used to perform work at the time of Plaintiff's injury.
  - d. Purpose for the use of the chain saw at the time.
11. With respect to David Gagnon's experience in use of a chain saw prior to the date of the alleged accident, state as follows:
  - a. How many times had David Gagnon operated the same or similar chain saw prior to the date of alleged accident;
  - b. What formal training did David Gagnon received in use or operation of a chain saw prior to the occurrence alleged;
  - c. Who, if any, (names and addresses) trained David Gagnon in use or operation of a chain saw prior to the occurrence;
12. What was the scope of work or task David Gagnon was engaged in with use of the chain saw at or about the time of the alleged accident.
13. Who (names and addresses) requested or chose to engage Gagnon in the "task" of use and operation of the chain saw at or about the time of the alleged accident.
14. What instructions or guidance, if any, was given to Gagnon prior to Plaintiff's alleged injury/accident with regard to how he was to perform the chain saw work at the premises.
15. Were you (Defendant) covered under any policy of insurance at the time of the occurrence. If so, were you named or covered under any policy, or policies, of liability insurance effective on the date of said occurrence, and: State the name of each such company or companies, the policy number or numbers, the effective period(s) occurrence, including umbrella or excess insurance coverage, property damage and medical payment coverage.
16. Do you have any information:
  - (a) That any plaintiff was, within the 5 years immediately prior to said occurrence, confined in a hospital and/or clinic, treated by a physician and/or other health professional, or x-rayed for any reason other than personal injury? If so, state each plaintiff so involved, the name and address of each such hospital and/or clinic,

physician, technician and/or other health care professional, the approximate date of such confinement or service and state the reason for such confinement or service;

- (b) That any plaintiff has suffered any serious personal injury and/or illness prior to the date of said occurrence? If so, state each plaintiff so involved, state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered;
  - (c) That any plaintiff has suffered any serious personal injury and/or illness since the date of said occurrence? If so, state each plaintiff so involved, state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered;
  - (d) That any plaintiff has ever filed any other suit for his or her own personal injuries? if so, state each plaintiff so involved, state the court, and caption in which filed, the year filed, the title and docket number of said case.
17. Were any photographs, movies and/or videotapes taken of the scene of the occurrence or of the persons involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subject thereof, who now has custody of them, the name, address and occupation and employer of the person taking them.
18. Have you (or anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the occurrence complained of occurred, or have you overheard any statements made by any person at any time with regard to the injuries complained of by plaintiff or the manner in which the occurrence complained of occurred? If the answer to this Interrogatory is in the affirmative, state the following:
- (a) The date or dates of such conversations and/or statements;
  - (b) The place of such conversations and/or statements;
  - (c) All persons present for the conversations and/or statements;
  - (d) The matters and things stated by the person in the conversations and/or statements;
  - (e) Whether the conversation was oral, written and/or recorded; and
  - (f) Who has possession of said statement if written and/or recorded.
19. Do you know of any statements made by any person relating to the occurrence complained of by the plaintiff? If so, give the name and address of each such witness, the date of said statement, and state whether such statement was written and/or oral.
20. State the name and address of each person having knowledge of Plaintiff's activities on the premises PRIOR to the accident in question.
21. State the name and address of each person having knowledge of Plaintiff's activities on the premises AFTER the accident in question.
22. Had the Plaintiff ever used or operated a chain saw on the premises or for the Defendant or others prior to his alleged accident. If so, state the dates and times such occurred.



23. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial, and state the subject of each witness' testimony, giving the following information:
  - (a) The subject matter on which the opinion witness is expected to testify;
  - (b) The conclusions and/or opinions of the opinion witness and the basis therefore, including reports of said witness, if any;
  - (c) The qualifications of each opinion witness, including a Curriculum Vitae and/or resume, if any; and
  - (d) Identify any written reports of the opinion witness regarding this occurrence.
24. List the names and addresses of all other persons (other than yourself and persons heretofore listed) who have knowledge of the facts of said occurrence and/or of the injuries and damages claimed to have resulted therefrom.
25. Identify any statements, information and/or documents known to you and requested by any of the foregoing Interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each Interrogatory, specify the legal basis for the claim as required by Supreme Court Rule 201(n).
26. State the name and address of each person at the premises (although at different location or not a witness to the incident) described at the time of the occurrence.
27. Was the Plaintiff struck and injured by the chain saw while in operation on the date and time alleged. If so, what caused the chain saw to strike the Plaintiff.
28. Describe what, if any, of the Plaintiff's conduct caused or contributed to his injury on the date and time in question.
29. Did the chain saw malfunction at any time during its use prior to Plaintiff's alleged injury.
30. Prior to Plaintiff's alleged injury, was the subject chain saw operating safely and properly.

**Demand to Supplement:** Pursuant to Supreme Court Rule 213(i), the party answering these interrogatories is hereby requested to seasonably supplement or amend any prior answer or response whenever new or additional information subsequently becomes known to that party or the party's attorneys or agents.



---

HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**

3416 West Elm Street

McHenry, Illinois 60050

815/344-3797

Attorney ID No.: 06203684

S:\Main\DULBERG, PAUL\Discovery\Interrogatories to Def David Gagnon 9-27-12.wpd

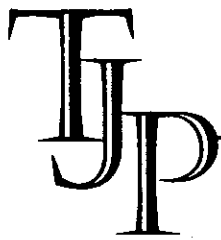
STATE OF ILLINOIS       )  
                                  )  
COUNTY OF McHENRY    )       SS

\_\_\_\_\_ being first duly sworn on oath, deposes and states that he/she is a Defendant in the above-captioned matter; that he/she has read the foregoing document entitled Answers to Interrogatories; and the answers made therein are true, correct and complete to the best of his/her knowledge and belief.

\_\_\_\_\_  
Defendant

SUBSCRIBED AND SWORN to  
before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

\_\_\_\_\_  
NOTARY PUBLIC



The Law Offices of Thomas J. Popovich P.C.

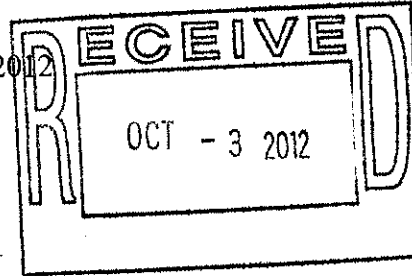
3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280

[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK  
DIANA M. REITER

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

October 2, 2012



Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

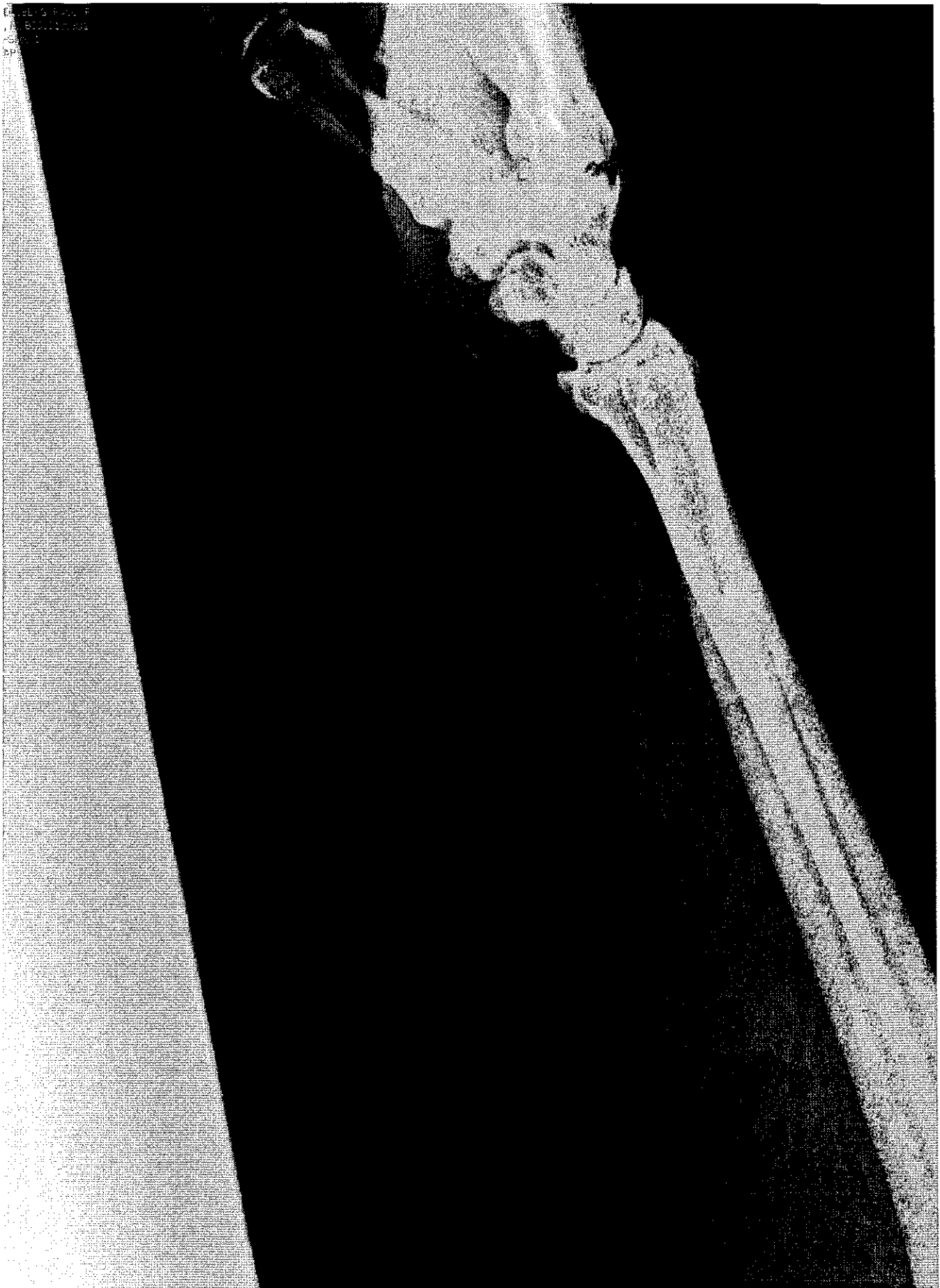
Dear Mr. Barch:

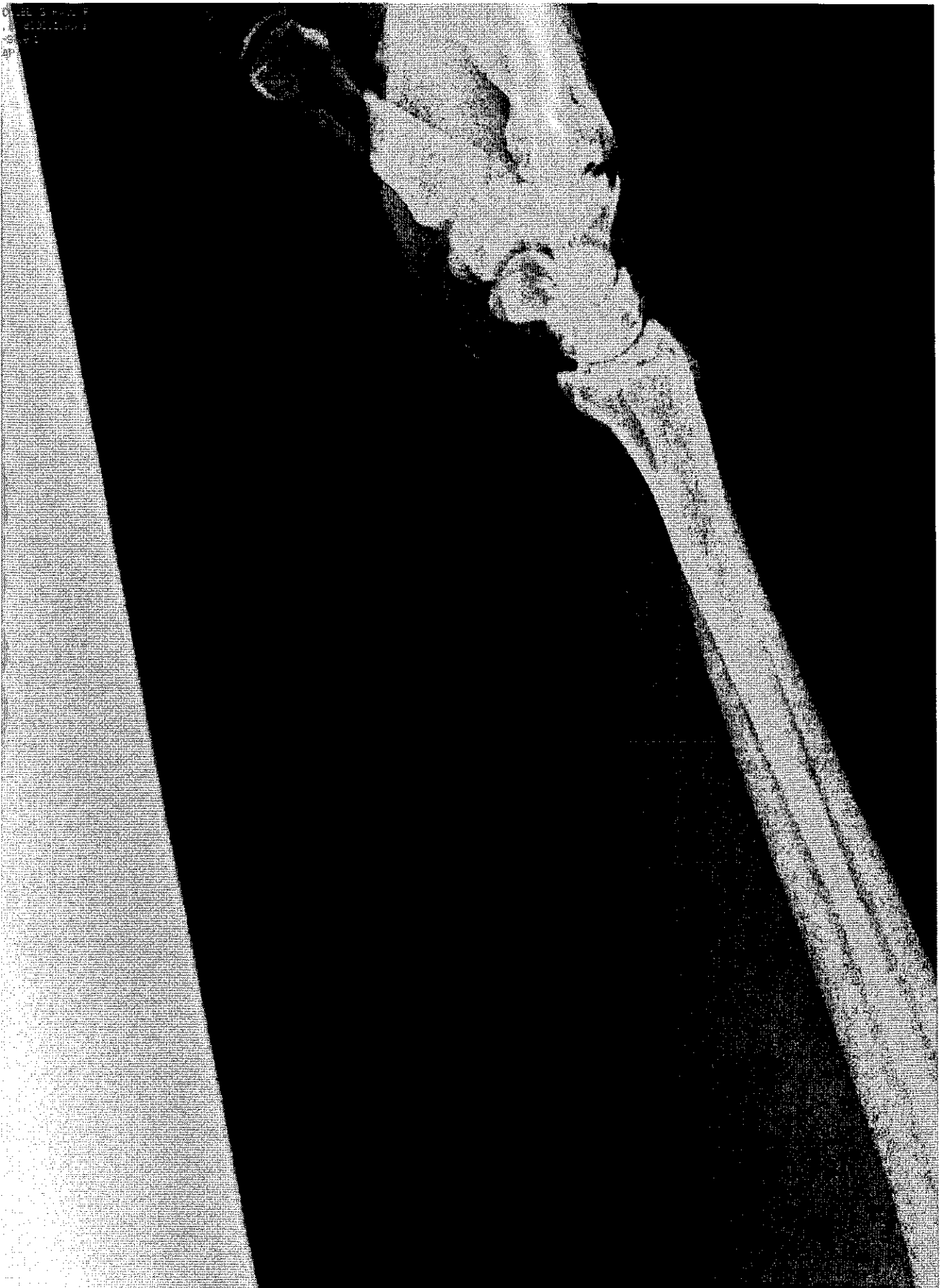
Pursuant to your request, please find color copies of my client's injuries in reference to the above-referenced matter.

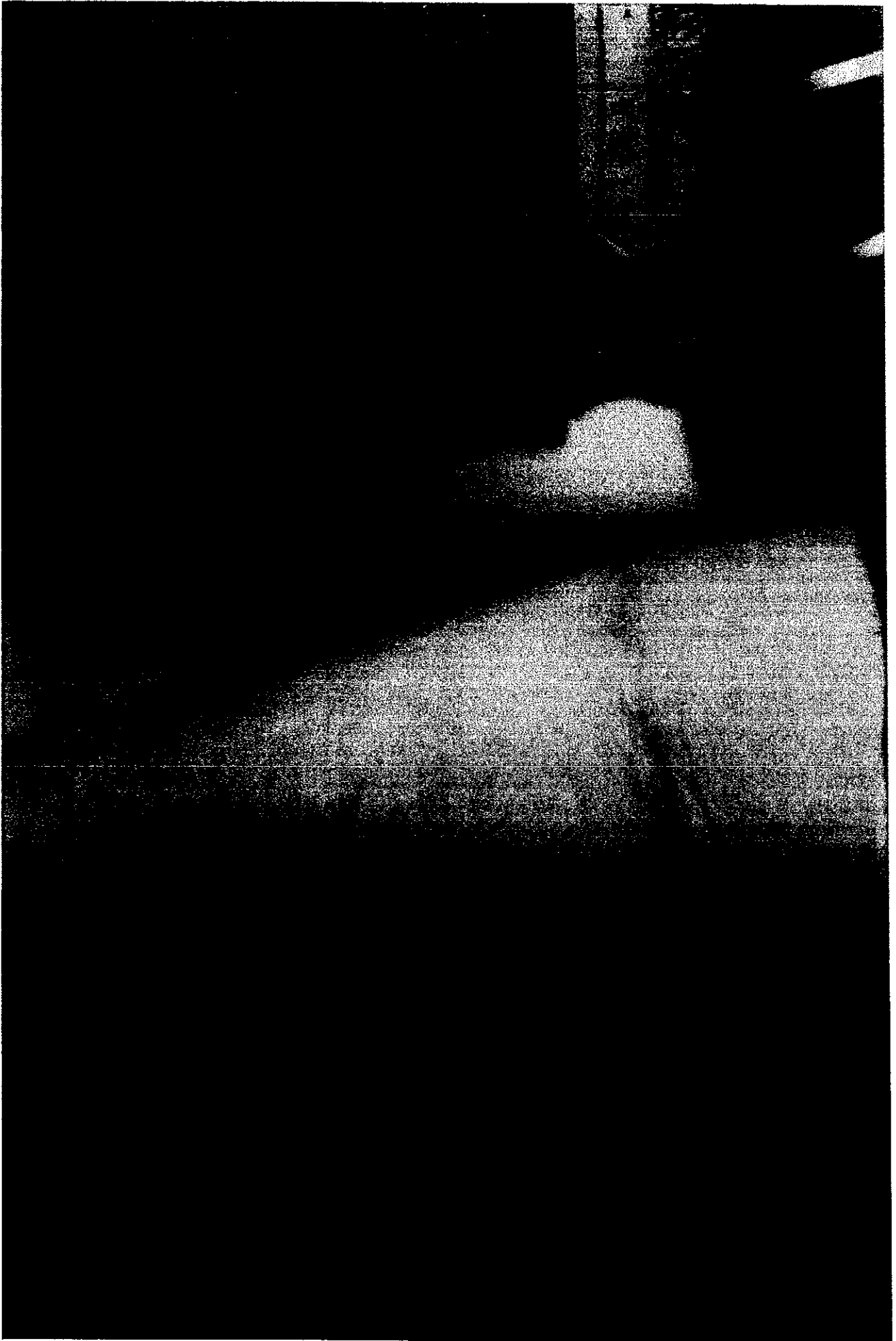
Very truly yours,

HANS A. MAST

smq  
Enclosure





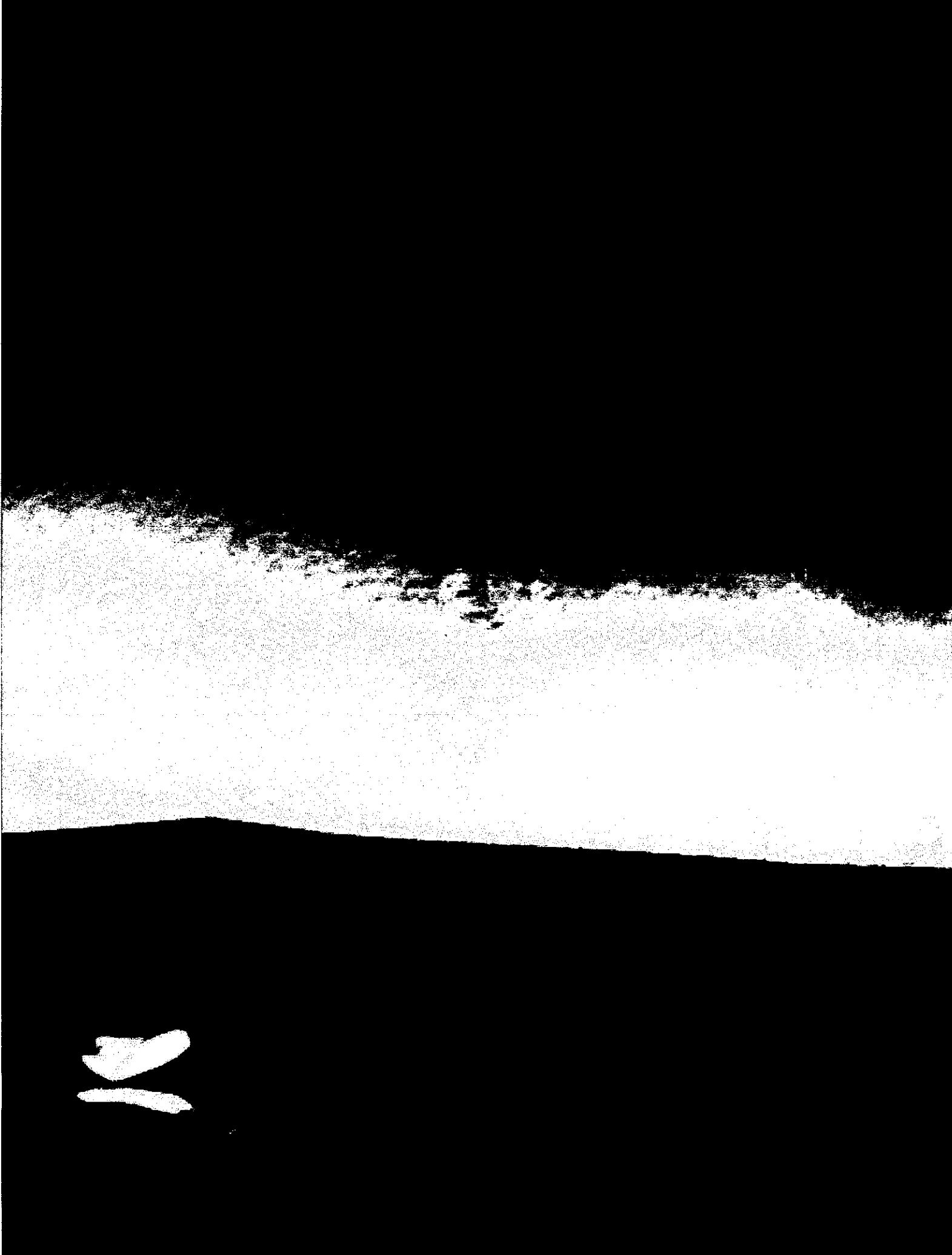


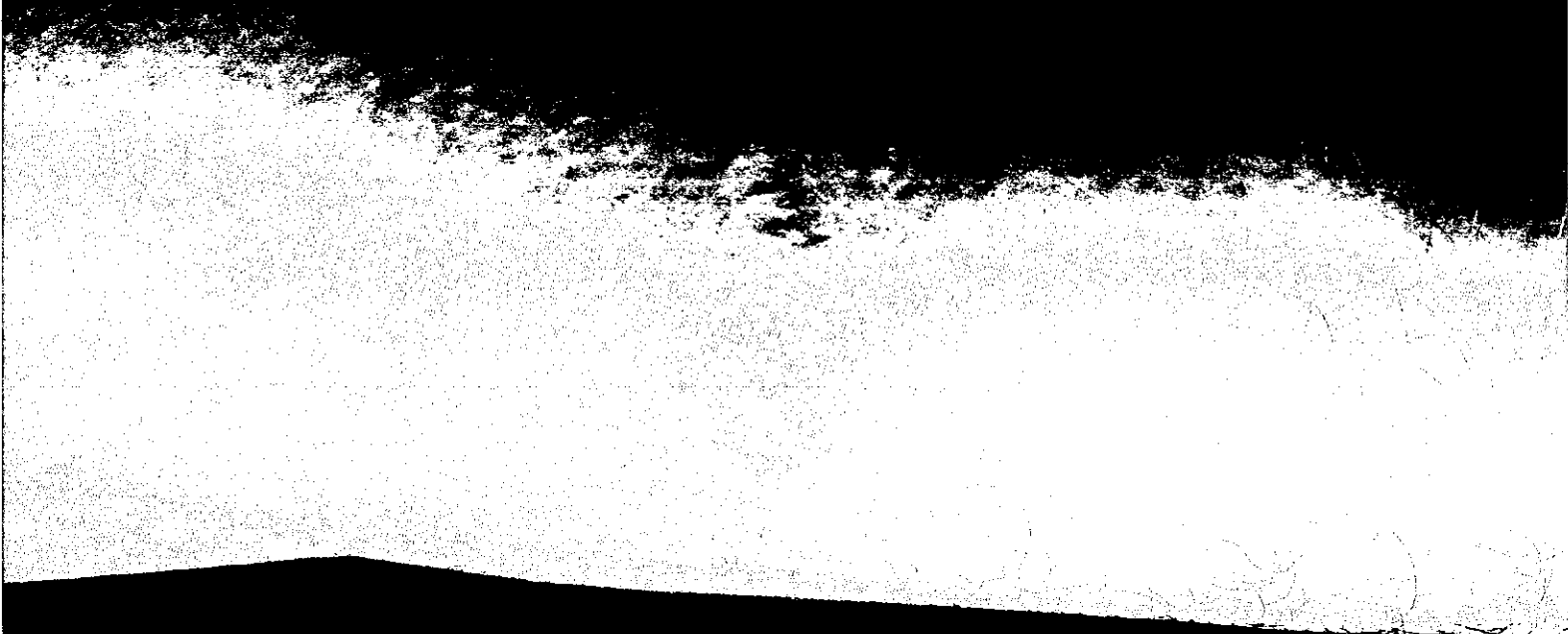








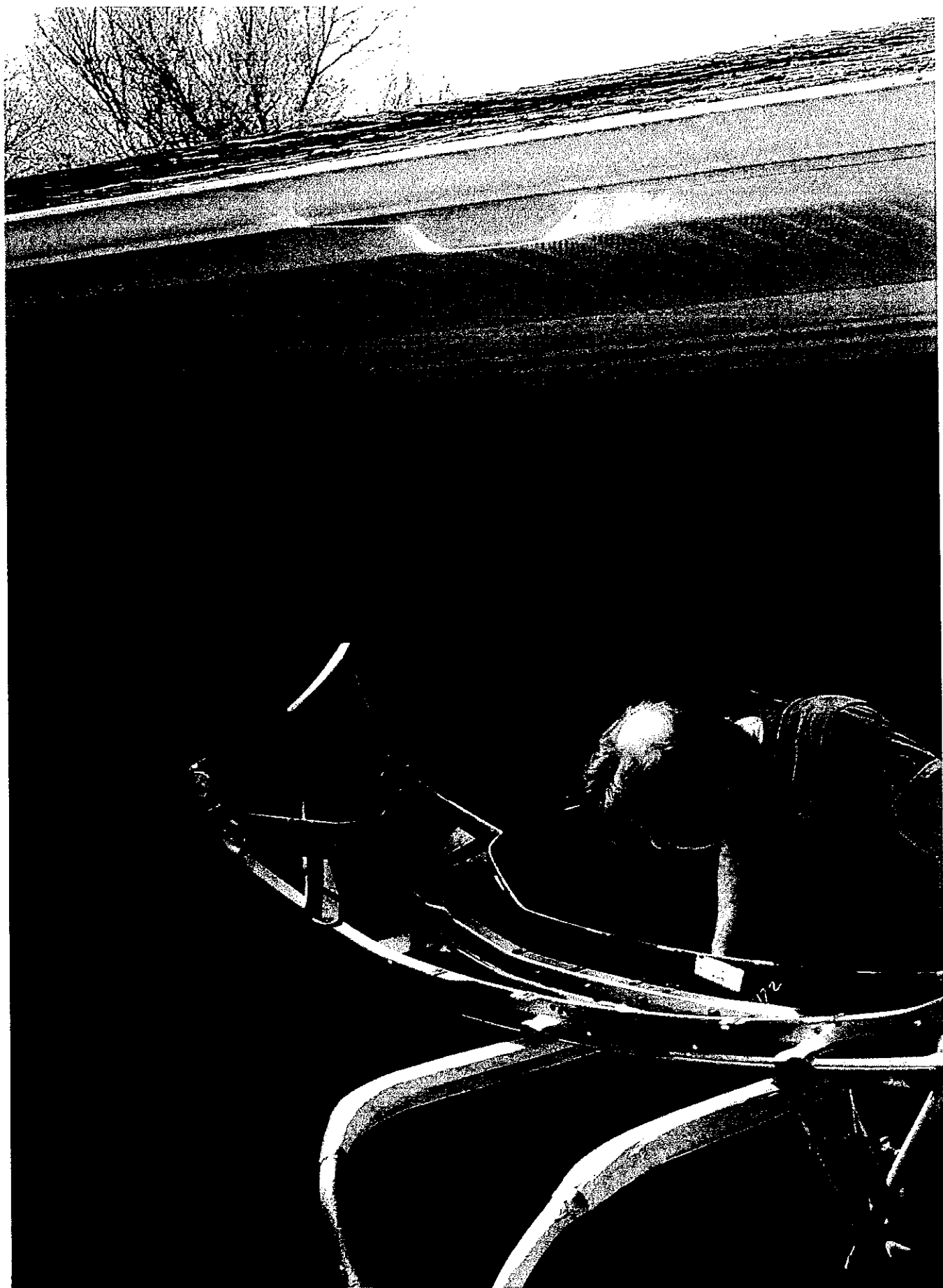


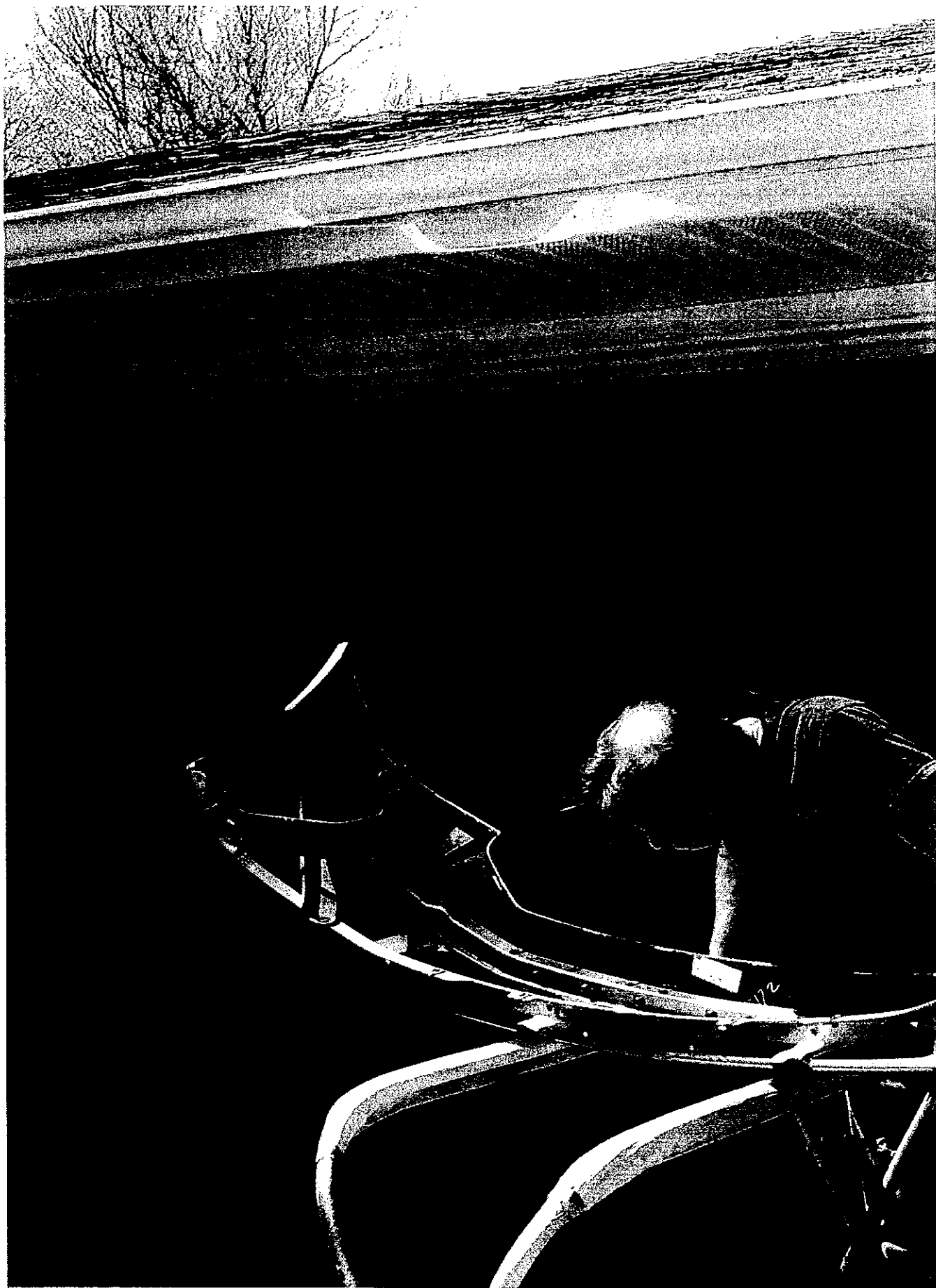


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**EXHIBIT**

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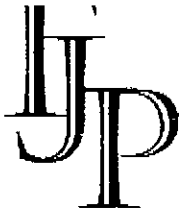
**EXHIBIT**

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**EXHIBIT**

tabbles



# The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280  
[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

March 18, 2013

**VIA FACSIMILE: 815/226-7701**

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

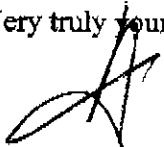
Dear Mr. Barch:

In response to your March 13, 2013 correspondence, enclosed is the billing from Moraine Emergency Physicians, McHenry Radiologists, Open Advanced MRI of Round Lake and Walgreens.

With regard to Paul's "tennis elbow" he has been treating with Dr. Sagerman and Dynamic Hand Therapy. I am still updating the medical expense report and hopefully will have some additional bills to provide to you.

In the meantime, if you have any questions, please feel free to call.

Very truly yours,



HANS A. MAST

smq  
Enclosures

c: Petry Accardo (fax: 312/558-9357)

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

PO BOX 8759  
PHILADELPHIA, PA 19101-8759

**ACCOUNT NUMBER: MNI711179003233**

**Patient Name: PAUL R DULBERG**

Tax ID #: 75-2896896  
Account Balance: \$1,346.00  
Amount Pending  
Insurance: \$0.00  
Amount Due From  
Patient (Current): \$1,346.00  
Amount Due From  
Patient (Past Due): \$0.00

**Pay This Amount: \$1,346.00**

**PLEASE REMIT PAYMENT BY "PAYMENT  
DUE BY" DATE. THANK YOU. Please refer  
to coupon below for payment  
instructions.**



131409-0711179003233-05

#BWNJFDB

#00000MNI11606478#

PAUL R DULBERG

4606 HAYDEN CT

MCHENRY IL 60051-7918

**Pay your bill securely online anytime at [www.MyMedicalPayments.com](http://www.MyMedicalPayments.com)**

Date	#	Description	Charge	Paid By First Ins.	Paid By Other Ins.	Paid By Patient	Amount Adjusted	Due From Insurance	PATIENT BALANCE
09/28/11	1	99283-25 EMERG INJURY EVAL & MGMT-LVL 3 DX:880.03 DR. FORD/CENTEGRA HOSPITAL MCHENRY	\$537.00						\$537.00
09/28/11	2	12004 WOUND REP 7.6-12.5CM SCALP ETC DX:880.03 DR. FORD/CENTEGRA HOSPITAL MCHENRY THIS STATEMENT MAY NOT REFLECT ANY PAYMENTS YOU MADE AT TIME OF SERVICE	\$809.00						\$809.00
<b>TOTALS:</b>			\$1,346.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,346.00

**Important Messages:**

This statement is for the direct treatment and/or supervision of care you recently received from an Emergency Physician at Centegra Hospital Mchenry. The fees for this private physician are billed separately from any hospital charges or other professional fees for which you may also be responsible. Therefore, should you receive a bill from the hospital or other physicians for charges in connection with this visit, it will not include the items listed on this statement.

**"Payment Plans" Accepted**

**Questions about this statement?/Llame de Lunes a Viernes?**

**Call 1-800-355-2470 Monday through Friday 9:30AM - 4:00PM.**

**Your automated system access code is 0230-711179003233, or you can send email to  
[billing\\_questions@emcare.com](mailto:billing_questions@emcare.com).**

91384-01-9428



**Please detach and return bottom portion with your remittance.**



PAUL R DULBERG  
4606 HAYDEN CT  
MCHENRY IL 60051-7918

**STATEMENT OF ACCOUNT**

Statement Date: July 15, 2011

**ACCOUNT NUMBER: MNI711179003233**

**Patient Name: PAUL R DULBERG**

Payment Due By: 08/05/11

Amount Due: \$1,346.00

Amount Enclosed:

YOU MAY PAY THIS BILL WITH YOUR CREDIT CARD  
PLEASE SEE REVERSE SIDE.

Make Check/Money Order payable to:

MORaine EMERGENCY PHYSICIANS  
PO BOX 8759  
PHILADELPHIA, PA 19101-8759



Go Green - pay online at  
[www.MyMedicalPayments.com](http://www.MyMedicalPayments.com)  
PROMPT PAY DISCOUNTED  
BALANCE : \$ 807.60

Insurance information not on file

**40% Discount Offer**

In consideration of your  
uninsured status, we are  
willing to extend a 40%  
prompt pay discount.

☐ If your address has changed, check this box,  
and complete the reverse side of this form

13140907111790032330013460000000000000000

**McHenry Radiologists Imaging Associates**

P.O. Box 220

McHenry IL 60051-0220

CARD NUMBER		SER. CODE	AMOUNT
NAME ON CARD (PLEASE PRINT)		EXP. DATE	
SIGNATURE			
STATEMENT DATE	ACCOUNT #	PAY THIS AMOUNT	
07/07/2011	235130-QMRIG	\$50.00	

AMOUNT PAID

Office Hours: 9:00am - 4:00pm, Monday - Friday  
Phone: 815/759-0800 IRS# 36-3907435

Pay online at [www.ePayitOnline.com](http://www.ePayitOnline.com)

CodeID: MCHENRY5 Access #: 2038252-1-63

Guarantor: PAUL R DULBERG

Invoice #: 833112

MAKE CHECK PAYABLE TO: MCHENRY5

01518



Paul R Dulberg  
4606 Hayden Court  
McHenry IL 60051-7918



McHenry Radiologists Imaging Associates  
P.O. Box 220  
McHenry IL 60051-0220

MCHENRY5-0280287-0000000-2038252-001-000063-#007210-0001

PLEASE CHECK BOX IF ABOVE ADDRESS IS INCORRECT AND INDICATE CHANGES ON BACK

DETACH HERE

ATTENTION: IN THE EVENT OF A DISCREPANCY WITH YOUR PAYMENT, PLEASE CONTACT THE ENVELOPE PROVIDED

DATE	CODE	DESCRIPTION OF SERVICES	AMOUNT
06/28/11	73090-26	CHARGES FOR PATIENT: PAUL DULBERG (235130-QMRIG) X-RAY EXAM OF FOREARM	\$50.00
07/07/11		GUARANTOR RESPONSIBILITY DATE (ChargeID: 1275862) ADDITIONAL INFORMATION CONCERNING YOUR ACCOUNT IF YOU HAVE INSURANCE COVERAGE FOR THIS CLAIM, PLEASE CALL OUR OFFICE. REFERRING PROVIDER 043 IS APIWAT FORD - UPIN: C69043	

**BALANCE DUE: \$50.00**  
**NET DUE 30 DAYS: 8/6/2011**

Guarantor: PAUL R DULBERG

Account Number: 235130-QMRIG

Statement Date: 07/07/2011

Invoice #: 833112

McHenry Radiologists Imaging Associates  
P.O. Box 220  
McHenry IL 60051-0220

Phone: 815/759-0800 IRS# 36-3907435

MCHENRY5-0280287-0000000-2038252-001-000063-#007210-0001

1500

# HEALTH INSURANCE CLAIM FORM

APPROVED BY NATIONAL UNIFORM CLAIM COMMITTEE 08/05

MEDCHEX

PO BOX 502

KATONAH, NY 10536

PICA <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		PICA <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
1. MEDICARE MEDICAID TRICARE CHAMPVA GROUP HEALTH PLAN FECA BLK LUNG OTHER <input type="checkbox"/> (Medicare #) <input type="checkbox"/> (Medicaid #) <input type="checkbox"/> (Sponsor's SSN) <input type="checkbox"/> (Member ID #) <input type="checkbox"/> (SSN or ID) <input type="checkbox"/> (SSN) <input checked="" type="checkbox"/> (ID)		1a. INSURED'S I.D. NUMBER (For Program in Item 1) 265065	
2. PATIENT'S NAME (Last Name, First Name, Middle Initial) Dulberg, Paul		3. PATIENT'S BIRTH DATE SEX MM DD YY 3 19 1970 Y <input type="checkbox"/> F <input type="checkbox"/>	
5. PATIENT'S ADDRESS (No., Street) 46 Hayden Ct CITY Mchenry STATE IL ZIP CODE 60051 TELEPHONE (include Area Code)		4. INSURED'S NAME (Last Name, First Name, Middle Initial) Dulberg, Paul 7. INSURED'S ADDRESS (No., Street) 46 Hayden Ct CITY Mchenry STATE IL ZIP CODE 60051 TELEPHONE (include Area Code)	
9. OTHER INSURED'S NAME (Last Name, First Name, Middle Initial) a. OTHER INSURED'S POLICY OR GROUP NUMBER b. OTHER INSURED'S DATE OF BIRTH SEX MM DD YY M <input type="checkbox"/> F <input type="checkbox"/> c. EMPLOYER'S NAME OR SCHOOL NAME d. INSURANCE PLAN NAME OR PROGRAM NAME		10. IS PATIENT'S CONDITION RELATED TO: a. EMPLOYMENT? (CURRENT OR PREVIOUS) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No b. AUTO ACCIDENT? PLACE (State): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No c. OTHER ACCIDENT? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 10d. RESERVED FOR LOCAL USE	
12. PATIENT'S OR AUTHORIZED PERSON'S SIGNATURE (authorize the release of any medical or other information necessary to process this claim; also request payment of government benefits either to myself or to the party who accepts assignment below) SIGNED SIGNATURE ON FILE DATE 2/3/2012		13. INSURED'S OR AUTHORIZED PERSON'S SIGNATURE (authorize payment of medical benefits to the undersigned physician or supplier for services described below) SIGNED SIGNATURE ON FILE	
14. DATE OF CURRENT ILLNESS (First symptom) OR INJURY (Accident) OR PREGNANCY (LMP) MM DD YY 6 28 2011		15. DATES PATIENT UNABLE TO WORK IN CURRENT OCCUPATION FROM MM DD YY TO MM DD YY	
17. NAME OF REFERRING PHYSICIAN OR OTHER SOURCE Karen Levin MD		18. HOSPITALIZATION DATES RELATED TO CURRENT SERVICES FROM MM DD YY TO MM DD YY	
21. DIAGNOSIS OR NATURE OF ILLNESS OR INJURY (RELATED ITEMS 1, 2, 3 OR 4 TO ITEM 24E BY LINE) 1. _____ 2. _____ 3. _____ 4. _____		20. OUTSIDE LAB? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No \$ CHARGES 22. MEDICAL RECOMMISSION CODE ORIGINAL YES NO 23. PRIOR AUTHORIZATION NUMBER	
24. A. DATE(S) OF SERVICE From MM DD YY To MM DD YY 2. 3 2012 2 3 2012 B. PLACE OF SERVICE ENG 11 C. PROCEDURE, SERVICE, OR SUPPLY (Explain Unusual Circumstances) G7A20PCS MODIFIER 73220 E. DIAGNOSIS POINTER		F. \$ CHARGES 3390 00 G. DAYS OF LIMITS 1 H. SP/OUT Family Plan I. ID DUAL J. RENDERING PROVIDER ID # NTI	
25. FEDERAL TAX I.D. NUMBER SSN EIN 134214889 <input type="checkbox"/> <input checked="" type="checkbox"/>		26. PATIENT'S ACCOUNT NO. 265065 27. ACCEPT ASSIGNMENT? (For gov't claims, see back) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
28. SIGNATURE OF PHYSICIAN OR SUPPLIER INCLUDING DEGREE OR CREDENTIALS (I certify that the practitioners on the reverse apply to this bill and are made a part thereof) MedChex		29. SERVICE FACILITY LOCATION INFORMATION Open Advanced MRI of Round Lake, LLC 720 East Rollins Road Round Lake Beach, Illinois 60073	
30. TOTAL CHARGE \$ 3390 00 31. AMOUNT PAID \$ 00 32. BALANCE DUE \$ 3390 00		33. BILLING PROVIDER INFO & P.N.# MEDCHEX PO BOX 502 KATONAH, NY 10536 (866) 959-1100	

SIGNED DATE 02/28/2012

NUCC Instruction Manual available at www.nucc.org APPROVED OMB-0958-0044 FORM CMS-1500 (08/08)

PATIENT AND INSURED INFORMATION

PHYSICIAN OR SUPPLIER INFORMATION

**PAUL DULBERG**4506 Hayden Ct, Mokena, IL 600517918  
(847)497-4350**RX # 2132246-05469**

DATE: 06/28/11

**HYDROCODONE/APAP 10MG/325MG TABS**  
QTY: 20 NO REFILLS - DR. AUTH REQUIRED  
New NDC: 00691-0853-05

\$ 20.69

DR. A. FORD  
MFG: WATSON  
SMC/TNT/TNT/ /TNT*Walgreens*3020 W ELM ST MOKENA, IL 60059-4351  
PH: (815)363-0722Customer  
Receipt



**PAUL DULBERG**4606 Hayden Ct. McHenry, IL 600517916  
(847)437-4350**RX # 2132246-05469**

DATE: 06/28/11

**CEFADROXIL 500MG CAPSULES**

QTY: 10

NO REFILLS - DR. AUTH REQUIRED

New

NDC:00093-3196-01

DR A. FORD  
MFG: TEVA  
SMC/TNT/TNT/ /TNT

\$ 27.99

*Walgreens*392 W. WALSH ST. MC HENRY, IL 600504381  
PH: (815) 363-0722Customer  
Receipt

**MEDICAL EXPENSE REPORT**

**PAUL DULBERG**

**DATE OF ACCIDENT: JUNE 28, 2011**

**DATE OF REPORT: AUGUST 31, 2012**

05/15/12 .....	360.00	
05/17/12 .....	113.00	
05/24/12 .....	274.00	
05/25/12 .....	274.00	
05/31/12 .....	274.00	
06/04/12 .....	360.00	
07/16/12 .....	327.00	
07/19/12 .....	301.00	
07/23/12 .....	301.00	
07/26/12 .....	274.00	
07/30/12 .....	301.00	
08/02/12 .....	220.00	
08/06/12 .....	274.00	
08/09/12 .....	<u>274.00</u>	
Total .....		\$14,645.00

## Open Advanced MRI of Round Lake

Medchex

PO Box 502

Katoah, NY 10536

866-959-1100 - Acct. 265065

02/03/12 .....	\$3,390.00	\$3,390.00
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## Hand Surgery Associates, SC

Dr. Sagerman/Dr. Biafora

515 W. Algonquin Road

Arlington Heights, IL 60005

847-956-0099 - Acct. 80330

04/02/12 .....	\$116.00	
05/14/12 .....	90.00	
05/17/12 .....	116.00	
06/06/12 .....	171.00	
07/09/12 .....	<u>8,338.00</u>	
Total .....		\$8,831.00

## Northwest Community Hospital

25709 Network Place

Chicago, IL 60673

847-618-4747 - Acct. 71265382

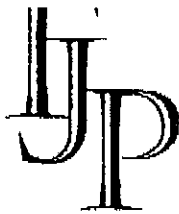
07/09/12 .....	\$6,366.00	\$6,366.00
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## Northwest Suburban Anesthesiologist, Ltd

8163 Solutions Center

Chicago, IL 60677-8001

800-709-2715 - Acct. 71265382



## The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280  
[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

March 12, 2013

VIA FACSIMILE: 815/226-7701

VIA FACSIMILE: 312/558-9357

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*  
McHenry County Case: 12 LA 178

Dear Mr. Barch:

Please find enclosed a copy of my client's medical expense report itemizing his medical bills related to the underlying occurrence in the amount of \$40,633.21.

Very truly yours,



HANS A. MAST

smq  
Enclosure

S:\Main\DULBERG, PAUL\Lett\Letter to Atty Barch 3-11-13.wpd

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**PLAINTIFF'S ANSWERS TO INTERROGATORIES**

1. State the full name, present residence address, birthdate, birthplace and Social Security number of the person answering these Interrogatories; and state PAUL DULBERG's full name, present residence address, birthdate, birthplace and Social Security number.

ANSWER: Paul Dulberg  
4606 Hayden Ct.  
McHenry  
DOB: 3-19-70  
SS: 323-76-4001  
Born: Elk Grove Village

2. State your marital status on the date of the occurrence in question and, if married, your spouse's name and age on said date.

ANSWER: Single

3. State the full name and present or last known address (indicating which) of each person who:
- (a) Witnessed or claims to have witnessed the occurrence in question.
  - (b) Was present or claims to have been present at the scene immediately before said occurrence.
  - (c) Was present or claims to have been present immediately after said occurrence.
  - (d) Otherwise has or claims to have any knowledge of the facts or possible causes of the occurrence to include any damages or injuries alleged to have resulted from said occurrence.

ANSWER: Plaintiff and Defendant Gagnon. McGuire's were on the premises.

4. State specifically and with certainty the personal injuries and property damage, if any, sustained to PAUL DULBERG as a result of said occurrence.

ANSWER: Objection, requires medical narrative. Without waiving, Plaintiff suffered deep laceration of right arm with nerve involvement. Investigation continues.

5. With regard to said injuries, state:
- (a) The name and address of each treating and/or consulting practitioner.
  - (b) The name and address of each hospital or clinic where PAUL DULBERG was treated and the date or inclusive dates on which each hospital or clinic rendered PAUL DULBERG service.
  - (c) The amount to date of their respective bills for services.
  - (d) Those from whom you have written reports. (Pursuant to Supreme Court Rule 214, please attach a legible copy of said report to the answers hereto.)

ANSWER: See attached Medical Expense Report. Additional bills and records to be obtained from Drs. Marcus Talerico (Mid America Hand to Shoulder) and Karen Levin/Mitchell Grobman (Associated Neurology), Biofora/Sagerman (Hand Surgery Associates) and Fox Lake Dynamic Hand Therapy.

6. As a result of said personal injuries to PAUL DULBERG, are you claiming any loss of income including, but not limited to, wages or salaries? If so, state:

- (a) The name and address of your employer at the time of the occurrence.
- (b) The dates or inclusive dates on which you were unable to work and the amount of income loss claimed.

ANSWER: AMS Screw Products, High View, Spring Grove, Illinois.  
Supervisor: Joe Groves  
Approx. \$10 per hours. 40 hours a week.  
Was hired but could not pursue employment due to accident.  
Investigation continues.

7. State the name and address of each witness or defendant from whom you have obtained statements, indicating whether such statements are written or oral, who has possession of such statements, and pursuant to Supreme Court Rule 214, attach legible copies of any written statements hereto.

ANSWER: Gagnon gave a statement to Plaintiff's counsel and it will be transcribed and produced.

8. State the name and address of PAUL DULBERG's family practice physician.

ANSWER: Dr. Sek, 4601 W. Rt. 120, McHenry

9. State whether PAUL DULBERG was hospitalized or had suffered any illness or personal injury prior to or subsequent to the date of said occurrence, and if so, state the nature and date of each such hospitalization, illness or personal injury.

ANSWER: Prior: Last 20 years. Involved in auto accident in 2002, I suffered neck injury and left arm. Treated with Northern Illinois Medical Center and left arm surgery with Dr. Sagerman and Grobman (Libertyville).  
Since: no

10. State whether PAUL DULBERG suffered any permanent scarring as a result of the accident alleged in the complaint. If so, state the location of such scar, the width and length of such scar or scars. (Pursuant to Supreme Court Rule 214, please attach any photos of any such scar to your answers hereto.)

ANSWER: Yes. On right arm. Investigation continues.

11. State whether prior to the accident alleged in the complaint PAUL DULBERG suffered any physical disability or impairment of any kind whatsoever. If so, state the nature of such physical disability or impairment and how PAUL DULBERG came to have such physical disability or impairment.

ANSWER: Yes, as it concerns my above auto accident. The degree of any disability is to be determined by my physician.

12. State the location of the alleged occurrence, pinpointing such location in feet, inches and direction from fixed objects or boundaries at the scene of the occurrence.

ANSWER: Behind the garage of the Defendant's home - as alleged.

13. State with particularity the nature of the alleged defect, object substance or condition which caused the alleged occurrence giving the exact dimensions and physical description of such including the size, shape, color, height, length and depth of such defect or object.

ANSWER: Objection, irrelevant - improperly worded. Defect is Gagnon's conduct. See Complaint.

14. State with particularity what PAUL DULBERG was doing at the time of the accident alleged in the complaint.

ANSWER: Holding a branch at the request of Mr. Gagnon.

15. State with particularity your basis for alleging that on or about June 28, 2011, David Gagnon living and/or staying at the premises known commonly as 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois.

ANSWER: He was at his mother's residence.

16. State with particularity all the reasons why PAUL DULBERG was present on the premises known commonly as 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois on the date of the alleged occurrence.

ANSWER: Dave invited me.

17. State with particularity your basis for alleging that David Gagnon was contracted and/or hired by Defendants Bill McGuire and Carolyn McGuire to cut down, trim and/or maintain the trees and brush at their premises. as further alleged in Plaintiffs Complaint.

ANSWER: Dave told me.

18. State with particularity your basis for alleging that David Gagnon was working under the supervision and control of Defendants Bill McGuire and Carolyn McGuire at the time of the occurrence alleged in Plaintiffs Complaint.

ANSWER: He was working at their property under their control.

19. State with particularity your basis for alleging that Defendants Bill McGuire and Carolyn McGuire instructed and/or advised David Gagnon in the use of a chain saw on or before the date of the occurrence alleged in Plaintiffs Complaint.

ANSWER: It was the McGuires chain saw.

20. State with particularity any and all defects associated with the chain saw you believe or claim was involved in the occurrence alleged in Plaintiffs Complaint.

ANSWER: Unknown

21. State whether you have any information indicating or otherwise suggesting that Defendants Bill McGuire and/or Carolyn McGuire knew or should have known that PAUL DULBERG was about to assist or was assisting David Gagnon with tree cutting and/or trimming on the date and in the location of the occurrence alleged in Plaintiff's Complaint. If your answer is in the affirmative, further state with particularity the bases for your contention that Defendants Bill McGuire and/or Carolyn McGuire knew or should have known that PAUL DULBERG was about to assist and/or was assisting David Gagnon with tree cutting and/or trimming on the date and in the location of the occurrence alleged in Plaintiff's Complaint.

ANSWER: The McGuires saw me with Mr. Gagnon.

22. State whether any photographs or videos were taken of the scene of the occurrence or of the persons, objects or premises involved, and if so, state the number of photographs or videos taken, their subject matter and who now has custody of them.



ANSWER: Not on the date in question, but I will be produced photos of my injury.

23. Pursuant to Supreme Court Rule 213(f), furnish the identity and addresses of witnesses who will testify at trial and the following information:

- (a) For each lay witness, identify the subjects on which the witness will testify.
- (b) For each independent expert witness, identify the subjects on which the witness will testify and the opinions the party expects to elicit.
- (c) For each controlled expert witness, identify:
  - (i) the subject matter on which the witness will testify;
  - (ii) the conclusions and opinions of the witness and the bases therefor;
  - (iii) the qualifications of the witness; and
  - (iv) any reports prepared by the witness about the case.

ANSWER: PLAINTIFF'S RESPONSE TO 213 INTERROGATORIES

Plaintiff will testify to all matters concerning the circumstances of the accident and injury including, but not limited to, all matters set forth in any discovery responses, affidavit, statements and/or deposition testimony, and to those matters and opinions naturally flowing from their personal knowledge and involvement in this matter, and will testify to matters including, but not limited to the following: date, time and location of accident, observations at the accident scene, *weather*, defendant's negligence in X; *continuing medical care to date; medical expense as set forth in updated Medical Expense Reports*; payment of bills; lack of prior related symptoms, treatment; need for past and future treatment including, if applicable; pain and suffering and disability; lost time at work, including rate of pay, time lost, income and benefits lost; ongoing treatment during pending case including **recent exam** by treating physician(s); all other foundational requirements for admitting photos and medical bills into evidence.

Barabara Dulhberg, s/a/a to testify to the pain and disability experienced by the Plaintiff due to injuries suffered in the accident and the lack of prior symptoms or disability, inability to work, hours and wage history and loss of income from work as a result.

Defendants, each of them, will be called as an adverse witness pursuant to Section 2-1102 of the Illinois Code of Civil Procedure, to testify to matters involving the accident.

All witnesses identified by Defendant and/or deposed, on matters so identified or testified to.

Court Reporters present during evidence and/or discovery depositions of those parties and witnesses now or in the future deposed in this or any similar cause to testify to the accuracy of the transcripts and testimony stated therein by each witness including exhibits marked and testified to during the deposition.

All other independent witnesses disclosed by answer to previous interrogatory will testify to those matters and opinions naturally flowing from their personal knowledge and involvement in this matter and those matters specifically disclosed and or to be disclosed in the future.

Drs. Marcus Talerico (Mid America Hand to Shoulder) and Karen Levin/Mitchell Grobman (Associated Neurology), Biofora/Sagerman (Hand Surgery Associates), are intended to be called as opinion witness(es) to testify to the care and treatment of the Plaintiff to the extent allowed under Rule 213 and to all matters expressly and/or impliedly set forth in the patient's chart including matters flowing therefrom, including, but not limited to, history, exam, diagnostics/findings, exam/findings, diagnosis, treatment, physical therapy, medication, follow-up and continuing treatment through to trial; the nature and extent of injuries sustained by Plaintiff as set forth above and in deposition including injuries, and that such injuries were caused/aggravated by the underlying trauma; that the treatment for such injuries was/is reasonable and medically necessary and causally related to underlying accident, and any other opinions or matters set forth or described in the patients medical file or hospital chart, in addition to any matters and/or opinions naturally flowing from the witnesses work or personal knowledge and involvement in this matter, in addition to testimony and opinions on the following issues:

- Plaintiff suffered and is diagnosed as having the above injuries, not limited to: traumatic injury to right arm including numbness, neuropathy, scarring, and branch nerve involvement;
- Plaintiff's injury is consistent with mechanism of injury/history;
- Plaintiff's injury was caused/aggravated by the underlying accident based upon history and findings and experience;
- Plaintiff's injury is confirmed through exam and diagnostics;
- Plaintiff will require ongoing and continual treatment for the injury(s);
- Plaintiff's conservative treatment did not resolve symptoms, requiring surgery and chronic pain;
- Plaintiff's symptoms and disability are permanent;
- Review and interpretation of all diagnostics;
- Plaintiff may require surgery to correct the condition(s);
- Plaintiff's surgery and costs is medically necessitated and causally related to the accident;
- Plaintiff's symptoms are disabling from activities;
- Plaintiff's injury is pain producing;
- Plaintiff's injury limits and will limit in the future Plaintiff's activity at home and at work;
- Plaintiff's injury disabled him/her from work for a period of time causing a loss in income;
- The charges or expense for the medical treatment received from each and every treater or facility referenced by Plaintiff in deposition or by Medical Expense Report was/is customary, reasonable, and medically necessary and due to the auto

- accident based upon his/her expertise and experience and knowledge of the billing/charges for the same or similar treatment;
- Plaintiff is susceptible to re-injury in the future due to injury sustained in case, requiring future care and treatment, surgery and expense;
  - Plaintiff will require future medical treatment and care and expense due to injury, estimate of \$10,000 annually;
  - That Doctors' practice involves treating patients with similar injuries under similar settings and causes;
  - The witnesses report(s) are contained in medical records produced in discovery;
  - This witnesses opinions are based upon the witnesses expertise, experience, education, treatment of same and similar injuries, review of history, records of all treating physicians and care providers, films/reports, and exam - all which is customary for the witness to rely upon in his/her practice.
  - Foundational matters for purposes of admission of medical records into evidence;
  - The testimony is also based upon a **recent exam** conducted before arbitration and/or trial.

Plaintiff expressly reserves the right to withdraw and/or not to call any 213 witnesses heretofore disclosed (or fewer than those disclosed) depending on counsel's legal determination at the time of trial and his judgment on the necessity of such testimony given the issues and evidence to be presented at the time of trial.

The accounts/financial services/billing representatives (any or each of them) from each of the facilities whereat the Plaintiff treated, as set forth in his discovery and deposition and Medical Expense Report(s) produced in discovery, including { } will each and themselves testify that based upon their experience and customs and practices and the practices of their internal office and those on their behalf, in their opinion the charges pertaining to Plaintiff's medical treatment in this case, as outlined in the Medical Expense Report, are reasonable and customary in the industry within the area. No one individual has been identified by the facility to testify, but if the defense wants to depose a specific individual before the evidence deposition of the representative is taken, Plaintiff will then designate a person for this purpose, otherwise the evidence deposition notice may simply designate the "representative with knowledge of the customary charges for such treatment" at each facility.

The records keepers from each of the facilities whereat the Plaintiff treated, as set forth in his/her discovery responses and deposition and Medical Expense Report provided throughout the course of this case, will each themselves testify to all foundational matters and requirements for admission of such records into evidence, including testimony as to the custody of the records kept in the ordinary course of business, and history provided by the patient and reliance upon such in the treatment or care of the plaintiff.

Plaintiff reserves the right to update these disclosures in the future in accordance with the order of the court, to add or delete witnesses as may be appropriate and in accordance with the court's order and reserves the right not to call a witness above as may be

appropriate at trial.

A handwritten signature in black ink, appearing to read 'HANS A. MAST', is written over a horizontal line.

HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH**

3416 West Elm Street

McHenry, IL 60050

815-344-3797

Attorney Registration No. 06203684

Verification by Certification

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

  
\_\_\_\_\_  
PAUL DULBERG

DATE: 7-20-12

MEDICAL EXPENSE REPORT

PAUL DULBERG

DATE OF ACCIDENT: JUNE 28, 2011

DATE OF REPORT: MARCH 19, 2012

# MEDICAL EXPENSES

Paul Dulberg

Date of Accident: June 28, 2011

Date of Report: March 19, 2012

---

Northern Illinois Medical Center

4201 Medical Center Drive

McHenry, IL 60050-8409

815-344-5000 - Acct. 11179-00323

06/28/11 ..... \$1,323.75 ..... \$1,323.75

Moraine Emergency Physicians

PO Box 8759

Philadelphia, PA 19101-8759

800-355-2470 - Acct. MNI711179003233

06/28/11 ..... \$1,346.00 ..... \$1,346.00

McHenry Radiologists Imaging Associates

PO Box 220

McHenry, IL 60051-0220

815-759-0800 - Acct. 235130-QMRIG

06/28/11 ..... \$50.00 ..... \$50.00

Associated Neurology SC

Attn: Dr. Levin

1900 Hollister Drive

Suite 250

Libertyville, IL 60048

847-549-0055 - Chart # 18062

07/28/11 ..... \$225.00

08/10/11 ..... 930.00

Total ..... \$1,155.00

Open Advanced MRI of Round Lake

Medchex

PO Box 502

Katohah, NY 10536

866-959-1100 - Acct. 265065

02/03/12 ..... \$3,390.00 ..... \$3,390.00

Walgreens

3925 W. Elm Street

McHenry, IL 60050

815-363-0722

06/28/11 ..... \$48.68 ..... \$48.68

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TOTAL EXPENSES: ..... \$7,313.43

Misc Expenses

Medical Supplies ..... \$19.61

Total Misc. Expenses ..... \$19.61

TOTAL ALL EXPENSES ..... \$7,333.04



STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,	)	
	)	
Plaintiff,	)	Case No. 12 LA 178
	)	
vs.	)	
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE MCGUIRE and BILL	)	
MCGUIRE, and CAROLINE MCGUIRE	)	
and BILL MCGUIRE, Individually,	)	
	)	
Defendants.	)	

**McGUIRE DEFENDANTS' MOTION FOR LEAVE TO FILE**  
**AMENDED ANSWER AND AFFIRMATIVE DEFENSE**

Defendants, BILL McGUIRE and CAROLYN McGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, hereby moves the Court for an Order granting them leave to file an amended answer and affirmative defense to Count I of Plaintiff's complaint. In support of their Motion, the movants further state as follows:

1. On May 15, 2012, Plaintiff PAUL DULBER filed a two count complaint over injuries he attributes to a chainsaw accident that occurred on June 28, 2011.
2. Defendants Bill McGuire and Carolyn McGuire owned the residential property upon which the chainsaw accident purportedly occurred. However, neither defendant witnessed the occurrence set forth in Plaintiff's Complaint.
3. On January 24, 2013, Plaintiff Paul Dulberg submitted for a discovery deposition.
4. Based upon the deposition testimony of Plaintiff Paul Dulberg, the movants reasonably believe Plaintiff Paul Dulberg was guilty of contributory negligence in connection with the occurrence set forth in his complaint.

WHEREFORE, the Defendants, BILL McGUIRE and CAROLYN McGUIRE, pray that the Court enter an Order granting them leave to file an amended answer adding an affirmative defense

of comparative fault. A copy of the proposed Amended Answer and Affirmative Defense is attached to this motion as Exhibit A.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By

A handwritten signature in black ink, appearing to be 'RBA', written over a horizontal line.

RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/25/13.



Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**AMENDED ANSWER AND**  
**AFFIRMATIVE DEFENSE BY**  
**DEFENDANTS BILL MCGUIRE**  
**AND CAROLYN MCGUIRE**

**DEFENDANTS' ANSWER**

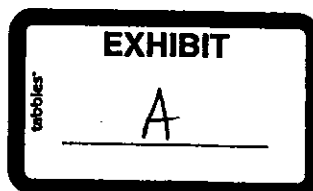
**ANSWER TO COUNT I**

Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, make no response to Count I of Plaintiff's Complaint inasmuch as said allegations are directed at a separate and distinct Defendant.

**ANSWER TO COUNT II**

Defendants, BILL MCGUIRE AND CAROLYN MCGUIRE (improperly named Caroline), by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their Answer to Count I of Plaintiff's Complaint, state as follows:

1. Defendants admit the allegations of paragraph one (1).
2. Defendants admit that on June 28, 2011, they owned and lived in a single family home located at 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois. Defendants neither admit nor deny the remaining allegations set forth in paragraph two (2) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
3. Defendants deny the allegations of paragraph three (3).
4. Defendants deny the allegations of paragraph four (4).



5. Defendants admit that on June 28, 2011, Defendant David Gagnon was engaged in cutting, trimming and maintaining trees and brush on the premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois. Defendants admit that David Gagnon was doing so at their request, with their authority and permission and for their benefit. Defendants deny the remaining allegations of paragraph five (5).
6. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. Defendants admit that they owned a chain saw on June 28, 2011. Defendants deny the remaining allegations of paragraph six (6).
7. Defendants deny the allegations of paragraph seven (7).
8. Defendants deny the allegations of paragraph eight (8).
9. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations set forth in paragraph nine (9). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
10. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph ten (10). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
11. Defendants deny the allegations of paragraph eleven (11).
12. Defendants deny the allegations of paragraph twelve (12).
13. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph thirteen (13). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
14. The answering Defendants were not present and therefore lack sufficient

information upon which to form a belief as to the truth of the allegations of paragraph fourteen (14). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.

15. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
16. Defendants admit that at all relevant times they owned and lived in the premises that are the subject of Plaintiff's Complaint. Defendants neither admit nor deny the remaining allegations set forth in paragraph sixteen (16) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
17. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
18. Defendants deny the allegations of paragraph eighteen (18).
19. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to whether Defendant David Dagnon was operating a chain saw with the assistance of Plaintiff Paul Dulberg. Defendants neither admit nor deny the remaining allegations set forth in paragraph nineteen (19) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
20. Defendants make no response to the allegations set forth in paragraph twenty (20) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
21. Defendants deny the allegations of paragraph twenty-one (21).
22. Defendants deny the allegations of paragraph twenty-two (22).

WHEREFORE, the Defendants, BILL McGUIRE and CAROLYN McGUIRE, pray the court dismiss Count I of Plaintiff's Complaint and enter judgment for the Defendants for their costs of suit.

**Defendants Hereby Demand A Trial By Jury**

**DEFENDANTS' AFFIRMATIVE DEFENSE**

The Defendants, BILL McGUIRE and CAROLYN McGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their Affirmative Defense to Count II of Plaintiff's Complaint, state as follows:

1. That on the date and at the place alleged in the Plaintiff's Complaint, the Plaintiff, PAUL DULBERG, was guilty of negligence by failing to exercise due care and caution for his own safety, in that he:
  - a. Failed to use due care and caution as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches.
  - b. Failed to use due care and caution as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches when he knew and appreciated the dangers associated with chainsaw usage.
  - c. Was inattentive and unobservant to surrounding conditions and dangers as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches.
  - d. Notwithstanding a reasonable opportunity to do so, failed to maintain a safe distance between himself and an operating chainsaw.
  - e. Was otherwise careless and negligent as will be demonstrated by the evidence at trial.
2. That by reason of the aforesaid negligence of the Plaintiff, PAUL DULBERG, and as a direct and proximate result thereof, the Plaintiff sustained the damages claimed.
3. That pursuant to the Illinois Code of Civil Procedure, Section 5/2-613(d) and Section 5/2-1116, the Complaint of PAUL DULBERG should be dismissed in that the contributory

fault on the part of the Plaintiff was more than 50 percent and, therefore, PAUL DULBERG's Complaint is barred.

4. Or, in the alternative, that any verdict against the Defendants, BILL McGUIRE and CAROLYN McGUIRE, should be reduced in direct proportion to the percentage of PAUL DULBERG's contributory negligence causing his claimed injuries.

WHEREFORE, the Defendants, BILL McGUIRE and CAROLYN McGUIRE, moves this Court for an Order dismissing Count I of Plaintiff's Complaint, costs being assessed to the Plaintiff.

**Defendants Hereby Demand A Trial By Jury**

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,


By   
RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)



STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF WINNEBAGO            )

RONALD A. BARCH, being first duly sworn on oath, deposes and states that he is one of the attorneys for the Defendants, BILL McGUIRE and CAROLYN McGUIRE, that he has read the foregoing Answer signed by him; that the allegations as to insufficient knowledge are true to the best of his knowledge and belief.



\_\_\_\_\_  
RONALD A. BARCH

Subscribed and sworn to before  
me on \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/25/13.



---

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6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**NOTICE OF MOTION**

TO: ATTACHED SERVICE LIST

YOU ARE HEREBY notified that on the 30<sup>th</sup> day of January, 2013, at 9:00 o'clock A.M., or soon thereafter as Counsel may be heard, I shall appear before his Honor, Judge Thomas A. Meyer, in the room usually occupied by him as a Court Room, or in his absence, before any other Judge that may be presiding in said Court Room, in the Courthouse in McHenry County at Rockford, Illinois, and then and there present: Defendants' Motion for Leave to File Cross-Claim for Contribution against Defendant David Gagnon; At which time and place you may appear, if you so desire.

Dated: January 25, 2013

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

**CERTIFICATE OF SERVICE**

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served upon:

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McHenry, IL 60050

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RBC

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,	)	
	)	
Plaintiff,	)	Case No. 12 LA 178
	)	
vs.	)	
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE MCGUIRE and BILL	)	
MCGUIRE, and CAROLINE MCGUIRE	)	
and BILL MCGUIRE, Individually,	)	
	)	
Defendants.	)	

**McGUIRE DEFENDANTS' MOTION FOR LEAVE TO FILE**  
**CROSS-CLAIM FOR CONTRIBUTION**

Defendants, BILL McGUIRE and CAROLYN McGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, hereby moves the Court for an Order granting them leave to file a cross-claim for contribution against Defendant David Gagnon. In support of their Motion, the movants further state as follows:

1. On May 15, 2012, Plaintiff PAUL DULBER filed a two count complaint over injuries he attributes to a chainsaw accident that occurred on June 28, 2011.
2. Defendants Bill McGuire and Carolyn McGuire owned the residential property upon which the chainsaw accident purportedly occurred. However, neither defendant witnessed the occurrence set forth in Plaintiff's Complaint.
3. On January 24, 2013, Plaintiff Paul Dulberg submitted for a discovery deposition.
4. Based upon the deposition testimony of Plaintiff Paul Dulberg, the movants reasonably believe Defendant David Gagnon was guilty of negligence in connection with the occurrence set forth in Plaintiff's complaint.

WHEREFORE, the Defendants, BILL McGUIRE and CAROLYN McGUIRE, pray that the Court enter an Order granting them leave to file a cross-claim for contribution against Defendant

David Gagnon. A copy of the proposed Cross-Claim for Contribution is attached to this motion as Exhibit A.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By   
RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

**CERTIFICATE OF SERVICE**

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McHenry, IL 60050

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\_\_\_\_\_

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6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**CROSS-CLAIM FOR CONTRIBUTION AGAINST**  
**CO-DEFENDANT DAVID GAGNON**

The Defendants, BILL McGUIRE and CAROLYN McGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their cross-claim for counterclaim for contribution against Defendant David Gagnon, state as follows:

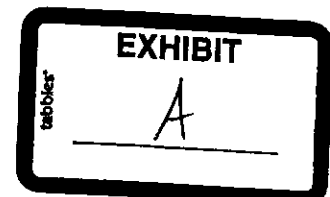
1. Plaintiff PAUL DULBERG has filed a two-count complaint against Defendants David Gagnon, Bill McGuire and Carolyn McGuire seeking damages for injuries he attributes to a chainsaw incident that purportedly occurred on June 28, 2011 in the County of McHenry, State of Illinois.

2. The chainsaw incident set forth in Plaintiff's Complaint purportedly occurred on a residential parcel owned by Defendants Bill McGuire and Carolyn McGuire.

3. Defendants Bill McGuire and Carolyn McGuire were not present in the vicinity of the chainsaw incident when it occurred.

4. At the time of the alleged chainsaw incident, Plaintiff PAUL DULBERG was assisting Defendant David Gagnon as Defendant Gagnon was cutting and trimming trees and branches with a chainsaw.

5. At said time and place, Defendant David Gagnon owed a duty to exercise reasonable care at all times to avoid causing injury and property damages to others.





6. On the date and in the location set forth in Plaintiff's Complaint, the chainsaw being then and there operated by Defendant David Gagnon made contact with the right arm of Plaintiff PAUL DULBERG.

7. At the time and place alleged, notwithstanding his aforementioned duty, Defendant David Gagnon was then and there guilty of one or more of the following negligent acts and/or omissions:

- a. Caused or permitted a chainsaw to make contact with Plaintiff's right arm;
- b. Failed to operate said chainsaw in a safe and reasonable manner so as to avoid injuring Plaintiff's right arm;
- c. Failed to maintain a reasonable and safe distance between the chainsaw he was operating and Plaintiff's right arm;
- d. Failed to properly instruct Plaintiff prior to approaching him with an operating chainsaw;
- e. Failed to properly warn Plaintiff prior to approaching him with an operating chainsaw;
- f. Failed to maintain the chainsaw in the idle or off position when he knew or should have known that Plaintiff was close enough to sustain injury from direct contact with the subject chainsaw;
- g. Failed to maintain a proper lookout for Plaintiff while operating the subject chainsaw;
- h. Failed to maintain proper control over an operating chainsaw;
- i. Was otherwise negligent in the operation and control of the subject chainsaw.

8. That the injuries alleged by Plaintiff PAUL DULBER, if any, were the direct and proximate result of negligence on the part of Defendant David Gagnon.

9. By virtue of those aforesaid actions, Defendant David Gagnon is a joint tortfeasor within the meaning of the Illinois Contribution Among Joint Tortfeasors Act (740 ILCS 100/0.01, et seq.) which was in full force and effect on the date of the occurrence and, as such, the State of

Illinois recognizes the right of contribution among joint tortfeasors.

9. Should the Defendants Bill McGuire and Carolyn McGuire be found liable for the injuries to Plaintiff PAUL DULBERG, Defendants Bill McGuire and Carolyn McGuire are entitled to contribution from Defendant David Gagnon for that portion of the total recoveries, if any, by Plaintiff PAUL DULBERG that the Defendants Bill McGuire and Carolyn McGuire are required to pay in excess of their pro rata share of the liability pursuant to the aforesaid Illinois Contribution Among Joint Tortfeasors Act.

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, demand judgment in their favor and against Defendant David Gagnon for any and all sums for which Defendants BILL MCGUIRE and CAROLYN MCGUIRE may be held liable to Plaintiff PAUL DULBERG, in excess of their pro rata share.

**Defendants Hereby Demands A Trial By Jury**

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
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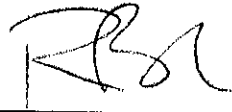
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Law Office of M. Gerard Gregoire  
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# COMPEX LEGAL SERVICES

325 Maple Avenue, Torrance, California 90503

(888) 685-4411

## RECORD REQUEST FORM

Compex Order: E39572

CICERO, FRANCE, BARCH & ALEXANDER, P.C.  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, IL 61114

October 29, 2012

RE: DULBERG V. GAGNON, ET AL.  
Case No.: 12LA000178  
Record Subject: DULBERG, PAUL  
Records requested by: LAW OFFICE OF M. GERARD, GREGOIRE

### Please note:

By placing a check mark in the box next to a location, you have indicated your desire to receive a copy of the records received by Compex Legal Services from that location. Should you desire a copy of any original item(s) listed below the location, please indicate by checking the box before the item description. If you check "Films" and/or "Other" which may include copies of original items such as photos, blueprints, video or audio tapes, you must place your order within (2) business days of receipt of this notice to assure proper delivery.

☐ If a location provides a Certificate of No Records, you will receive a copy UNLESS this box is checked

Records	Films (If requested)	Other	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	B . MCHENRY RADIOLOGISTS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C . MORAIN ER PHYSICIANS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	D . CENTEGRA NORTHERN ILLINOIS MEDICAL CENTER
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E . OPEN ADVANCED MRI
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	F . MIDAMERICA HAND TO SHOULDER
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	G . FOX LAKE DYNAMIC HAND THERAPY
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	H . FRANK SEK, MD
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	I . HAND SURGERY ASSOCIATES
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	J . AMS SCREW PRODUCTS

Please return all pages of this form with your signature to FAX (800)479-3365

# COMPEX LEGAL SERVICES

325 Maple Avenue, Torrance, California 90503

(888) 685-4411

## RECORD REQUEST FORM

Compex Order: E39572

CICERO, FRANCE, BARCH & ALEXANDER, P.C.  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, IL 61114

October 29, 2012

RE: DULBERG V. GAGNON, ET AL.  
Case No.: 12LA000178  
Record Subject: DULBERG, PAUL  
Records requested by: LAW OFFICE OF M. GERARD GREGOIRE

DEAR CICERO, FRANCE, BARCH & AL:

Compex Legal Services has been requested by the firm named above to obtain records from the locations listed below.

If you require copies of any of these records, please indicate by checking the box next to the appropriate location(s) and sign and return the form(s) to Compex Legal Services. If no boxes are checked, we will assume you are requesting records from all locations.

### Please note:

By placing a check mark in the box next to a location, you have indicated your desire to receive a copy of the records received by Compex Legal Services from that location. Should you desire a copy of any original item(s) listed below the location, please indicate by checking the box before the item description. If you check "Films" and/or "Other" which may include copies of original items such as photos, blueprints, video or audio tapes, you must place your order within (2) business days of receipt of this notice to assure proper delivery.

☐ If a location provides a Certificate of No Records, you will receive a copy UNLESS this box is checked

Records    Films    Other  
(If requested)

☐ ☐ ☐ A. ASSOCIATES NEUROLOGY

If your firm has an account with Compex Legal Services, normal billing will apply. If you represent an insurance carrier and prefer that we bill them directly, please provide the following information:

Carrier \_\_\_\_\_ Adjuster \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
City, St \_\_\_\_\_ Zip \_\_\_\_\_  
Claim \_\_\_\_\_ Insured \_\_\_\_\_

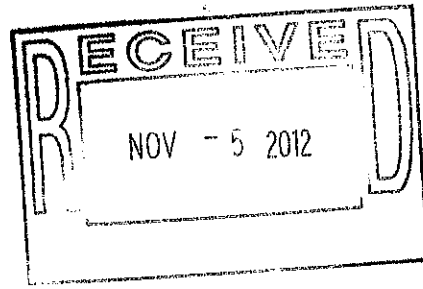
Your signature below confirms that you are ordering these records and agree to the terms and conditions(attached)

Authorized signature \_\_\_\_\_ (Required) Date \_\_\_\_\_

Print Name \_\_\_\_\_ Title \_\_\_\_\_

E-mail \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

**Please return all pages of this form with your signature to FAX (800)479-3365**



**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**  
**6323 EAST RIVERSIDE BOULEVARD**  
**ROCKFORD, IL 61114**  
**ATTN: CICERO, FRANCE, BARCH & AL**

CASE NAME: DULBERG v GAGNON, ET AL.

## IN THE CIRCUIT COURT OF THE TWENTYSECOND JUDICIAL CIRCUIT, MCHENRY COUNTY, ILLINOIS

DULBERG

Plaintiff/Petitioner

v.

GAGNON, ET AL.

Defendant/Respondent

No. 12LA000178

SUBPOENA IN A CIVIL MATTER  
(For Testimony and/or Documents)

To: ASSOCIATES NEUROLOGY

1900 HOLLISTER DRIVE, SUITE 250

LIBERTYVILLE, IL 60048

- ☐ 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☐ 2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at: \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☒ 3. YOU ARE COMMANDED to mail the following documents in your possession or control to COMPLEX LEGAL SERVICES, INC.  
at 1016 WEST JACKSON BOULEVARD, SUITE 213, CHICAGO, IL 60607, on or before NOVEMBER 15, 2012,  
at 10:00 a.m.  
(THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.):

☒ Description continued on attached page(s).

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

## Notice to Deponent:

- ☒ 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows: TO OBTAIN FACTUAL INFORMATION RELATING TO THE NATURE AND EXTENT OF INJURIES AND/OR DAMAGES ALLEGED BY THE PARTIES IN THIS LAWSUIT AND NO OTHER MEANS OF PRODUCTION ARE AVAILABLE.

☐ Description continued on attached page(s).

(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

- ☐ 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by \_\_\_\_\_  
(Name of Recording Device Operator)

3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. \_\_\_\_\_

Pro Se 99500

Name: PERRY A. ACCARDO

Issued by: [S] PERRY A. ACCARDO

Signature

Atty. for: GAGNON

Address: 200 NORTH LASALLE STREET, SUITE 2650

City/State/Zip: CHICAGO, IL 60601

Telephone: 312-558-9800

☒ Attorney☐ Clerk of Court

Date: OCTOBER 29, 2012

- ☐ I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to \_\_\_\_\_  
by certified mail, return receipt requested (Receipt # \_\_\_\_\_) on \_\_\_\_\_,  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.
- ☐ I served this subpoena by handing a copy to \_\_\_\_\_ on \_\_\_\_\_,  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.

(Signature of Server)

(Print Name)

**ATTACHMENT 3**

**E39572-A**

**SUBJECT: DULBERG, PAUL**

**AKA: NOT PROVIDED**

**DOB: 03/19/1970**

**SSN: 323-76-4001**

**ALL DOCUMENTS AND RECORDS, INCLUDING, BUT NOT LIMITED TO, CD ROM, TAPE DRIVE, FLOPPY DRIVE, HARD DRIVE, SCANNED DOCUMENTS, EMAIL CORRESPONDENCE AND ALL OTHER DOCUMENTS STORED ELECTRONICALLY OR DIGITALLY, INCLUDING ALL OFFICE, EMERGENCY ROOM, INPATIENT AND OUTPATIENT CHARTS AND RECORDS, PHYSICAL THERAPY RECORDS, INCLUDING SIGN-IN SHEETS, COPIES OF ALL PRINTED MATERIAL DESCRIBING EXERCISES PRESCRIBED AND DOCUMENTATION WHICH INDICATES DATES AND TIMES OF PATIENT'S APPOINTMENTS, PHOTOGRAPHS, INSURANCE DOCUMENTS, ALL BILLING RECORDS, INCLUDING, BUT NOT LIMITED TO, ANY INSURANCE BILLING OR PAYMENT INFORMATION, ITEMIZED STATEMENTS OF CHARGES, PAYMENT AND WRITE-OFF RECORDS AND PAYMENT TRANSACTIONS, FROM ALL SOURCES, AND ALL PAYMENT HISTORY, PERTAINING TO THE CARE, TREATMENT AND EXAMINATION OF THE PATIENT, REGARDLESS OF TREATMENT DATE.**



ATTORNEY OR PARTY WITHOUT ATTORNEY: <b>PERRY A. ACCARDO</b> <b>LAW OFFICE OF M. GERARD GREGOIRE</b> <b>200 NORTH LASALLE STREET, SUITE 2650, CHICAGO, IL 60601</b>		TELEPHONE NO <b>(312) 558-9800</b>	FOR COURT USE ONLY
ATTORNEY FOR: <b>GAGNON</b>			
NAME OF COURT: <b>CIRCUIT COURT FOR THE STATE OF ILLINOIS</b> POST OFFICE & <b>FOR THE COUNTY OF MCHENRY</b> STREET ADDRESS <b>2200 NORTH SEMINARY AVENUE, WOODSTOCK, IL 60098</b>			
PLAINTIFF/PETITIONER: <b>DULBERG</b> DEFENDANT/RESPONDENT: <b>GAGNON, ET AL.</b> CASE NUMBER: <b>12LA000178</b>			
<b>NOTICE OF DEPOSITION</b>			

**NOTICE TO ALL PARTIES AND THEIR ATTORNEY(S):**

1. The production of documents by the Custodian of Records of the following business will be required as follows:

	DATE	TIME
<b>ASSOCIATES NEUROLOGY</b> 1900 HOLLISTER DRIVE, SUITE 250, LIBERTYVILLE, IL 60048	11/15/2012	10:00 AM

Date: October 29, 2012

**PERRY A. ACCARDO**

(Type or Print Name)

**[S] PERRY A. ACCARDO**

(Signature)

**ATTORNEY AT LAW**

(Title)

**NOTICE OF DEPOSITION**

## IN THE CIRCUIT COURT OF THE TWENTYSECOND JUDICIAL CIRCUIT, MCHENRY COUNTY, ILLINOIS

DULBERG

Plaintiff/Petitioner

v.

GAGNON, ET AL.

Defendant/Respondent

No. 12LA000178

SUBPOENA IN A CIVIL MATTER  
(For Testimony and/or Documents)

To: MCHENRY RADIOLOGISTS

P.O. BOX 220

MCHENRY, IL 60051

- ☐ 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☐ 2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at: \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☒ 3. YOU ARE COMMANDED to mail the following documents in your possession or control to COMPLEX LEGAL SERVICES, INC.  
at 1016 WEST JACKSON BOULEVARD, SUITE 213, CHICAGO, IL 60607, on or before NOVEMBER 15, 2012,  
at 10:15 a.m.  
(THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.):

☒ Description continued on attached page(s).

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

## Notice to Deponent:

- ☒ 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows: TO OBTAIN FACTUAL INFORMATION RELATING TO THE NATURE AND EXTENT OF INJURIES AND/OR DAMAGES ALLEGED BY THE PARTIES IN THIS LAWSUIT AND NO OTHER MEANS OF PRODUCTION ARE AVAILABLE.

☐ Description continued on attached page(s).

(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

- ☐ 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by \_\_\_\_\_  
(Name of Recording Device Operator)

3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. \_\_\_\_\_ Pro Se 99500

Name: PERRY A. ACCARDO

Issued by: [S] PERRY A. ACCARDO

Signature

Atty. for: GAGNON

Address: 200 NORTH LASALLE STREET, SUITE 2650

City/State/Zip: CHICAGO, IL 60601

Telephone: 312-558-9800

☒ Attorney☐ Clerk of Court

Date: OCTOBER 29, 2012

- ☐ I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to \_\_\_\_\_  
by certified mail, return receipt requested (Receipt # \_\_\_\_\_) on \_\_\_\_\_,  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.
- ☐ I served this subpoena by handing a copy to \_\_\_\_\_ on \_\_\_\_\_,  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.

(Signature of Server)

(Print Name)

**ATTACHMENT 3**

**E39572-B**

**SUBJECT: DULBERG, PAUL**

**AKA: NOT PROVIDED**

**DOB: 03/19/1970**

**SSN: 323-76-4001**

**ALL DOCUMENTS AND RECORDS, INCLUDING, BUT NOT LIMITED TO, CD ROM, TAPE DRIVE, FLOPPY DRIVE, HARD DRIVE, SCANNED DOCUMENTS, EMAIL CORRESPONDENCE AND ALL OTHER DOCUMENTS STORED ELECTRONICALLY OR DIGITALLY, INCLUDING ALL OFFICE, EMERGENCY ROOM, INPATIENT AND OUTPATIENT CHARTS AND RECORDS, PHYSICAL THERAPY RECORDS, INCLUDING SIGN-IN SHEETS, COPIES OF ALL PRINTED MATERIAL DESCRIBING EXERCISES PRESCRIBED AND DOCUMENTATION WHICH INDICATES DATES AND TIMES OF PATIENT'S APPOINTMENTS, PHOTOGRAPHS, INSURANCE DOCUMENTS, ALL BILLING RECORDS, INCLUDING, BUT NOT LIMITED TO, ANY INSURANCE BILLING OR PAYMENT INFORMATION, ITEMIZED STATEMENTS OF CHARGES, PAYMENT AND WRITE-OFF RECORDS AND PAYMENT TRANSACTIONS, FROM ALL SOURCES, AND ALL PAYMENT HISTORY, PERTAINING TO THE CARE, TREATMENT AND EXAMINATION OF THE PATIENT, REGARDLESS OF TREATMENT DATE.**

ATTORNEY OR PARTY WITHOUT ATTORNEY: <b>PERRY A. ACCARDO</b> <b>LAW OFFICE OF M. GERARD GREGOIRE</b> <b>200 NORTH LASALLE STREET, SUITE 2650, CHICAGO, IL 60601</b>		TELEPHONE NO <b>(312) 558-9800</b>	FOR COURT USE ONLY
ATTORNEY FOR: <b>GAGNON</b>			
NAME OF COURT: <b>CIRCUIT COURT FOR THE STATE OF ILLINOIS</b> POST OFFICE & <b>FOR THE COUNTY OF MCHENRY</b> STREET ADDRESS <b>2200 NORTH SEMINARY AVENUE, WOODSTOCK, IL 60098</b>			
PLAINTIFF/PETITIONER: <b>DULBERG</b> DEPENDANT/RESPONDENT: <b>GAGNON, ET AL.</b> CASE NUMBER: <b>12LA000178</b>			
<b>NOTICE OF DEPOSITION</b>			

**NOTICE TO ALL PARTIES AND THEIR ATTORNEY(S):**

1. The production of documents by the Custodian of Records of the following business will be required as follows:

	DATE	TIME
<b>MCHENRY RADIOLOGISTS</b> <b>P.O. BOX 220, MCHENRY, IL 60051</b>	11/15/2012	10:15 AM

Date: October 29, 2012

**PERRY A. ACCARDO**

(Type or Print Name)

**[S] PERRY A. ACCARDO**

(Signature)

**ATTORNEY AT LAW**

(Title)

**NOTICE OF DEPOSITION**

## IN THE CIRCUIT COURT OF THE TWENTYSECOND JUDICIAL CIRCUIT, MCHENRY COUNTY, ILLINOIS

DULBERG

Plaintiff/Petitioner

v.

No. 12LA000178

GAGNON, ET AL.

Defendant/Respondent

SUBPOENA IN A CIVIL MATTER  
(For Testimony and/or Documents)

To: MORaine ER PHYSICIANS

P.O. BOX 8759

PHILADELPHIA, PA 19101

- ☐ 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☐ 2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at: \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☒ 3. YOU ARE COMMANDED to mail the following documents in your possession or control to COMPEX LEGAL SERVICES, INC.  
at 1016 WEST JACKSON BOULEVARD, SUITE 213, CHICAGO, IL 60607, on or before NOVEMBER 15, 2012,  
at 10:30 a m.  
(THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.):

☒ Description continued on attached page(s).

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

## Notice to Deponent:

- ☒ 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows: TO OBTAIN FACTUAL INFORMATION RELATING TO THE NATURE AND EXTENT OF INJURIES AND/OR DAMAGES ALLEGED BY THE PARTIES IN THIS LAWSUIT AND NO OTHER MEANS OF PRODUCTION ARE AVAILABLE.

☐ Description continued on attached page(s).

(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

- ☐ 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by \_\_\_\_\_  
(Name of Recording Device Operator)
3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. \_\_\_\_\_

Pro Se 99500

Name: PERRY A. ACCARDO

Issued by: [S] PERRY A. ACCARDO

Signature

Atty. for: GAGNON

Address: 200 NORTH LASALLE STREET, SUITE 2650

City/State/Zip: CHICAGO, IL 60601

Telephone: 312-558-9800

☒ Attorney☐ Clerk of Court

Date: OCTOBER 29, 2012

- ☐ I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to \_\_\_\_\_  
by certified mail, return receipt requested (Receipt # \_\_\_\_\_) on \_\_\_\_\_,  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.
- ☐ I served this subpoena by handing a copy to \_\_\_\_\_ on \_\_\_\_\_,  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.

(Signature of Server)

(Print Name)

**ATTACHMENT 3**

**E39572-C**

**SUBJECT: DULBERG, PAUL**

**AKA: NOT PROVIDED**

**DOB: 03/19/1970**

**SSN: 323-76-4001**

**ALL DOCUMENTS AND RECORDS, INCLUDING, BUT NOT LIMITED TO, CD ROM, TAPE DRIVE, FLOPPY DRIVE, HARD DRIVE, SCANNED DOCUMENTS, EMAIL CORRESPONDENCE AND ALL OTHER DOCUMENTS STORED ELECTRONICALLY OR DIGITALLY, INCLUDING ALL OFFICE, EMERGENCY ROOM, INPATIENT AND OUTPATIENT CHARTS AND RECORDS, PHYSICAL THERAPY RECORDS, INCLUDING SIGN-IN SHEETS, COPIES OF ALL PRINTED MATERIAL DESCRIBING EXERCISES PRESCRIBED AND DOCUMENTATION WHICH INDICATES DATES AND TIMES OF PATIENT'S APPOINTMENTS, PHOTOGRAPHS, INSURANCE DOCUMENTS, ALL BILLING RECORDS, INCLUDING, BUT NOT LIMITED TO, ANY INSURANCE BILLING OR PAYMENT INFORMATION, ITEMIZED STATEMENTS OF CHARGES, PAYMENT AND WRITE-OFF RECORDS AND PAYMENT TRANSACTIONS, FROM ALL SOURCES, AND ALL PAYMENT HISTORY, PERTAINING TO THE CARE, TREATMENT AND EXAMINATION OF THE PATIENT, REGARDLESS OF TREATMENT DATE.**

ATTORNEY OR PARTY WITHOUT ATTORNEY:		TELEPHONE NO	FOR COURT USE ONLY
<b>PERRY A. ACCARDO</b> <b>LAW OFFICE OF M. GERARD GREGOIRE</b> <b>200 NORTH LASALLE STREET, SUITE 2650, CHICAGO, IL 60601</b>		(312) 558-9800	
ATTORNEY FOR: <b>GAGNON</b>			
NAME OF COURT: <b>CIRCUIT COURT FOR THE STATE OF ILLINOIS</b> POST OFFICE & <b>FOR THE COUNTY OF MCHENRY</b> STREET ADDRESS <b>2200 NORTH SEMINARY AVENUE, WOODSTOCK, IL 60098</b>			
PLAINTIFF/PETITIONER: <b>DULBERG</b> DEFENDANT/RESPONDENT: <b>GAGNON, ET AL.</b> CASE NUMBER: <b>12LA000178</b>			
<b>NOTICE OF DEPOSITION</b>			

**NOTICE TO ALL PARTIES AND THEIR ATTORNEY(S):**

1. The production of documents by the Custodian of Records of the following business will be required as follows:

	DATE	TIME
<b>MORaine ER PHYSICIANS</b>		
P.O. BOX 8759, PHILADELPHIA, PA 19101	11/15/2012	10:30 AM

Date: October 29, 2012

**PERRY A. ACCARDO**

(Type or Print Name)

**[S] PERRY A. ACCARDO**

(Signature)

**ATTORNEY AT LAW**

(Title)

**NOTICE OF DEPOSITION**

## IN THE CIRCUIT COURT OF THE TWENTYSECOND JUDICIAL CIRCUIT, MCHENRY COUNTY, ILLINOIS

DULBERG

Plaintiff/Petitioner

v.

GAGNON, ET AL.

Defendant/Respondent

No. 12LA000178

SUBPOENA IN A CIVIL MATTER  
(For Testimony and/or Documents)

To: CENTEGRA NORTHERN ILLINOIS MEDICAL CENTER  
4201 MEDICAL CENTER DRIVE  
MCHENRY, IL 60050

- ☐ 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☐ 2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at: \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☒ 3. YOU ARE COMMANDED to mail the following documents in your possession or control to COMPLEX LEGAL SERVICES, INC.  
at 1016 WEST JACKSON BOULEVARD, SUITE 213, CHICAGO, IL 60607, on or before NOVEMBER 15, 2012  
at 08:30 a m.  
(THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.);

☒ Description continued on attached page(s).

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

Notice to Deponent:

- ☒ 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows: TO OBTAIN FACTUAL INFORMATION RELATING TO THE NATURE AND EXTENT OF INJURIES AND/OR DAMAGES ALLEGED BY THE PARTIES IN THIS LAWSUIT AND NO OTHER MEANS OF PRODUCTION ARE AVAILABLE.

☐ Description continued on attached page(s).

(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

- ☐ 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by \_\_\_\_\_  
(Name of Recording Device Operator)
3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. \_\_\_\_\_ Pro Se 99500

Name: PERRY A. ACCARDO

Atty. for: GAGNON

Address: 200 NORTH LASALLE STREET, SUITE 2650

City/State/Zip: CHICAGO, IL 60601

Telephone: 312-558-9800

Issued by: [S] PERRY A. ACCARDO

Signature

☒ Attorney☐ Clerk of Court

Date: OCTOBER 29, 2012

- ☐ I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to \_\_\_\_\_  
by certified mail, return receipt requested (Receipt # \_\_\_\_\_) on \_\_\_\_\_.  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.
- ☐ I served this subpoena by handing a copy to \_\_\_\_\_ on \_\_\_\_\_.  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.

(Signature of Server)

(Print Name)



**ATTACHMENT 3**

**E39572-D**

**SUBJECT: DULBERG, PAUL**

**AKA: NOT PROVIDED**

**DOB: 03/19/1970**

**SSN: 323-76-4001**

**ALL DOCUMENTS AND RECORDS, INCLUDING, BUT NOT LIMITED TO, CD ROM, TAPE DRIVE, FLOPPY DRIVE, HARD DRIVE, SCANNED DOCUMENTS, EMAIL CORRESPONDENCE AND ALL OTHER DOCUMENTS STORED ELECTRONICALLY OR DIGITALLY, INCLUDING ALL OFFICE, EMERGENCY ROOM, INPATIENT AND OUTPATIENT CHARTS AND RECORDS, PHYSICAL THERAPY RECORDS, INCLUDING SIGN-IN SHEETS, COPIES OF ALL PRINTED MATERIAL DESCRIBING EXERCISES PRESCRIBED AND DOCUMENTATION WHICH INDICATES DATES AND TIMES OF PATIENT'S APPOINTMENTS, PHOTOGRAPHS, INSURANCE DOCUMENTS, ALL BILLING RECORDS, INCLUDING, BUT NOT LIMITED TO, ANY INSURANCE BILLING OR PAYMENT INFORMATION, ITEMIZED STATEMENTS OF CHARGES, PAYMENT AND WRITE-OFF RECORDS AND PAYMENT TRANSACTIONS, FROM ALL SOURCES, AND ALL PAYMENT HISTORY, PERTAINING TO THE CARE, TREATMENT AND EXAMINATION OF THE PATIENT, REGARDLESS OF TREATMENT DATE.**

ATTORNEY OR PARTY WITHOUT ATTORNEY:		TELEPHONE NO	FOR COURT USE ONLY
<b>PERRY A. ACCARDO</b> <b>LAW OFFICE OF M. GERARD GREGOIRE</b> <b>200 NORTH LASALLE STREET, SUITE 2650, CHICAGO, IL 60601</b>		(312) 558-9800	
ATTORNEY FOR: <b>GAGNON</b>			
NAME OF COURT: <b>CIRCUIT COURT FOR THE STATE OF ILLINOIS</b> POST OFFICE & <b>FOR THE COUNTY OF MCHENRY</b> STREET ADDRESS <b>2200 NORTH SEMINARY AVENUE, WOODSTOCK, IL 60098</b>			
PLAINTIFF/PETITIONER: <b>DULBERG</b> DEPENDANT/RESPONDENT: <b>GAGNON, ET AL.</b> CASE NUMBER: <b>12LA000178</b>			
<b>NOTICE OF DEPOSITION</b>			

**NOTICE TO ALL PARTIES AND THEIR ATTORNEY(S):**

1. The production of documents by the Custodian of Records of the following business will be required as follows:

	DATE	TIME
<b>CENTEGRA NORTHERN ILLINOIS MEDICAL CENTER</b> 4201 MEDICAL CENTER DRIVE, MCHENRY, IL 60050	11/15/2012	08:30 AM

Date: October 29, 2012

**PERRY A. ACCARDO**

(Type or Print Name)

**[S] PERRY A. ACCARDO**

(Signature)

**ATTORNEY AT LAW**

(Title)

**NOTICE OF DEPOSITION**

## IN THE CIRCUIT COURT OF THE TWENTYSECOND JUDICIAL CIRCUIT, MCHENRY COUNTY, ILLINOIS

DULBERG

Plaintiff/Petitioner

v.

No. 12LA000178

GAGNON, ET AL.

Defendant/Respondent

## SUBPOENA IN A CIVIL MATTER

(For Testimony and/or Documents)

To: OPEN ADVANCED MRI

720 EAST ROLLINS ROAD

ROUND LAKE BEACH, IL 60073

- ☐ 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☐ 2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at:  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☒ 3. YOU ARE COMMANDED to mail the following documents in your possession or control to COMPLEX LEGAL SERVICES, INC.  
at 1016 WEST JACKSON BOULEVARD, SUITE 213, CHICAGO, IL 60607, on or before NOVEMBER 15, 2012  
at 08:45 a.m.  
(THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.):

☒ Description continued on attached page(s).

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

Notice to Deponent:

- ☒ 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows: TO OBTAIN FACTUAL INFORMATION RELATING TO THE NATURE AND EXTENT OF INJURIES AND/OR DAMAGES ALLEGED BY THE PARTIES IN THIS LAWSUIT AND NO OTHER MEANS OF PRODUCTION ARE AVAILABLE.

☐ Description continued on attached page(s).

(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

- ☐ 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by \_\_\_\_\_  
(Name of Recording Device Operator)

3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. \_\_\_\_\_

Pro Se 99500

Name: PERRY A. ACCARDO

Issued by: [S] PERRY A. ACCARDO

Signature

Atty. for: GAGNON

Address: 200 NORTH LASALLE STREET, SUITE 2650

City/State/Zip: CHICAGO, IL 60601

Telephone: 312-558-9800

☒ Attorney☐ Clerk of Court

Date: OCTOBER 29, 2012

- ☐ I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to \_\_\_\_\_  
by certified mail, return receipt requested (Receipt # \_\_\_\_\_) on \_\_\_\_\_.  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.
- ☐ I served this subpoena by handing a copy to \_\_\_\_\_ on \_\_\_\_\_.  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.

(Signature of Server)

(Print Name)

**ATTACHMENT 3**

**E39572-E**

**SUBJECT: DULBERG, PAUL**

**AKA: NOT PROVIDED**

**DOB: 03/19/1970**

**SSN: 323-76-4001**

**ALL DOCUMENTS AND RECORDS, INCLUDING, BUT NOT LIMITED TO, CD ROM, TAPE DRIVE, FLOPPY DRIVE, HARD DRIVE, SCANNED DOCUMENTS, EMAIL CORRESPONDENCE AND ALL OTHER DOCUMENTS STORED ELECTRONICALLY OR DIGITALLY, INCLUDING ALL OFFICE, EMERGENCY ROOM, INPATIENT AND OUTPATIENT CHARTS AND RECORDS, PHYSICAL THERAPY RECORDS, INCLUDING SIGN-IN SHEETS, COPIES OF ALL PRINTED MATERIAL DESCRIBING EXERCISES PRESCRIBED AND DOCUMENTATION WHICH INDICATES DATES AND TIMES OF PATIENT'S APPOINTMENTS, PHOTOGRAPHS, INSURANCE DOCUMENTS, ALL BILLING RECORDS, INCLUDING, BUT NOT LIMITED TO, ANY INSURANCE BILLING OR PAYMENT INFORMATION, ITEMIZED STATEMENTS OF CHARGES, PAYMENT AND WRITE-OFF RECORDS AND PAYMENT TRANSACTIONS, FROM ALL SOURCES, AND ALL PAYMENT HISTORY, PERTAINING TO THE CARE, TREATMENT AND EXAMINATION OF THE PATIENT, REGARDLESS OF TREATMENT DATE.**

ATTORNEY OR PARTY WITHOUT ATTORNEY:		TELEPHONE NO	FOR COURT USE ONLY
<b>PERRY A. ACCARDO</b> <b>LAW OFFICE OF M. GERARD GREGOIRE</b> <b>200 NORTH LASALLE STREET, SUITE 2650, CHICAGO, IL 60601</b>		(312) 558-9800	
ATTORNEY FOR: <b>GAGNON</b>			
NAME OF COURT: <b>CIRCUIT COURT FOR THE STATE OF ILLINOIS</b> POST OFFICE & <b>FOR THE COUNTY OF MCHENRY</b> STREET ADDRESS <b>2200 NORTH SEMINARY AVENUE, WOODSTOCK, IL 60098</b>			
PLAINTIFF/PETITIONER: <b>DULBERG</b> DEFENDANT/RESPONDENT: <b>GAGNON, ET AL.</b> CASE NUMBER: <b>12LA000178</b>			
<b>NOTICE OF DEPOSITION</b>			

**NOTICE TO ALL PARTIES AND THEIR ATTORNEY(S):**

1. The production of documents by the Custodian of Records of the following business will be required as follows:

	DATE	TIME
<b>OPEN ADVANCED MRI</b> 720 EAST ROLLINS ROAD, ROUND LAKE BEACH, IL 60073	11/15/2012	08:45 AM

Date: October 29, 2012

**PERRY A. ACCARDO**

(Type or Print Name)

**[S] PERRY A. ACCARDO**

(Signature)

**ATTORNEY AT LAW**

(Title)

**NOTICE OF DEPOSITION**

## IN THE CIRCUIT COURT OF THE TWENTYSECOND JUDICIAL CIRCUIT, MCHENRY COUNTY, ILLINOIS

DULBERG

Plaintiff/Petitioner

v.

GAGNON, ET AL.

Defendant/Respondent

No. 12LA000178

SUBPOENA IN A CIVIL MATTER  
(For Testimony and/or Documents)

To: MIDAMERICA HAND TO SHOULDER

1419 PETERSON ROAD

LIBERTYVILLE, IL 60048

- ☐ 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☐ 2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at: \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☒ 3. YOU ARE COMMANDED to mail the following documents in your possession or control to COMPLEX LEGAL SERVICES, INC.  
at 1016 WEST JACKSON BOULEVARD, SUITE 213, CHICAGO, IL 60607, on or before NOVEMBER 15, 2012  
at 09:00 a.m.  
(THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.):

☒ Description continued on attached page(s).

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

Notice to Deponent:

- ☒ 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows: TO OBTAIN FACTUAL INFORMATION RELATING TO THE NATURE AND EXTENT OF INJURIES AND/OR DAMAGES ALLEGED BY THE PARTIES IN THIS LAWSUIT AND NO OTHER MEANS OF PRODUCTION ARE AVAILABLE.

☐ Description continued on attached page(s).

(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

- ☐ 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by \_\_\_\_\_  
(Name of Recording Device Operator)

3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. \_\_\_\_\_

Pro Se 99500

Name: PERRY A. ACCARDO

Issued by: [S] PERRY A. ACCARDO

Signature

Atty. for: GAGNON

Address: 200 NORTH LASALLE STREET, SUITE 2650

City/State/Zip: CHICAGO, IL 60601

Telephone: 312-558-9800

☒ Attorney☐ Clerk of Court

Date: OCTOBER 29, 2012

- ☐ I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to \_\_\_\_\_  
by certified mail, return receipt requested (Receipt # \_\_\_\_\_) on \_\_\_\_\_,  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.
- ☐ I served this subpoena by handing a copy to \_\_\_\_\_ on \_\_\_\_\_,  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.

(Signature of Server)

(Print Name)

**ATTACHMENT 3**

**E39572-F**

**SUBJECT: DULBERG, PAUL**

**AKA: NOT PROVIDED**

**DOB: 03/19/1970**

**SSN: 323-76-4001**

**ALL DOCUMENTS AND RECORDS, INCLUDING, BUT NOT LIMITED TO, CD ROM, TAPE DRIVE, FLOPPY DRIVE, HARD DRIVE, SCANNED DOCUMENTS, EMAIL CORRESPONDENCE AND ALL OTHER DOCUMENTS STORED ELECTRONICALLY OR DIGITALLY, INCLUDING ALL OFFICE, EMERGENCY ROOM, INPATIENT AND OUTPATIENT CHARTS AND RECORDS, PHYSICAL THERAPY RECORDS, INCLUDING SIGN-IN SHEETS, COPIES OF ALL PRINTED MATERIAL DESCRIBING EXERCISES PRESCRIBED AND DOCUMENTATION WHICH INDICATES DATES AND TIMES OF PATIENT'S APPOINTMENTS, PHOTOGRAPHS, INSURANCE DOCUMENTS, ALL BILLING RECORDS, INCLUDING, BUT NOT LIMITED TO, ANY INSURANCE BILLING OR PAYMENT INFORMATION, ITEMIZED STATEMENTS OF CHARGES, PAYMENT AND WRITE-OFF RECORDS AND PAYMENT TRANSACTIONS, FROM ALL SOURCES, AND ALL PAYMENT HISTORY, PERTAINING TO THE CARE, TREATMENT AND EXAMINATION OF THE PATIENT, REGARDLESS OF TREATMENT DATE.**

**INCLUDE ANY AND ALL RECORDS FOR TREATMENT RENDERED BY DR. MARCUS TALERICO**

ATTORNEY OR PARTY WITHOUT ATTORNEY: <b>PERRY A. ACCARDO</b> <b>LAW OFFICE OF M. GERARD GREGOIRE</b> <b>200 NORTH LASALLE STREET, SUITE 2650, CHICAGO, IL 60601</b>		TELEPHONE NO <b>(312) 558-9800</b>	FOR COURT USE ONLY
ATTORNEY FOR: <b>GAGNON</b>			
NAME OF COURT: <b>CIRCUIT COURT FOR THE STATE OF ILLINOIS</b> POST OFFICE & <b>FOR THE COUNTY OF MCHENRY</b> STREET ADDRESS <b>2200 NORTH SEMINARY AVENUE, WOODSTOCK, IL 60098</b>			
PLAINTIFF/PETITIONER: <b>DULBERG</b> DEPENDANT/RESPONDENT: <b>GAGNON, ET AL.</b> CASE NUMBER: <b>12LA000178</b>			
<b>NOTICE OF DEPOSITION</b>			

**NOTICE TO ALL PARTIES AND THEIR ATTORNEY(S):**

1. The production of documents by the Custodian of Records of the following business will be required as follows:

	DATE	TIME
<b>MIDAMERICA HAND TO SHOULDER</b> 1419 PETERSON ROAD, LIBERTYVILLE, IL 60048	11/15/2012	09:00 AM

Date: October 29, 2012

**PERRY A. ACCARDO**

(Type or Print Name)

**[S] PERRY A. ACCARDO**

(Signature)

**ATTORNEY AT LAW**

(Title)

**NOTICE OF DEPOSITION**



## IN THE CIRCUIT COURT OF THE TWENTYSECOND JUDICIAL CIRCUIT, MCHENRY COUNTY, ILLINOIS

DULBERG

Plaintiff/Petitioner

v.

GAGNON, ET AL.

Defendant/Respondent

No. 12LA000178

## SUBPOENA IN A CIVIL MATTER

(For Testimony and/or Documents)

To: FOX LAKE DYNAMIC HAND THERAPY

489 S. ROUTE 12, SUITE C

FOX LAKE, IL 60020

- ☐ 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☐ 2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at: \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☒ 3. YOU ARE COMMANDED to mail the following documents in your possession or control to COMPLEX LEGAL SERVICES, INC.  
at 1016 WEST JACKSON BOULEVARD, SUITE 213, CHICAGO, IL 60607, on or before NOVEMBER 15, 2012,  
at 09:15 a.m.  
(THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.):

☒ Description continued on attached page(s).

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

## Notice to Deponent:

- ☒ 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows: TO OBTAIN FACTUAL INFORMATION RELATING TO THE NATURE AND EXTENT OF INJURIES AND/OR DAMAGES ALLEGED BY THE PARTIES IN THIS LAWSUIT AND NO OTHER MEANS OF PRODUCTION ARE AVAILABLE.

☐ Description continued on attached page(s).

(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

- ☐ 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by \_\_\_\_\_  
(Name of Recording Device Operator)
3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. \_\_\_\_\_

Pro Se 99500

Name: PERRY A. ACCARDO

Issued by: [S] PERRY A. ACCARDO

Signature

Atty. for: GAGNON

☒ Attorney

Address: 200 NORTH LASALLE STREET, SUITE 2650

☐ Clerk of Court

City/State/Zip: CHICAGO, IL 60601

Telephone: 312-558-9800

Date: OCTOBER 29, 2012

- ☐ I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to \_\_\_\_\_  
by certified mail, return receipt requested (Receipt # \_\_\_\_\_) on \_\_\_\_\_,  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.
- ☐ I served this subpoena by handing a copy to \_\_\_\_\_ on \_\_\_\_\_,  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.

(Signature of Server)

(Print Name)

**ATTACHMENT 3**

**E39572-G**

**SUBJECT: DULBERG, PAUL**

**AKA: NOT PROVIDED**

**DOB: 03/19/1970**

**SSN: 323-76-4001**

**ALL DOCUMENTS AND RECORDS, INCLUDING, BUT NOT LIMITED TO, CD ROM, TAPE DRIVE, FLOPPY DRIVE, HARD DRIVE, SCANNED DOCUMENTS, EMAIL CORRESPONDENCE AND ALL OTHER DOCUMENTS STORED ELECTRONICALLY OR DIGITALLY, INCLUDING ALL OFFICE, EMERGENCY ROOM, INPATIENT AND OUTPATIENT CHARTS AND RECORDS, PHYSICAL THERAPY RECORDS, INCLUDING SIGN-IN SHEETS, COPIES OF ALL PRINTED MATERIAL DESCRIBING EXERCISES PRESCRIBED AND DOCUMENTATION WHICH INDICATES DATES AND TIMES OF PATIENT'S APPOINTMENTS, PHOTOGRAPHS, INSURANCE DOCUMENTS, ALL BILLING RECORDS, INCLUDING, BUT NOT LIMITED TO, ANY INSURANCE BILLING OR PAYMENT INFORMATION, ITEMIZED STATEMENTS OF CHARGES, PAYMENT AND WRITE-OFF RECORDS AND PAYMENT TRANSACTIONS, FROM ALL SOURCES, AND ALL PAYMENT HISTORY, PERTAINING TO THE CARE, TREATMENT AND EXAMINATION OF THE PATIENT, REGARDLESS OF TREATMENT DATE.**

ATTORNEY OR PARTY WITHOUT ATTORNEY:		TELEPHONE NO	FOR COURT USE ONLY
<b>PERRY A. ACCARDO</b> <b>LAW OFFICE OF M. GERARD GREGOIRE</b> <b>200 NORTH LASALLE STREET, SUITE 2650, CHICAGO, IL 60601</b>		(312) 558-9800	
ATTORNEY FOR: <b>GAGNON</b>			
NAME OF COURT: <b>CIRCUIT COURT FOR THE STATE OF ILLINOIS</b> POST OFFICE & <b>FOR THE COUNTY OF MCHENRY</b> STREET ADDRESS <b>2200 NORTH SEMINARY AVENUE, WOODSTOCK, IL 60098</b>			
PLAINTIFF/PETITIONER: <b>DULBERG</b> DEFENDANT/RESPONDENT: <b>GAGNON, ET AL.</b> CASE NUMBER: <b>12LA000178</b>			
<b>NOTICE OF DEPOSITION</b>			

**NOTICE TO ALL PARTIES AND THEIR ATTORNEY(S):**

1. The production of documents by the Custodian of Records of the following business will be required as follows:

	DATE	TIME
<b>FOX LAKE DYNAMIC HAND THERAPY</b> 489 S. ROUTE 12, SUITE C, FOX LAKE, IL 60020	11/15/2012	09:15 AM

Date: October 29, 2012

**PERRY A. ACCARDO**

(Type or Print Name)

**[S] PERRY A. ACCARDO**

(Signature)  
**ATTORNEY AT LAW**  
(Title)

**NOTICE OF DEPOSITION**

## IN THE CIRCUIT COURT OF THE TWENTYSECOND JUDICIAL CIRCUIT, MCHENRY COUNTY, ILLINOIS

DULBERG

Plaintiff/Petitioner

v.

GAGNON, ET AL.

Defendant/Respondent

No. 12LA000178

SUBPOENA IN A CIVIL MATTER  
(For Testimony and/or Documents)

To: FRANK SEK, MD

4606 WEST ELM STREET

MCHENRY, IL 60050

- ☐ 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☐ 2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at: \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☒ 3. YOU ARE COMMANDED to mail the following documents in your possession or control to COMPLEX LEGAL SERVICES, INC.  
at 1016 WEST JACKSON BOULEVARD, SUITE 213, CHICAGO, IL 60607, on or before NOVEMBER 15, 2012,  
at 09:30 a.m.  
(THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.);

☒ Description continued on attached page(s).

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

Notice to Deponent:

- ☒ 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows: TO OBTAIN FACTUAL INFORMATION RELATING TO THE NATURE AND EXTENT OF INJURIES AND/OR DAMAGES ALLEGED BY THE PARTIES IN THIS LAWSUIT AND NO OTHER MEANS OF PRODUCTION ARE AVAILABLE.

☐ Description continued on attached page(s).

(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

- ☐ 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by \_\_\_\_\_  
(Name of Recording Device Operator)

3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. \_\_\_\_\_

Pro Se 99500

Name: PERRY A. ACCARDO

Issued by: [S] PERRY A. ACCARDO

Signature

Atty. for: GAGNON

Address: 200 NORTH LASALLE STREET, SUITE 2650

City/State/Zip: CHICAGO, IL 60601

Telephone: 312-558-9800

☒ Attorney☐ Clerk of Court

Date: OCTOBER 29, 2012

- ☐ I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to \_\_\_\_\_  
by certified mail, return receipt requested (Receipt # \_\_\_\_\_) on \_\_\_\_\_,  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.
- ☐ I served this subpoena by handing a copy to \_\_\_\_\_ on \_\_\_\_\_,  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.

(Signature of Server)

(Print Name)

ATTACHMENT 3

E39572-H

SUBJECT: DULBERG, PAUL

AKA: NOT PROVIDED

DOB: 03/19/1970

SSN: 323-76-4001

ALL DOCUMENTS AND RECORDS, INCLUDING, BUT NOT LIMITED TO, CD ROM, TAPE DRIVE, FLOPPY DRIVE, HARD DRIVE, SCANNED DOCUMENTS, EMAIL CORRESPONDENCE AND ALL OTHER DOCUMENTS STORED ELECTRONICALLY OR DIGITALLY, INCLUDING ALL OFFICE, EMERGENCY ROOM, INPATIENT AND OUTPATIENT CHARTS AND RECORDS, PHYSICAL THERAPY RECORDS, INCLUDING SIGN-IN SHEETS, COPIES OF ALL PRINTED MATERIAL DESCRIBING EXERCISES PRESCRIBED AND DOCUMENTATION WHICH INDICATES DATES AND TIMES OF PATIENT'S APPOINTMENTS, PHOTOGRAPHS, INSURANCE DOCUMENTS, ALL BILLING RECORDS, INCLUDING, BUT NOT LIMITED TO, ANY INSURANCE BILLING OR PAYMENT INFORMATION, ITEMIZED STATEMENTS OF CHARGES, PAYMENT AND WRITE-OFF RECORDS AND PAYMENT TRANSACTIONS, FROM ALL SOURCES, AND ALL PAYMENT HISTORY, PERTAINING TO THE CARE, TREATMENT AND EXAMINATION OF THE PATIENT, REGARDLESS OF TREATMENT DATE.

INCLUDE RECORDS FOR SERVICES RENDERED AT 4601 WEST ROUTE 120, MCHENRY, IL 60050

ATTORNEY OR PARTY WITHOUT ATTORNEY: <b>PERRY A. ACCARDO</b> <b>LAW OFFICE OF M. GERARD GREGOIRE</b> <b>200 NORTH LASALLE STREET, SUITE 2650, CHICAGO, IL 60601</b>		TELEPHONE NO <b>(312) 558-9800</b>	FOR COURT USE ONLY
ATTORNEY FOR: <b>GAGNON</b>			
NAME OF COURT: <b>CIRCUIT COURT FOR THE STATE OF ILLINOIS</b> POST OFFICE & <b>FOR THE COUNTY OF MCHENRY</b> STREET ADDRESS <b>2200 NORTH SEMINARY AVENUE, WOODSTOCK, IL 60098</b>			
PLAINTIFF/PETITIONER: <b>DULBERG</b> DEFENDANT/RESPONDENT: <b>GAGNON, ET AL.</b> CASE NUMBER: <b>12LA000178</b>			
<b>NOTICE OF DEPOSITION</b>			

**NOTICE TO ALL PARTIES AND THEIR ATTORNEY(S):**

1. The production of documents by the Custodian of Records of the following business will be required as follows:

	DATE	TIME
<b>FRANK SEK, MD</b> 4606 WEST ELM STREET, MCHENRY, IL 60050	11/15/2012	09:30 AM

Date: October 29, 2012

**PERRY A. ACCARDO**

(Type or Print Name)

**[S] PERRY A. ACCARDO**

(Signature)

**ATTORNEY AT LAW**

(Title)

**NOTICE OF DEPOSITION**

## IN THE CIRCUIT COURT OF THE TWENTYSECOND JUDICIAL CIRCUIT, MCHENRY COUNTY, ILLINOIS

DULBERG

Plaintiff/Petitioner

v.

GAGNON, ET AL.

Defendant/Respondent

No. 12LA000178

## SUBPOENA IN A CIVIL MATTER

(For Testimony and/or Documents)

To: HAND SURGERY ASSOCIATES

515 WEST ALGONQUIN ROAD, SUITE 120

ARLINGTON HEIGHTS, IL 60005

- ☐ 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable \_\_\_\_\_ in Room \_\_\_\_\_, Illinois on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ m.
- ☐ 2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at: \_\_\_\_\_ in Room \_\_\_\_\_, Illinois on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ m.
- ☒ 3. YOU ARE COMMANDED to mail the following documents in your possession or control to COMPLEX LEGAL SERVICES, INC. at 1016 WEST JACKSON BOULEVARD, SUITE 213, CHICAGO, IL 60607, on or before NOVEMBER 15, 2012 at 09:45 a.m.  
(THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.):

☒ Description continued on attached page(s).

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

Notice to Deponent:

- ☒ 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows: TO OBTAIN FACTUAL INFORMATION RELATING TO THE NATURE AND EXTENT OF INJURIES AND/OR DAMAGES ALLEGED BY THE PARTIES IN THIS LAWSUIT AND NO OTHER MEANS OF PRODUCTION ARE AVAILABLE.

☐ Description continued on attached page(s).

(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

- ☐ 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by \_\_\_\_\_ (Name of Recording Device Operator)
3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. \_\_\_\_\_

Pro Se 99500

Name: PERRY A. ACCARDO

Issued by: [S] PERRY A. ACCARDO

Signature

Atty. for: GAGNON

Address: 200 NORTH LASALLE STREET, SUITE 2650

City/State/Zip: CHICAGO, IL 60601

Telephone: 312-558-9800

☒ Attorney☐ Clerk of Court

Date: OCTOBER 29, 2012

- ☐ I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to \_\_\_\_\_ by certified mail, return receipt requested (Receipt # \_\_\_\_\_) on \_\_\_\_\_, \_\_\_\_\_ I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.
- ☐ I served this subpoena by handing a copy to \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_ I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.

(Signature of Server)

(Print Name)

**ATTACHMENT 3**

**E39572-I**

**SUBJECT: DULBERG, PAUL**

**AKA: NOT PROVIDED**

**DOB: 03/19/1970**

**SSN: 323-76-4001**

**ALL DOCUMENTS AND RECORDS, INCLUDING, BUT NOT LIMITED TO, CD ROM, TAPE DRIVE, FLOPPY DRIVE, HARD DRIVE, SCANNED DOCUMENTS, EMAIL CORRESPONDENCE AND ALL OTHER DOCUMENTS STORED ELECTRONICALLY OR DIGITALLY, INCLUDING ALL OFFICE, EMERGENCY ROOM, INPATIENT AND OUTPATIENT CHARTS AND RECORDS, PHYSICAL THERAPY RECORDS, INCLUDING SIGN-IN SHEETS, COPIES OF ALL PRINTED MATERIAL DESCRIBING EXERCISES PRESCRIBED AND DOCUMENTATION WHICH INDICATES DATES AND TIMES OF PATIENT'S APPOINTMENTS, PHOTOGRAPHS, INSURANCE DOCUMENTS, ALL BILLING RECORDS, INCLUDING, BUT NOT LIMITED TO, ANY INSURANCE BILLING OR PAYMENT INFORMATION, ITEMIZED STATEMENTS OF CHARGES, PAYMENT AND WRITE-OFF RECORDS AND PAYMENT TRANSACTIONS, FROM ALL SOURCES, AND ALL PAYMENT HISTORY, PERTAINING TO THE CARE, TREATMENT AND EXAMINATION OF THE PATIENT, REGARDLESS OF TREATMENT DATE.**

**INCLUDE ANY AND ALL RECORDS FOR TREATMENT RENDERED BY DR. SAGERMAN AND DR. BIAFORA**



ATTORNEY OR PARTY WITHOUT ATTORNEY: <b>PERRY A. ACCARDO</b> <b>LAW OFFICE OF M. GERARD GREGOIRE</b> <b>200 NORTH LASALLE STREET, SUITE 2650, CHICAGO, IL 60601</b>		TELEPHONE NO <b>(312) 558-9800</b>	FOR COURT USE ONLY
ATTORNEY FOR: <b>GAGNON</b>			
NAME OF COURT: <b>CIRCUIT COURT FOR THE STATE OF ILLINOIS</b> POST OFFICE & <b>FOR THE COUNTY OF MCHENRY</b> STREET ADDRESS <b>2200 NORTH SEMINARY AVENUE, WOODSTOCK, IL 60098</b>			
PLAINTIFF/PETITIONER: <b>DULBERG</b> DEPENDANT/RESPONDENT: <b>GAGNON, ET AL.</b> CASE NUMBER: <b>12LA000178</b>			
<b>NOTICE OF DEPOSITION</b>			

**NOTICE TO ALL PARTIES AND THEIR ATTORNEY(S):**

1. The production of documents by the Custodian of Records of the following business will be required as follows:

	DATE	TIME
<b>HAND SURGERY ASSOCIATES</b> 515 WEST ALGONQUIN ROAD, SUITE 120, ARLINGTON HEIGHTS, IL 60005	11/15/2012	09:45 AM

Date: October 29, 2012

**PERRY A. ACCARDO**

(Type or Print Name)

**|S| PERRY A. ACCARDO**

(Signature)

**ATTORNEY AT LAW**

(Title)

**NOTICE OF DEPOSITION**

## IN THE CIRCUIT COURT OF THE TWENTYSECOND JUDICIAL CIRCUIT, MCHENRY COUNTY, ILLINOIS

DULBERG

Plaintiff/Petitioner

v.

No. 12LA000178

GAGNON, ET AL.

Defendant/Respondent

## SUBPOENA IN A CIVIL MATTER

(For Testimony and/or Documents)

To: AMS SCREW PRODUCTS

2418 HIGHVIEW STREET

SPRING GROVE, IL 60081

- ☐ 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable \_\_\_\_\_ in Room \_\_\_\_\_, Illinois on \_\_\_\_\_, at \_\_\_\_\_ m.
- ☐ 2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at: \_\_\_\_\_ in Room \_\_\_\_\_, Illinois on \_\_\_\_\_, at \_\_\_\_\_ m.
- ☒ 3. YOU ARE COMMANDED to mail the following documents in your possession or control to COMPLEX LEGAL SERVICES, INC. at 1016 WEST JACKSON BOULEVARD, SUITE 213, CHICAGO, IL 60607, on or before NOVEMBER 15, 2012 at 10:00 a.m.  
(THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.);

☒ Description continued on attached page(s).

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

Notice to Deponent:

- ☒ 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows: TO OBTAIN FACTUAL INFORMATION RELATING TO THE NATURE AND EXTENT OF INJURIES AND/OR DAMAGES ALLEGED BY THE PARTIES IN THIS LAWSUIT AND NO OTHER MEANS OF PRODUCTION ARE AVAILABLE.

☐ Description continued on attached page(s).

(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

- ☐ 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by \_\_\_\_\_ (Name of Recording Device Operator)
3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. \_\_\_\_\_

Pro Se 99500

Name: PERRY A. ACCARDO

Issued by: [S] PERRY A. ACCARDO

Signature

Atty. for: GAGNON

Address: 200 NORTH LASALLE STREET, SUITE 2650

City/State/Zip: CHICAGO, IL 60601

Telephone: 312-558-9800

☒ Attorney☐ Clerk of Court

Date: OCTOBER 29, 2012

- ☐ I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to \_\_\_\_\_ by certified mail, return receipt requested (Receipt # \_\_\_\_\_) on \_\_\_\_\_, I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.
- ☐ I served this subpoena by handing a copy to \_\_\_\_\_ on \_\_\_\_\_, I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.

(Signature of Server)

(Print Name)

**ATTACHMENT 3**

**E39572-J**

**SUBJECT: DULBERG, PAUL**

**AKA: NOT PROVIDED**

**DOB: 03/19/1970**

**SSN: 323-76-4001**

**ALL DOCUMENTS AND RECORDS PERTAINING TO THE EMPLOYMENT AND/OR EARNINGS OF THE PLAINTIFF, INCLUDING ALL PAYROLL, THE APPLICATION FOR EMPLOYMENT, WORK ABSENCE RECORDS, 1099 FORMS, INCIDENT REPORTS, TIME CARDS, AND PRE-EMPLOYMENT AND EMPLOYEE PERFORMANCE RECORDS, FROM THE FIRST DATE OF EMPLOYMENT, UP TO AND INCLUDING THE PRESENT.**

ATTORNEY OR PARTY WITHOUT ATTORNEY:		TELEPHONE NO	FOR COURT USE ONLY
<b>PERRY A. ACCARDO</b> <b>LAW OFFICE OF M. GERARD GREGOIRE</b> <b>200 NORTH LASALLE STREET, SUITE 2650, CHICAGO, IL 60601</b>		(312) 558-9800	
ATTORNEY FOR: <b>GAGNON</b>			
NAME OF COURT: <b>CIRCUIT COURT FOR THE STATE OF ILLINOIS</b>			
POST OFFICE & <b>FOR THE COUNTY OF MCHENRY</b>			
STREET ADDRESS <b>2200 NORTH SEMINARY AVENUE, WOODSTOCK, IL 60098</b>			
PLAINTIFF/PETITIONER: <b>DULBERG</b>			
DEFENDANT/RESPONDENT: <b>GAGNON, ET AL.</b>			
CASE NUMBER: <b>12LA000178</b>			
<b>NOTICE OF DEPOSITION</b>			

**NOTICE TO ALL PARTIES AND THEIR ATTORNEY(S):**

1. The production of documents by the Custodian of Records of the following business will be required as follows:

	DATE	TIME
<b>AMS SCREW PRODUCTS</b>		
2418 HIGHVIEW STREET, SPRING GROVE, IL 60081	11/15/2012	10:00 AM

Date: October 29, 2012

**PERRY A. ACCARDO**

(Type or Print Name)

**[S] PERRY A. ACCARDO**

(Signature)  
**ATTORNEY AT LAW**  
 (Title)

**NOTICE OF DEPOSITION**

I am employed in LOS ANGELES County, California. I am over the age of 18 and not a party to the within action; my business address is: 1016 WEST JACKSON BOULEVARD, SUITE 213,  
CHICAGO, IL 60607

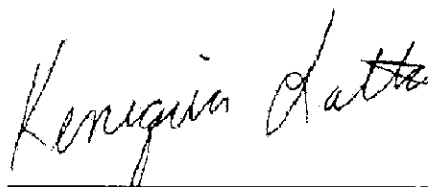
On 10/30/12, I gave notice to: SEE SERVICE LIST BELOW

On the above date, I served true copies of the following documents;  
Subpoena

To each party appearing in this action, at the address below, by placing true copies thereof enclosed in a sealed envelope with postage fully pre-paid, in the United States mail at  
325 MAPLE AVENUE,  
TORRANCE, CA 90503

I declare under penalty of perjury under the laws of the State of Illinois that the foregoing is true and correct, and that this declaration was executed on 10/30/12.

SIGNED: \_\_\_\_\_



Keniqua Latta

THOMAS J. POPOVICH, P.C.  
HANS A. MAST  
3416 W. ELM ST  
MCHENRY, IL 60050

CICERO, FRANCE, BARCH & ALEXANDER, P.C.  
CICERO, FRANCE, BARCH & AL  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, IL 61114

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**AMENDED NOTICE OF  
DISCOVERY DEPOSITION**

TO: Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

On **January 24, 2013, at 12:00 noon**, at the Law Offices of Thomas J. Popovich, 3416 West Elm Street, McHenry, Illinois, the discovery deposition of **PAUL DULBERG** will be taken before a certified court reporter on oral interrogatories for discovery in this case.

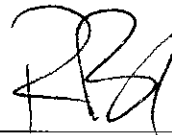


RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700 fax: 226-7701

**CERTIFICATE OF SERVICE**

I certify that on January 15, 2013, I served this notice by mailing a copy to each person to whom it is directed.



cc: Deb Fisher Reporting

depnot2.plf (mj)

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT  
McHENRY COUNTY, ILLINOISPaul J. Gagnier  
Plaintiff

Circuit Clerk Use Only

ORD

ORDJ

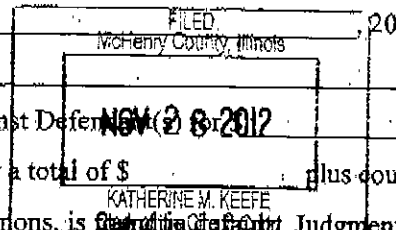
ORDDWP

vs

DAVID GAGNER et al  
DefendantCase Number 12 CA 178

## ORDER

- ☒ Plaintiff(s) appear in person/by attorney R. Gagnier - Reply
- ☐ Defendant(s) appear in person/by attorney \_\_\_\_\_
- ☐ Summons not served; alias summons to issue; return date \_\_\_\_\_
- ☐ Summons has been properly served on Defendant(s) \_\_\_\_\_
- ☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ \_\_\_\_\_ plus interest of \$ \_\_\_\_\_ plus attorney fees of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_ plus court costs.
- ☐ Defendant(s), having failed to appear or otherwise respond to the summons, is Guilty Judgment for Plaintiff(s) against Defendant(s) for \$ \_\_\_\_\_ plus interest of \$ \_\_\_\_\_ plus attorney fees of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_ plus court costs.
- ☐ Case set for ☐ trial ☐ arbitration on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ m. in Courtroom \_\_\_\_\_
- ☐ Defendant(s) shall file an Appearance within \_\_\_\_\_ days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

**NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.**

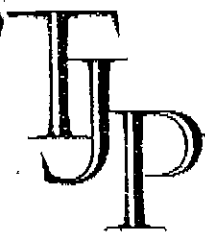
- ☐ Defendant(s) shall file an answer or other pleading within \_\_\_\_\_ days of today's date.
- ☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☒ By Agreement; ☐ Court; to 1/30, 2013 at 9:00 a.m. for STATE OF ILLINOIS P
- ☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute. Plam 201 P
- ☐ Case dismissed with/without prejudice on Plaintiff's motion.
- ☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ \_\_\_\_\_ plus interest of \$ \_\_\_\_\_ plus attorney fees of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_ plus court costs.
- ☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).

COURT FURTHER ORDERS: All written Discovery shall be completed by 1/30/13

SCANNED

Date: \_\_\_\_\_

Judge



## The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280

[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK

MARR J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

November 28, 2012

VIA FACSIMILE: 815/226-7701

VIA FACSIMILE: 312/558-9357

Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire*  
McHenry County Case: 12 LA 178

Dear Counselors:

Please find enclosed the court order entered in the above-reference matter by Judge Meyer.

Very truly yours,

  
HANS A. MAST

smq  
Enclosure

S:\Mail\DULBERG, PAUL\Letter to Alys re Order 11-28-12.mpd

WAUKEGAN OFFICE  
210 NORTH MARTIN LUTHER  
KING JR. AVENUE  
WAUKEGAN, IL 60085



STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**NOTICE OF  
DISCOVERY DEPOSITION**

TO: Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

On **December 27, 2012, at 1:30 p.m.**, at the Law Offices of Thomas J. Popovich, 3416 West Elm Street, McHenry, Illinois, the discovery deposition of **PAUL DULBERG** will be taken before a certified court reporter on oral interrogatories for discovery in this case.

  
\_\_\_\_\_  
RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700 fax: 226-7701

**CERTIFICATE OF SERVICE**

I certify that on November 20, 2012, I served this notice by mailing a copy to each person to whom it is directed.

cc: Deb Fisher Reporting

  
\_\_\_\_\_  
depnor.plf (mj)

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**COPY**

**SECOND AMENDED NOTICE OF DISCOVERY DEPOSITIONS**

TO: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**YOU ARE HEREBY NOTIFIED** that on **JANUARY 24, 2012**, we shall for the purpose of discovery, take the depositions of

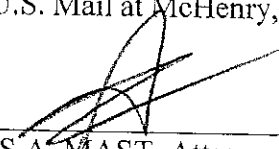
**BILL MCGUIRE at 12:00 P.M.; and  
CAROLINE MCGUIRE at 1:00 P.M.**

at the **LAW OFFICES OF THOMAS J. POPOVICH, P.C., 3416 W. Elm Street, McHenry, IL**, upon oral interrogatories, as though under cross examination, pursuant to the provisions of the Civil Practice Act and Rules of the Supreme Court.

This Notice is served upon you in conformity with the above-named Act and Rules and is intended to require the presence of the party, identified herein, at said time and place. It is requested that each party or counsel advise the undersigned attorney in writing 72 hours prior to the deposition should the witness require an interpreter for the English language.

**CERTIFICATE OF SERVICE**

I certify that I served this Notice by mailing a copy to each person to whom it is directed at the address above indicated by depositing it in the U.S. Mail at McHenry, IL 60050, on October 31, 2012 with proper postage prepaid.

  
\_\_\_\_\_  
HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**  
3416 West Elm Street  
McHenry, IL 60050  
815-344-3797  
Attorney No. 6203684

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**COPY**

**SECOND AMENDED NOTICE OF DISCOVERY DEPOSITION**

TO: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

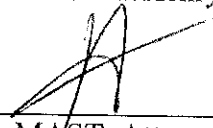
Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**YOU ARE HEREBY NOTIFIED** that on **JANUARY 17, 2012**, we shall for the purpose of discovery, take the deposition of **DAVID GAGNON** at the **LAW OFFICES OF THOMAS J. POPOVICH, P.C., 3416 W. Elm Street, McHenry, IL**, upon oral interrogatories, as though under cross examination, pursuant to the provisions of the Civil Practice Act and Rules of the Supreme Court.

This Notice is served upon you in conformity with the above-named Act and Rules and is intended to require the presence of the party, identified herein, at said time and place. It is requested that each party or counsel advise the undersigned attorney in writing 72 hours prior to the deposition should the witness require an interpreter for the English language.

**CERTIFICATE OF SERVICE**

I certify that I served this Notice by mailing a copy to each person to whom it is directed at the address above indicated by depositing it in the U.S. Mail at McHenry, IL 60050, on October 31, 2012 with proper postage prepaid.

  
\_\_\_\_\_  
HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**  
3416 West Elm Street  
McHenry, IL 60050  
815-344-3797  
Attorney No. 6203684

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**THIRD AMENDED NOTICE OF DISCOVERY DEPOSITION**

TO: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114  
Fax: 815/226-7701

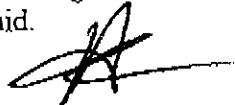
Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092  
Fax: 312/558-9357

**YOU ARE HEREBY NOTIFIED** that on **JANUARY 17, 2012**, at **1:00 p.m.** we shall for the purpose of discovery, take the deposition of **DAVID GAGNON** at the **LAW OFFICES OF THOMAS J. POPOVICH, P.C., 3416 W. Elm Street, McHenry, IL**, upon oral interrogatories, as though under cross examination, pursuant to the provisions of the Civil Practice Act and Rules of the Supreme Court.

This Notice is served upon you in conformity with the above-named Act and Rules and is intended to require the presence of the party, identified herein, at said time and place. It is requested that each party or counsel advise the undersigned attorney in writing 72 hours prior to the deposition should the witness require an interpreter for the English language.

**CERTIFICATE OF SERVICE**

I certify that I served this Notice via facsimile and by mailing a copy to each person to whom it is directed at the address above indicated by depositing it in the U.S. Mail at McHenry, IL 60050, on November 13, 2012 with proper postage prepaid.



HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**  
3416 West Elm Street  
McHenry, IL 60050  
815-344-3797  
Attorney No. 6203684

(Notary Public)

Ronald A. Baul

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

PAUL DULBERG,

Plaintiff,

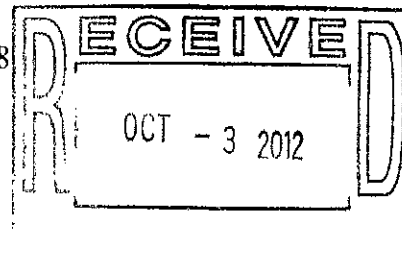
vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**COPY**

No. 12 LA 178



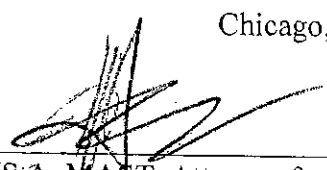
**PROOF OF SERVICE**

The undersigned, being first duly sworn on oath, deposes and states that on the 3rd day of **October, 2012**, the following described documents were served by mailing true and correct copies thereof in an envelope, addressed as is shown below, that said envelope was sealed, that sufficient U.S. postage for first-class mail was placed thereon, and the same was deposited in the U.S. Mail in McHenry, Illinois, at or about the hour of 5:00 p.m.

**DOCUMENT DESCRIPTION: PLAINTIFF'S REQUEST FOR PRODUCTION TO DEFENDANT, DAVID GAGNON, PLAINTIFF'S INTERROGATORIES TO DEFENDANT, DAVID GAGNON, RULE 237(b) NOTICE TO PRODUCE AT TRIAL AND/OR ARBITRATION TO DEFENDANT, DAVID GAGNON AND NOTICE OF DEPOSITION OF DEFENDANT, DAVID GAGNON**

ADDRESSED TO: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

  
HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH**  
3416 West Elm Street  
McHenry, IL 60050  
815-344-3797  
Attorney No. 6203684

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**NOTICE OF DISCOVERY DEPOSITION**

TO: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

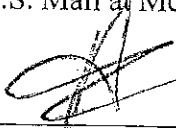
Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**YOU ARE HEREBY NOTIFIED** that on **November 26, 2012**, we shall for the purpose of discovery, take the deposition of **DAVID GAGNON** at the **LAW OFFICES OF THOMAS J. POPOVICH, P.C., 3416 W. Elm Street, McHenry, IL**, upon oral interrogatories, as though under cross examination, pursuant to the provisions of the Civil Practice Act and Rules of the Supreme Court.

This Notice is served upon you in conformity with the above-named Act and Rules and is intended to require the presence of the party, identified herein, at said time and place. It is requested that each party or counsel advise the undersigned attorney in writing 72 hours prior to the deposition should the witness require an interpreter for the English language.

**CERTIFICATE OF SERVICE**

I certify that I served this Notice by mailing a copy to each person to whom it is directed at the address above indicated by depositing it in the U.S. Mail at McHenry, IL 60050, on October 1, 2012 with proper postage prepaid.

  
\_\_\_\_\_  
HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**  
3416 West Elm Street  
McHenry, IL 60050  
815-344-3797  
Attorney No. 6203684



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

PAUL DULBERG,

Plaintiff,

vs.

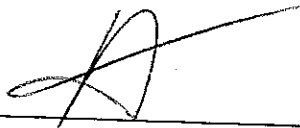
No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,  
Defendants.

**PLAINTIFF'S RULE 237(b) NOTICE TO PRODUCE AT TRIAL  
AND/OR ARBITRATION TO DEFENDANT, DAVID GAGNON**

NOW COMES the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW  
OFFICES OF THOMAS J. POPOVICH, P.C., and pursuant to Supreme Court Rule 237(b), demands  
the production of the following at the commencement of trial and/or arbitration:

1. Defendant, DAVID GAGNON to be called as an adverse witness under the applicable  
rules.
2. Any and all documents previously requested pursuant to Supreme Court Rule 214.

  
\_\_\_\_\_  
HANS A. MAST, Attorney for the Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**

3416 West Elm Street

McHenry, IL 60050

815-344-3797

Attorney No. 6203684

S:\Main\PAUL DULBERG, PAUL\Discovery\Rule 237 Notice to Def Gagnon 9-27-12.mpd

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

**COPY**

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**NOTICE OF FILING**

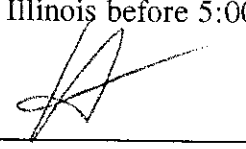
TO: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

YOU ARE HEREBY NOTIFIED that on September 27, 2012, or soon thereafter, there was filed with the Clerk of the Circuit Court of McHenry County, 2200 N. Seminary Avenue, Woodstock, Illinois, **PLAINTIFF'S REPLY TO DEFENDANT, DAVID GAGNON'S AFFIRMATIVE DEFENSE**, a copy of which is attached hereto.

**CERTIFICATE OF SERVICE**

I certify that I served this Notice by mailing a copy to whom it is directed at the address above indicated by depositing it in the U.S. Mail in McHenry, Illinois before 5:00 p.m. on September 28, 2012.

  
HANS A. MAST, Attorney For Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH**  
3416 West Elm Street  
McHenry, Illinois 60050  
(815) 344-3798  
Attorney No. 6203684

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as )  
Agent of CAROLINE McGUIRE and BILL )  
McGUIRE and CAROLINE McGUIRE )  
and BILL McGUIRE, Individually, )

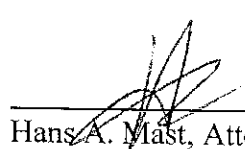
Defendants. )

**PLAINTIFF'S REPLY TO DEFENDANT,  
DAVID GAGNON'S AFFIRMATIVE DEFENSE**

NOW COMES, the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW  
OFFICES OF THOMAS J. POPOVICH, P.C., and for her reply to Defendant, David Gagnon's  
Affirmative Defense, states as follows:

1. Plaintiff denies each and every allegation contained in the affirmative defense of  
Defendant, David Gagnon.

WHEREFORE, the Plaintiff, PAUL DULBERG, moves for judgment in his favor and against  
the Defendant, David Gagnon plus costs.

  
Hans A. Mast, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**  
3416 West Elm Street  
McHenry, Illinois 60050  
(815) 344-3797  
Attorney No. 6203684

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**NOTICE OF SERVING DISCOVERY**

TO: McHenry County Circuit Clerk  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

PLEASE TAKE NOTICE that on September 27, 2012, Defendant Bill McGuire and Carolyn McGuire by their attorneys, Cicero, France, Barch & Alexander, PC, caused the following documents to be served upon the Defendant David Gagnon, by mailing copies of same to his attorney and other counsel of record, as indicated on the attached Certificate of Service:

1. Answer to Defendant David Gagnon's Interrogatories to Co-Defendant Bill McGuire.
2. Answer to Defendant David Gagnon's Consolidated Notice to Produce and to Supreme Court Rule 214 and Supreme Court Rule 237 by Co-Defendants Bill McGuire and Carolyn McGuire.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 9/27/12.



---

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**NOTICE OF SERVING DISCOVERY**

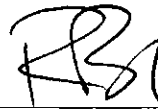
TO: McHenry County Circuit Clerk  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

PLEASE TAKE NOTICE that on September 27, 2012, Defendant Bill McGuire and Carolyn McGuire by their attorneys, Cicero, France, Barch & Alexander, PC, caused the following documents to be served upon the Defendant David Gagnon, by mailing copies of same to his attorney and other counsel of record, as indicated on the attached Certificate of Service:

1. Interrogatories to Co-Defendant Gagnon.
2. Request to Produce to Co-Defendant Gagnon.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 9/27/12.



---

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**INTERROGATORIES TO**  
**CO-DEFENDANT GAGNON**

TO: David Gagnon  
c/o Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

The Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, by Cicero, France, Barch & Alexander, PC, their attorneys, hereby propound the following written interrogatories upon DAVID GAGNON to be answered in writing and under oath within the time required by law based upon information available to him.

INTERROGATORY NO. 1): State the full name, present residence address and birthdate of the person answering these Interrogatories.

ANSWER:

INTERROGATORY NO. 2): State your marital status on the date of the occurrence in question and, if married, your spouse's name and age on said date.

ANSWER:



INTERROGATORY NO. 3): State the full name and present or last known address (indicating which) of each person who:

- (a) Witnessed or claims to have witnessed the occurrence in question.

ANSWER:

- (b) Was present or claims to have been present at the scene immediately before said occurrence.

ANSWER:

- (c) Was present or claims to have been present immediately after said occurrence.

ANSWER:

- (d) Otherwise has or claims to have any knowledge of the facts or possible causes of the occurrence to include any damages or injuries alleged to have resulted from said occurrence.

ANSWER:

INTERROGATORY NO. 4): State specifically and with certainty the personal injuries and property damage, if any, sustained by PAUL DULBERG as a result of said occurrence.

ANSWER:

(

INTERROGATORY NO. 5): With regard to said injuries, state:

- (a) The name and address of each treating and/or consulting practitioner.

ANSWER:

- (b) The name and address of each hospital or clinic where PAUL DULBERG was treated and the date or inclusive dates on which each hospital or clinic rendered PAUL DULBERG service.

ANSWER:

- (c) The amount to date of their respective bills for services.

ANSWER:

- (d) Those from whom you have written reports. (Pursuant to Supreme Court Rule 214, please attach a legible copy of said report to the answers hereto.)

ANSWER:

INTERROGATORY NO. 6): State the name and address of each witness, party, plaintiff or defendant from whom you have obtained statements, indicating whether such statements are written or oral, who has possession of such statements, and pursuant to Supreme Court Rule 214, attach legible copies of any written statements hereto.

ANSWER:

INTERROGATORY NO. 7): State whether PAUL DULBERG was hospitalized or had suffered any illness or personal injury prior to or subsequent to the date of said occurrence, and if so, state the nature and date of each such hospitalization, illness or personal injury.

ANSWER:

INTERROGATORY NO. 8): State whether PAUL DULBERG suffered any permanent scarring as a result of the accident alleged in the complaint. If so, state the location of such scar, the width and length of such scar or scars. (Pursuant to Supreme Court Rule 214, please attach any photos of any such scar to your answers hereto.)

ANSWER:

INTERROGATORY NO. 9): State whether prior to the accident alleged in the complaint PAUL DULBERG suffered any physical disability or impairment of any kind whatsoever. If so, state the nature of such physical disability or impairment and how PAUL DULBERG came to have such physical disability or impairment.

ANSWER:

INTERROGATORY NO. 10): State the location of the alleged occurrence, pinpointing such location in feet, inches and direction from fixed objects or boundaries at the scene of the occurrence.

ANSWER:

INTERROGATORY NO. 11): State with particularity the nature of the alleged defect, object substance or condition which caused the alleged occurrence giving the exact dimensions and physical description of such including the size, shape, color, height, length and depth of such defect or object.

ANSWER:

INTERROGATORY NO. 12): State with particularity what PAUL DULBERG was doing at the time of the accident alleged in the complaint.

ANSWER:

INTERROGATORY NO. 13): State with particularity what DAVID GAGNON was doing at the time of the accident alleged in the complaint.

ANSWER:

INTERROGATORY NO. 14): State with particularity the address for David Gagnon on June 28, 2011.

ANSWER:

INTERROGATORY NO. 15): State with particularity all the reasons why PAUL DULBERG was present on the premises known commonly as 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois on the date of the alleged occurrence.

ANSWER:

INTERROGATORY NO. 16): State with particularity all the reasons why DAVID GAGNON was present on the premises known commonly as 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois on the date of the alleged occurrence.

ANSWER:

INTERROGATORY NO. 17): State with particularity your basis for alleging that David Gagnon was working under the supervision and control of Defendants Bill McGuire and Carolyn McGuire at the time of the occurrence, as asserted in your answer to Plaintiff's Complaint.

ANSWER:

INTERROGATORY NO. 18): State with particularity your basis for alleging that Defendants Bill McGuire and Carolyn McGuire instructed and/or advised David Gagnon in the use of a chain saw on or before the date of the occurrence, as asserted in your answer to Plaintiff's Complaint.

ANSWER:

INTERROGATORY NO. 19): State with particularity your basis for alleging that David Gagnon was under the supervision and control of Defendants Bill McGuire and Carolyn McGuire and working as their apparent and actual agent on the date of and at the time of the occurrence, as asserted in your answer to Plaintiff's Complaint.

ANSWER:

INTERROGATORY NO. 20): State with particularity any and all defects associated with the chain saw you believe or claim was involved in the occurrence alleged in Plaintiff's Complaint.

ANSWER:

INTERROGATORY NO. 21): State whether any photographs or videos were taken of the scene of the occurrence or of the persons, objects or premises involved, and if so, state the number of photographs or videos taken, their subject matter and who now has custody of them.

ANSWER:

INTERROGATORY NO. 22): Pursuant to Supreme Court Rule 213(f), furnish the identity and addresses of witnesses who will testify at trial and the following information:

- (a) For each lay witness, identify the subjects on which the witness will testify.
- (b) For each independent expert witness, identify the subjects on which the witness will testify and the opinions the party expects to elicit.
- (c) For each controlled expert witness, identify:
  - (i) the subject matter on which the witness will testify;
  - (ii) the conclusions and opinions of the witness and the bases therefor;
  - (iii) the qualifications of the witness; and
  - (iv) any reports prepared by the witness about the case.

ANSWER:

Pursuant to Illinois Supreme Court Rule 213(i), please seasonably supplement or amend any answer or response to the preceding interrogatories and to the interrogatories previously answered in this case whenever new or additional information subsequently becomes known to you or your attorneys.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By   
RONALD A. BARCH (6209572)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 9/27/12.

  
\_\_\_\_\_

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)



STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**REQUEST TO PRODUCE**  
**TO CO-DEFENDANT GAGNON**

TO: David Gagnon  
c/o Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Pursuant to Supreme Court Rule 214, Defendants, Bill McGuire and Carolyn McGuire, by Cicero, France, Barch & Alexander, PC, their attorneys, request DAVID GAGNON to produce for inspection, copying, and reproduction on the 28th day after service of this request the documents, objects or tangible things set forth below.

DAVID GAGNON is requested to produce these documents either by mailing legible copies to Cicero, France, Barch & Alexander, PC, 6323 East Riverside Blvd., Rockford, IL 61114, or by producing the documents for inspection and copying on the 28th day after service of this request at Cicero, France, Barch & Alexander, PC, 6323 East Riverside Blvd., Rockford, IL 61114.

As used in this request the term "document" includes without limitation, any graphic matter, whether paper, cardboard, tape, plastic, film or any other material and includes any recording and transcript thereof. The term "you" or "your" refers not only to the party to whom this request is directed, but also to any representative who acts for you or under your control.

With respect to each document covered by the request which you refuse to produce by

reason of any attorney-client privilege, you are requested to identify the nature and date of the document, its author and title, and each recipient of the document and his title.

1. Medical bills for any medical treatment rendered to PAUL DULBERG from January 1, 2010 to the present date.

2. Pharmacy bills for prescriptions and/or appliances regarding PAUL DULBERG from January 1, 2010 to the present date.

3. All photographs, slides, videos or motion pictures taken of PAUL DULBERG, any physical objects involved, or the scene of the occurrence.

4. All reports or records of doctors, hospitals, clinics or medical practitioners which, in any way, relate to the physical or mental condition of PAUL DULBERG prior to the alleged occurrence (including other injuries, illnesses or hospitalizations).

5. All reports or records of doctors, hospitals, clinics or medical practitioners which, in any way, relate to the physical or mental condition of PAUL DULBERG subsequent to the alleged occurrence (including other injuries, illnesses or hospitalizations).

6. A list giving the names and addresses of all persons making any examination or inspection in reference to the occurrence in question, any of the physical objects involved, or the scene of the occurrence.

7. All accident reports, investigation reports and materials, and all other like documents prepared as a result of or in reference to the occurrence complained of in the Complaint.

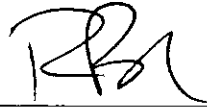
8. All receipts, records, bills, statements, invoices, wage loss materials, and any other documents relating to the amount of damages sought by the plaintiff.

9. Statements of any witnesses or persons having knowledge pertaining to the facts or issues in the lawsuit, including any party.

You are also requested to furnish an Affidavit to counsel for all parties stating whether the production is complete, and to advise counsel for all parties as to the date upon which the documents, objects or tangible things will be produced.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

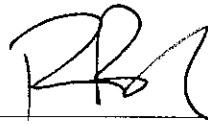
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 9/27/12.

  
\_\_\_\_\_

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

Bj 173

Paul Dalberg  
Plaintiff

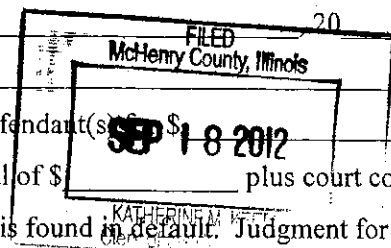
Circuit Clerk Use Only	
<input checked="" type="checkbox"/>	ORD
<input type="checkbox"/>	ORDJ
<input type="checkbox"/>	ORDDWP

VS  
DAVID BAGNON et al.  
Defendant

Case Number 12 LA 178

**ORDER**

- ☒ Plaintiff(s) appear in person/by attorney R. Lumbr - Law Office T. Repovich
- ☒ Defendant(s) appear in person/by attorney \_\_\_\_\_
- ☐ Summons not served; alias summons to issue; return date \_\_\_\_\_
- ☐ Summons has been properly served on Defendant(s) \_\_\_\_\_
- ☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ \_\_\_\_\_ plus interest of \$ \_\_\_\_\_ plus attorney fees of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_ plus court costs.
- ☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ \_\_\_\_\_, plus interest of \$ \_\_\_\_\_ plus attorney fees of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_ plus court costs.
- ☐ Case set for ☐ trial ☐ arbitration on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ m. in Courtroom \_\_\_\_\_
- ☐ Defendant(s) shall file an Appearance within \_\_\_\_\_ days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).



**NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.**

- ☐ Defendant(s) shall file an answer or other pleading within \_\_\_\_\_ days of today's date.
- ☒ This case is continued on Motion of 28 (1 min) ☐ Plaintiff; ☐ Defendant; ☒ By Agreement; ☐ Court; to Nov. 28, 2012 at 9:00 A m. for Status - Room 24
- ☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.
- ☐ Case dismissed with/without prejudice on Plaintiff's motion.
- ☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ \_\_\_\_\_ plus interest of \$ \_\_\_\_\_ plus attorney fees of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_ plus court costs.
- ☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).
- ☐ COURT FURTHER ORDERS: \_\_\_\_\_

Date: \_\_\_\_\_

[Signature]  
Judge

IN THE CIV

COURT OF THE TWENTY-SECOND  
McHENRY COUNTY, ILLINOIS

JUDICIAL CIRCUIT

Paul Dabrowski  
Plaintiff

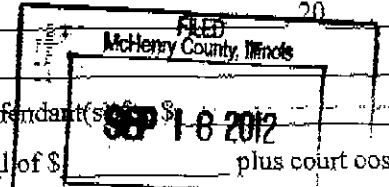
Circuit Clerk Use Only

☒ ORD☐ ORDJ☐ ORDDWP

vs

Case Number 12 LA 178DAVID BAGNON et al  
Defendant**ORDER**

- ☒ Plaintiff(s) appear in person/by attorney R. Lumbert - Law of T. Repovich
- ☒ Defendant(s) appear in person/by attorney
- ☐ Summons not served; alias summons to issue; return date
- ☐ Summons has been properly served on Defendant(s)
- ☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$  plus interest of \$  plus attorney fees of \$  for a total of \$  plus court costs.
- ☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ , plus interest of \$  plus attorney fees of \$  for a total of \$  plus court costs.
- ☐ Case set for ☐ trial ☐ arbitration on , 20 at  m. in Courtroom
- ☐ Defendant(s) shall file an Appearance within  days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).



**NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.**

- ☐ Defendant(s) shall file an answer or other pleading within  days of today's date.
- ☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☒ By Agreement; ☐ Court; to Nov 24, 2012 at 9:00 A m. for Status - Remedy
- ☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.
- ☐ Case dismissed with/without prejudice on Plaintiff's motion.
- ☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$  plus interest of \$  plus attorney fees of \$  for a total of \$  plus court costs.
- ☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).
- ☐ COURT FURTHER ORDERS:

Date: Judge

## IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT

McHENRY COUNTY, ILLINOIS

Paul D. Briggs

Plaintiff

Circuit Clerk Use Only

ORD

ORDI

ORDDWP

vs

DAVID BAGNON et al.

Defendant

Case Number 14 LA 08

## ORDER

- ☒ Plaintiff(s) appear in person/by attorney R. Lumbra Law DE T. Repuckly
- ☒ Defendant(s) appear in person/by attorney
- ☐ Summons not served; alias summons to issue; return date
- ☐ Summons has been properly served on Defendant(s)
- ☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$  plus interest of \$  plus attorney fees of \$  for a total of \$  plus court costs.
- ☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$  plus interest of \$  plus attorney fees of \$  for a total of \$  plus court costs.
- ☐ Case set for ☐ trial ☐ arbitration on , 20  at  m. in Courtroom
- ☐ Defendant(s) shall file an Appearance within  days of today's date; or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

**NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.**

- ☐ Defendant(s) shall file an answer or other pleading within  days of today's date.
- ☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☒ By Agreement; ☐ Court; to Nov 21, 2012 at 9:00 A m. for status - Room 29
- ☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.
- ☐ Case dismissed with/without prejudice on Plaintiff's motion.
- ☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$  plus interest of \$  plus attorney fees of \$  for a total of \$  plus court costs.
- ☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).
- ☐ COURT FURTHER ORDERS:

Date: Judge:

STATE OF ILLINOIS                     )  
   ) SS  
 COUNTY OF MCHENRY                 )

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

PAUL DULBERG,

Plaintiff(s),

CASE NO. 12LA000178

vs.

DAVID GAGNON, Individually, and as  
 Agent of CAROLINE MCGUIRE and  
 BILL MCGUIRE, and CAROLINE  
 MCGUIRE and BILL MCGUIRE,  
 Individually,

Defendant(s).

**NOTICE OF TAKING DEPOSITION(S)**

PLEASE TAKE NOTICE that the undersigned attorney will take the deposition of:

NAME: David Gagnon  
 DATE: Wednesday, October 31, 2012  
 TIME: 1:00 p.m.  
 PLACE: Q & A Reporting Service  
 7115 Virginia Road  
 Suite 105  
 Crystal Lake, Illinois, 60014

YOU ARE HEREBY requested pursuant to ILSC Rule 204 to produce the above listed deponent for the purpose of discovery deposition at the above listed time and place before Merrill Legal Solution, certified shorthand court reporters, or some other office duly authorized by law to take depositions.

The deponents are requested, pursuant to Illinois Supreme Court Rule 204, to produce the following documents and/or tangible things at the aforesaid time and place:

Any and all documents disclosed in Plaintiff's answers to interrogatories and response to Defendant's request for production of documents.

I HEREBY CERTIFY that on September 5, 2012, a true and correct copy of the foregoing Notice of Taking Deposition was mailed to:



Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry IL 60050

Attorney for Plaintiff(s) Paul Dulberg

Cicero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
Rockford, IL 61114

Attorney for Co-Defendants, Caroline and Bill McGuire

LAW OFFICE OF M. GERARD GREGOIRE  
200 N LaSalle St Ste 2650  
Chicago, IL 60601-1092  
Telephone: 312-538-9821

By: 

PERRY A. ACCARDO

Firm No. 46878

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon

STATE OF ILLINOIS )  
 ) SS  
 COUNTY OF MCHENRY )

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

PAUL DULBERG,

Plaintiff(s),

CASE NO. 12LA000178

vs.

DAVID GAGNON, Individually, and as  
 Agent of CAROLINE MCGUIRE and  
 BILL MCGUIRE, and CAROLINE  
 MCGUIRE and BILL MCGUIRE,  
 Individually,

Defendant(s).

**NOTICE OF TAKING DEPOSITION(S)**

PLEASE TAKE NOTICE that the undersigned attorney will take the deposition of:

NAME: CAROLINE MCGUIRE and BILL MCGUIRE C.

DATE: November 29, 2012

TIME: 1:00 p.m.

PLACE: Q & A Reporting Service  
 7115 Virginia Road  
 Suite 105  
 Crystal Lake, Illinois, 60014

YOU ARE HEREBY requested pursuant to ILSC Rule 204 to produce the above listed deponent for the purpose of discovery deposition at the above listed time and place before Merrill Legal Solution, certified shorthand court reporters, or some other office duly authorized by law to take depositions.

The deponents are requested, pursuant to Illinois Supreme Court Rule 204, to produce the following documents and/or tangible things at the aforesaid time and place:

Any and all documents disclosed in Plaintiff's answers to interrogatories and response to Defendant's request for production of documents.

I HEREBY CERTIFY that on September 5, 2012, a true and correct copy of the foregoing Notice of Taking Deposition was mailed to:

Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry IL 60050

Attorney for Plaintiff(s) Paul Dulberg

Cicero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
Rockford, IL 61114

Attorney for Co-Defendants, Caroline and Bill McGuire

LAW OFFICE OF M<sup>RS</sup> GERARD GREGOIRE  
200 N LaSalle St Ste 2650  
Chicago, IL 60601-1092  
Telephone: 312-558-9821

By: \_\_\_\_\_

PERRY A. ACCARDO

Firm No.: **46878**

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon

STATE OF ILLINOIS )

) SS

COUNTY OF MCHENRY )

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

**FILED**  
**SEP 05 2012**  
KATHLEEN M. KANE  
McHENRY CTY. CLERK

PAUL DULBERG,

Plaintiff(s),

CASE NO. 12LA000178

VS.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and  
BILL MCGUIRE, and CAROLINE  
MCGUIRE and BILL MCGUIRE,  
Individually,

Defendant(s).

**ANSWER TO COMPLAINT**

Defendant(s), DAVID GAGNON, by and through the undersigned counsel, answer(s) the Complaint as follows:

Defendant(s) deny/denies the allegation(s) in all paragraphs unless otherwise specifically admitted.

**COUNT I.**

1. Defendant admits each and every allegation as set forth in paragraph one.
2. Defendant admits each and every allegation as set forth in paragraph two.
3. Defendant denies each and every allegation as set forth in paragraph three.
4. Defendant denies each and every allegation as set forth in paragraph four.
5. Defendant admits each and every allegation as set forth in paragraph five.
6. Defendant admits each and every allegation as set forth in paragraph six.
7. Defendant admits each and every allegation as set forth in paragraph seven.
8. Defendant admits each and every allegation as set forth in paragraph eight.
9. Defendant admits asking Plaintiff to assist in trimming a tree/branch.
10. Defendant admits contact between the chainsaw and the Plaintiff.
11. Defendant denies each and every allegation as set forth in paragraph eleven.
12. Defendant admits to his legally mandated duty to the Plaintiff under Illinois Law but herein denies committing any breach whatsoever of said duty to the Plaintiff.

13. Defendant denies each and every allegation as set forth in paragraph thirteen. Further answering, Defendant denies remaining allegations as set forth in sub-paragraphs (a) through (e).

14. Defendant denies each and every allegation as set forth in paragraph fourteen.

15. Defendant denies each and every allegation as set forth in paragraph fifteen.

#### COUNT II.

Defendant makes no answer to the allegations set forth in Count II. of the Plaintiff's Complaint at Law as the allegations contained therein are not directed against this Defendant.

WHEREFORE, Defendant(s) pray(s) for judgment and costs in this lawsuit.

#### **AFFIRMATIVE DEFENSE**

Defendant(s) DAVID GAGNON, by and through the undersigned counsel, and pursuant to 735 ILCS 5/2-613d, as an Affirmative Defense state(s) and allege(s) as follows:

1. That before and at the time of the occurrence it was the duty of the Plaintiff to use ordinary care for the safety of the Plaintiff(s).

2. That the negligence of the Plaintiff was the proximate cause of the occurrence and the injuries or damages alleged.

3. That the Plaintiff was guilty of one or more of the following negligent acts or omissions which were the proximate cause of the injuries or damages alleged:

- a) Failed to use caution while assisting Defendant trimming a tree and branches.
- b) Failed to proceed with caution when Plaintiff knew or should have known that a danger;
- c) Was inattentive and unobservant to surrounding conditions while assisting with the trimming of the branches/trees;
- d) Was otherwise careless and negligent as will be demonstrated by evidence at trial.

4. That the negligence of the Plaintiff exceeded 50% of the proximate cause of the alleged injuries and, therefore, pursuant to 735 ILCS 5/2-1116, the Plaintiff is barred from recovery.

5. Pleading in the alternative, the negligence of the Plaintiff contributed in whole or in part to the injury of which Plaintiff complains.

WHEREFORE, Defendant(s) pray(s) that the Complaint at Law be dismissed should the finder of fact determine that the negligence of the Plaintiff exceeded 50% of the proximate cause of the alleged injuries of the Plaintiff; or, in the alternative, that any judgment entered in favor of the Plaintiff and against the Defendants(s), DAVID GAGNON, be reduced in proportion to the percentage of fault attributed by the trier of fact to the negligence acts and omissions of the Plaintiff.

  
PERRY A. ACCARDO  
ATTORNEY AT LAW

I HEREBY CERTIFY that on September 5, 2012, a true and correct copy of the foregoing Answer and Affirmative Defenses filed with the Clerk of the Circuit Court of McHenry County and mailed to:

Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry IL 60050

Attorney for Plaintiff(s) Paul Dulberg

Cicero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
Rockford, IL 61114

Attorney for Co-Defendants, Caroline and Bill McGuire

FAX #  
312/558-9357

LAW OFFICE OF M. GERARD GREGOIRE  
200 N LaSalle St Ste 2650  
Chicago, IL 60601-1892  
Telephone: 312-558-9821

By: 

PERRY A. ACCARDO

Firm No.: **46878**

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF MCHENRY )

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

PAUL DULBERG,

Plaintiff(s),

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and  
BILL MCGUIRE, and CAROLINE  
MCGUIRE and BILL MCGUIRE,  
Individually,

Defendant(s).

CASE NO.: 12 LA 178

AMOUNT CLAIMED: \$50,000

**FILED**  
**SEP 05 2012**  
KATHLEEN M. KLEFE  
McHENRY CIV. CIR. CLK.

**APPEARANCE**

PLEASE TAKE NOTICE that the undersigned hereby appears as counsel for Defendant(s), DAVID GAGNON, in the above entitled cause.

I certify that a copy of the within instrument was served on all parties who have appeared and have not heretofore been found by the Court to be in default for failure to plead.

1121  
LAW OFFICE OF M. GERARD GREGOIRE  
200 N LaSalle St Ste 2650  
Chicago, IL 60601-1092  
Telephone 312-558-9821

By: 

PERRY A. ACCARDO

Firm No.: **46878**

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF MCHENRY )

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

**FILED**

**SEP 05 2012**

KATHERINE M. KOFFE  
McHENRY CTY. CIR. CLK.

PAUL DULBERG,

Plaintiff(s),

CASE NO. 12 LA 178

vs.

AMOUNT CLAIMED: \$50,000

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and  
BILL MCGUIRE, and CAROLINE  
MCGUIRE and BILL MCGUIRE,  
Individually,

Defendant(s).

**JURY DEMAND  
12 PERSON JURY**

The Defendant(s), DAVID GAGNON, demand(s) a trial by jury.

LAW OFFICE OF M. GERARD GREGOIRE

By: 

PERRY A. ACCARDO

Firm No.: **46878**

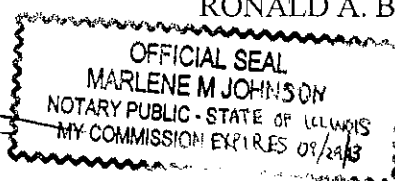
Attorney/Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon

LAW OFFICE OF M. GERARD GREGOIRE  
200 N LaSalle St Ste 2650  
Chicago, IL 60601-1092  
Telephone: 312-558-9821





STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,  
Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,  
Defendants.

Case No. 12 LA 178

**SUBPOENA FOR DEPOSITION**  
**(for Records Only)**

TO: Release of Information/Medical Records Custodian  
c/o Centegra Northern Illinois Medical Center  
4201 Medical Center Drive  
McHenry, IL 60050

YOU ARE COMMANDED to appear to give your deposition before a notary public at  
6323 East Riverside Blvd., Rockford, Illinois 61114, on September 19, 2012, at 9:00 A.M.

YOU ARE COMMANDED ALSO to produce the following: The complete medical  
records file and medical statements for services pertaining to the care and treatment of **PAUL  
DULBERG (B/D: 3/19/70)** from January 1, 2006 to the present date, exclusive of x-ray films, in  
your possession or control.

**YOUR APPEARANCE IS NOT MANDATORY IF SAID DOCUMENTS ARE  
PROVIDED TO ATTORNEY RONALD A. BARCH ON OR BEFORE SEPTEMBER 18,  
2012, AT 5:00 P.M. YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA  
WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**

ATTORNEY RONALD A. BARCH  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700 815/226-7701 (fax)

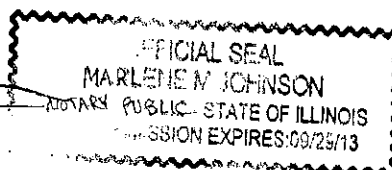
CICERO, FRANCE, BARCH & ALEXANDER, PC.  
BY: RBA  
RONALD A. BARCH (6209572)

I served the subpoena by mailing a copy to the Medical Records Custodian c/o Centegra  
Northern Illinois Medical Center on September 4, 2012. I paid the witness \$20.00 for witness fees.

Signed and sworn to before  
me on September 4, 2012.

RBA  
RONALD A. BARCH

Marlene M. Johnson  
(Notary Public)



STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,  
Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,  
Defendants.

Case No. 12 LA 178

**SUBPOENA FOR DEPOSITION**  
**(for Records Only)**

TO: Release of Information/Medical Records Custodian  
c/o Dr. Frank Sek  
4606 West Elm Street  
McHenry, IL 60050

YOU ARE COMMANDED to appear to give your deposition before a notary public at 6323 East Riverside Blvd., Rockford, Illinois 61114, on September 19, 2012, at 9:00 A.M.

YOU ARE COMMANDED ALSO to produce the following: The complete medical records file and medical statements for services pertaining to the care and treatment of **PAUL DULBERG (B/D: 3/19/70)** from January 1, 2006 to the present date, exclusive of x-ray films, in your possession or control.

**YOUR APPEARANCE IS NOT MANDATORY IF SAID DOCUMENTS ARE PROVIDED TO ATTORNEY RONALD A. BARCH ON OR BEFORE SEPTEMBER 18, 2012, AT 5:00 P.M. YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**

ATTORNEY RONALD A. BARCH  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700 815/226-7701 (fax)

CICERO, FRANCE BARCH & ALEXANDER, PC.

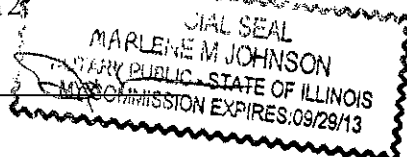
BY: RB1  
RONALD A. BARCH (6209572)

I served the subpoena by mailing a copy to the Medical Records Custodian c/o Dr. Frank Sek on September 4, 2012. I paid the witness \$20.00 for witness fees.

Signed and sworn to before  
me on September 4, 2012

RB1  
RONALD A. BARCH

Marlene M. Johnson  
(Notary Public)



STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,  
Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,  
Defendants.

Case No. 12 LA 178

**SUBPOENA FOR DEPOSITION**  
**(for Records Only)**

TO: Release of Information/Medical Records Custodian  
c/o Mid America Hand to Shoulder Clinic  
1419 Peterson Road  
Libertyville, IL 60048

YOU ARE COMMANDED to appear to give your deposition before a notary public at 6323 East Riverside Blvd., Rockford, Illinois 61114, on September 19, 2012, at 9:00 A.M.

YOU ARE COMMANDED ALSO to produce the following: The complete medical records file and medical statements for services pertaining to the care and treatment of **PAUL DULBERG (B/D: 3/19/70)** from January 1, 2006 to the present date, exclusive of x-ray films, in your possession or control.

**YOUR APPEARANCE IS NOT MANDATORY IF SAID DOCUMENTS ARE PROVIDED TO ATTORNEY RONALD A. BARCH ON OR BEFORE SEPTEMBER 18, 2012, AT 5:00 P.M. YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**

ATTORNEY RONALD A. BARCH  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700 815/226-7701 (fax)

CICERO, FRANCE, BARCH & ALEXANDER, PC.

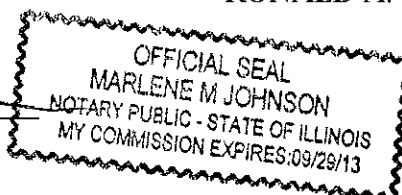
BY: RB  
RONALD A. BARCH (6209572)

I served the subpoena by mailing a copy to the Medical Records Custodian c/o Mid America Hand to Shoulder Clinic on September 4, 2012. I paid the witness \$20.00 for witness fees.

Signed and sworn to before  
me on September 4, 2012.

RB  
RONALD A. BARCH

Marlene M. Johnson  
(Notary Public)



STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,  
Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,  
Defendants.

Case No. 12 LA 178

**SUBPOENA FOR DEPOSITION**  
**(for Records Only)**

TO: Release of Information/Medical Records Custodian  
c/o Mid America Orthopaedics  
755 South Milwaukee Avenue  
Libertyville, IL 60048-3266

YOU ARE COMMANDED to appear to give your deposition before a notary public at 6323 East Riverside Blvd., Rockford, Illinois 61114, on September 19, 2012, at 9:00 A.M.

YOU ARE COMMANDED ALSO to produce the following: The complete medical records file and medical statements for services pertaining to the care and treatment of **PAUL DULBERG (B/D: 3/19/70)** from January 1, 2006 to the present date, exclusive of x-ray films, in your possession or control.

**YOUR APPEARANCE IS NOT MANDATORY IF SAID DOCUMENTS ARE PROVIDED TO ATTORNEY RONALD A. BARCH ON OR BEFORE SEPTEMBER 18, 2012, AT 5:00 P.M. YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**

ATTORNEY RONALD A. BARCH  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700 815/226-7701 (fax)

CICERO, FRANCE BARCH & ALEXANDER, PC.

BY: RB  
RONALD A. BARCH (6209572)

I served the subpoena by mailing a copy to the Medical Records Custodian c/o Mid America Orthopaedics on September 4, 2012. I paid the witness \$20.00 for witness fees.

Signed and sworn to before  
me on September 4, 2012.

RB  
RONALD A. BARCH

Marlene M. Johnson  
(Notary Public)



RRU

McHENRY COUNTY, ILLINOIS

AUG - 8 2012

KATHERINE M. KEEFE  
Clerk of the Circuit CourtCircuit Clerk Use Only  
ORD  
ORDJ  
ORDDWP

Plaintiff

vs

Case Number

12 LA 178

Defendant

## ORDER

- ☒ Plaintiff(s) appear in person/by attorney T. Freeman / Popovich
- ☐ Defendant(s) appear in person/by attorney Roa Barch
- ☐ Summons not served; alias summons to issue; return date \_\_\_\_\_, 20\_\_\_\_
- ☐ Summons has been properly served on Defendant(s)
- ☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ \_\_\_\_\_, plus interest of \$ \_\_\_\_\_ plus attorney fees of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_ plus court costs.
- ☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ \_\_\_\_\_, plus interest of \$ \_\_\_\_\_ plus attorney fees of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_ plus court costs.
- ☐ Case set for ☐ trial ☐ arbitration on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ m. in Courtroom \_\_\_\_\_
- ☐ Defendant(s) shall file an Appearance within \_\_\_\_\_ days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

**NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.**

- ☐ Defendant(s) shall file an answer or other pleading within \_\_\_\_\_ days of today's date.
- ☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☐ By Agreement; ☒ Court; to 9-18, 2012 at 9:00 a m. for Status
- ☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.
- ☐ Case dismissed with/without prejudice on Plaintiff's motion.
- ☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ \_\_\_\_\_, plus interest of \$ \_\_\_\_\_ plus attorney fees of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_ plus court costs.
- ☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).
- ☒ COURT FURTHER ORDERS: Plaintiff's Motion for Protective Order is granted as set forth in Plaintiff Motion.

Date: \_\_\_\_\_

Judge: Thomas A. Meyer

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**NOTICE OF SERVING DISCOVERY**

TO: McHenry County Circuit Clerk  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

PLEASE TAKE NOTICE that on August 6, 2012, the Defendants herein by their attorneys, Cicero, France, Barch & Alexander, PC, caused the following documents to be served upon the Plaintiff herein, by mailing copies of same to the attorneys of record for the Plaintiff, as indicated on the attached Certificate of Service:

1. Answers to Plaintiff's Written Interrogatories by Bill McGuire and Carolyn McGuire.
2. Response to Plaintiff's Production by Bill McGuire and Carolyn McGuire.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By

  
RONALD A. BARCH (6209572)




CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 8/6/12.

A handwritten signature in dark ink, appearing to be 'H. Mast', is written over a horizontal line.

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

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

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**COPY**


No. 12 LA 178

**PROOF OF SERVICE**

The undersigned, being first duly sworn on oath, deposes and states that on the 26th day of July, 2012, the following described documents were served by mailing true and correct copies thereof in an envelope, addressed as is shown below, that said envelope was sealed, that sufficient U.S. postage for first-class mail was placed thereon, and the same was deposited in the U.S. Mail in McHenry, Illinois, at or about the hour of 5:00 p.m.

DOCUMENT DESCRIPTION: **PLAINTIFF'S ANSWERS TO DEFENDANTS' INTERROGATORIES AND PRODUCTION REQUESTS**

ADDRESSED TO: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114



HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH**  
3416 West Elm Street  
McHenry, IL 60050  
815-344-3797  
Attorney No. 6203684

**COPY**

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

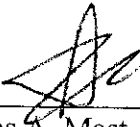
**NOTICE OF MOTION**

To: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

On **July 31, 2012 at 9:00 a.m.**, or as soon thereafter as counsel may be heard, I shall appear before the **Honorable Michael T. Caldwell** or any judge sitting in his stead, in courtroom 204 in the Circuit Court of McHenry County in Woodstock, Illinois and shall then and there present **PLAINTIFF'S MOTION FOR PROTECTIVE ORDER**, a copy of which is hereby served upon you

**AFFIDAVIT OF SERVICE**

I certify that I served this Notice by mailing to whom it is directed at approximately 5:00 p.m. on July 24, 2012 in McHenry, IL and further that the statements set forth in this Affidavit of Service are true and correct.

  
\_\_\_\_\_  
Hans A. Mast, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**  
3416 West Elm Street  
McHenry, IL 60050  
815-344-3797  
Attorney ID No. 30037

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

PAUL DULBERG,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 12 LA 178
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE McGUIRE and BILL	)	
McGUIRE and CAROLINE McGUIRE	)	
and BILL McGUIRE, Individually,	)	
	)	
Defendants.	)	

**PLAINTIFF'S MOTION FOR PROTECTIVE ORDER**


NOW COME the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW OFFICES OF THOMAS J. POPOVICH, P.C. and for his Motion for Protective Order to preserve and protect the "chain saw" involved in the underlying occurrence along with all parts and accessories and manual/paperwork, and states as follows:

1. This suit arises from injuries suffered by the Plaintiff, PAUL DULBERG, on June 28, 2011, when he was negligently struck by a "chain saw" operated by DAVID GAGNON while working on behalf and/or at the request of the Defendants, CAROLINE McGUIRE and BILL McGUIRE at their premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.

2. Plaintiff's counsel would like an opportunity to photograph and inspect the subject "chain saw" and any parts, accessories and manual/paperwork pertaining to the saw and moves that this court order the "saw and its parts and accessories and paperwork/manual be preserved and protected without destruction or loss until further order of this court."

WHEREFORE, the Plaintiff, PAUL DULBERG, respectfully moves this Court to enter a protective order against the Defendants, their agents, employees, staff and/or representatives and any others under it's control, and it's attorneys, to preserve and protect the chain saw and its parts and accessories and paperwork/manual, from any destruction, alterations, modifications, or other changes from its condition as presently exists, until further order of the court and to present the saw and its parts etc within 30 days hereof to the Plaintiff's counsel for inspection and photographing.

Respectfully Submitted:

  
\_\_\_\_\_  
Hans A. Mast, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**

3416 W. Elm Street

McHenry, IL 60050

815/344-3797

ARDC. #06203684

**COPY**

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

PAUL DULBERG,

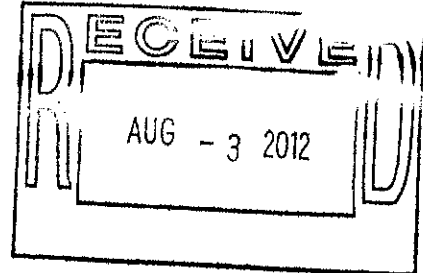
Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.



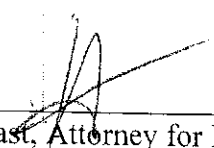
**RE-NOTICE OF MOTION**

To: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

On **August 8, 2012 at 9:00 a.m.**, or as soon thereafter as counsel may be heard, I shall appear before the **Honorable Thomas A. Meyer** or any judge sitting in his stead, in courtroom 201 in the Circuit Court of McHenry County in Woodstock, Illinois and shall then and there present **PLAINTIFF'S MOTION FOR PROTECTIVE ORDER**, a copy of which is hereby served upon you

**AFFIDAVIT OF SERVICE**

I certify that I served this Notice by mailing to whom it is directed at approximately 5:00 p.m. on August 1, 2012 in McHenry, IL and further that the statements set forth in this Affidavit of Service are true and correct.

  
\_\_\_\_\_  
Hans A. Mast, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**  
3416 West Elm Street  
McHenry, IL 60050  
815-344-3797  
Attorney ID No. 30037

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



PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

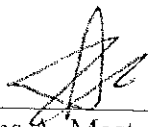
**NOTICE OF MOTION**

To: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

On **July 31, 2012 at 9:00 a.m.**, or as soon thereafter as counsel may be heard, I shall appear before the **Honorable Michael T. Caldwell** or any judge sitting in his stead, in courtroom 204 in the Circuit Court of McHenry County in Woodstock, Illinois and shall then and there present **PLAINTIFF'S MOTION FOR PROTECTIVE ORDER**, a copy of which is hereby served upon you

**AFFIDAVIT OF SERVICE**

I certify that I served this Notice by mailing to whom it is directed at approximately 5:00 p.m. on July 24, 2012 in McHenry, IL and further that the statements set forth in this Affidavit of Service are true and correct.

  
\_\_\_\_\_  
Hans A. Mast, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**  
3416 West Elm Street  
McHenry, IL 60050  
815-344-3797  
Attorney ID No. 30037

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

PAUL DULBERG,

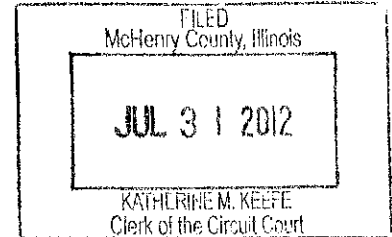
Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.



**PLAINTIFF'S MOTION FOR PROTECTIVE ORDER**

NOW COME the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW OFFICES OF THOMAS J. POPOVICH, P.C. and for his Motion for Protective Order to preserve and protect the "chain saw" involved in the underlying occurrence along with all parts and accessories and manual/paperwork, and states as follows:


1. This suit arises from injuries suffered by the Plaintiff, PAUL DULBERG, on June 28, 2011, when he was negligently struck by a "chain saw" operated by DAVID GAGNON while working on behalf and/or at the request of the Defendants, CAROLINE McGUIRE and BILL McGUIRE at their premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.

2. Plaintiff's counsel would like an opportunity to photograph and inspect the subject "chain saw" and any parts, accessories and manual/paperwork pertaining to the saw and moves that this court order the "saw and its parts and accessories and paperwork/manual be preserved and protected without destruction or loss until further order of this court."



WHEREFORE, the Plaintiff, PAUL DULBERG, respectfully moves this Court to enter a protective order against the Defendants, their agents, employees, staff and/or representatives and any others under it's control, and it's attorneys, to preserve and protect the chain saw and its parts and accessories and paperwork/manual, from any destruction, alterations, modifications, or other changes from its condition as presently exists, until further order of the court and to present the saw and its parts etc within 30 days hereof to the Plaintiff's counsel for inspection and photographing.

Respectfully Submitted:

  
\_\_\_\_\_  
Hans A. Mast, Attorney for Plaintiff

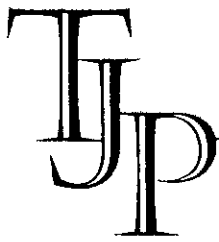
**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**

3416 W. Elm Street

McHenry, IL 60050

815/344-3797

ARDC. #06203684



The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET  
McHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280

[www.popovichlaw.com](http://www.popovichlaw.com)

THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK<sup>†</sup>  
DIANA M. REITER

MARK J. VOGG  
JAMES P. TUTAJ  
ROBERT J. LUMBER  
THERESA M. FREEMAN

July 31, 2012

Honorable Thomas A. Meyer  
Circuit Court of McHenry County  
2200 N. Seminary Avenue  
Woodstock, IL 60098

**RE: *Paul Dulberg vs. David Gagnon, Caroline McGuire and Bill McGuire***  
**McHenry County Case: 12 LA 178**

Dear Judge Meyer:

Please find enclosed a courtesy copy of Plaintiff's Motion for Protective Order in the above-referenced matter. The hearing set before you on August 8, 2012 at 9:00 a.m.

Very truly yours,

**COPY**  
HANS A. MAST

smq  
Enclosure

c: Ronald A. Barch

S:\Main\DULBERG, PAUL\Letters\Letter to Judge Meyer 7-31-12.wpd

IN THE CIRCUIT COURT OF THE 22<sup>nd</sup> JUDICIAL CIRCUIT  
McHENRY COUNTY, ILLINOIS

PAULO DULBERG

v

DAVID GAGNON, etc., et al.

Case No. 12LA178

**ORDER OF RECUSAL OR ORDER FOR SUBSTITUTION OF JUDGE**

Reason for Reassignment:

\_\_\_\_ Motion for Substitution of Judge: \_\_\_\_ by Right \_\_\_\_ for Cause

☒ Recusal/Judicial Conflict (Reason) Popovich firm

\_\_\_\_ Other: \_\_\_\_\_

**IT IS ORDERED:** that the above entitled case is referred to the office of the Presiding Judge for reassignment.

Dated: July 25, 2012

Michael H. Dulberg  
JUDGE

**ORDER OF REASSIGNMENT**

This cause being referred to the office of the Chief Judge for random selection of a judge;

**IT IS HEREBY ORDERED** that pursuant to assignment by the office of the Chief Judge this cause is reassigned for \_\_\_\_\_

Status on August 8, 2012 at 9:00 a.m

☒ Assigned to the Civil Division, Courtroom 201 (Judge Thomas A. Meyer currently assigned to that division/courtroom).

\_\_\_\_ Assigned to the Honorable \_\_\_\_\_

\_\_\_\_ Case transferred to the Chief Judge for reassignment to a judge outside of McHenry County.

Dated: 7-25-12

Michael J. Sullivan  
Chief Judge

Attorney Ronald Barch  
6323 East Riverside Blvd.  
Rockford, IL 61114

Attorney Thomas Popovich  
3416 W. Elm St.  
McHenry, IL 60050

Proof of Service  
The undersigned certifies that a copy of the forgoing document was served upon all parties of record by way of mail, fax or hand delivery on: July 25 2012

Larry Huffman

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,	)	
	)	
Plaintiff,	)	Case No. 12 LA 178
	)	
vs.	)	
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE MCGUIRE and BILL	)	
MCGUIRE, and CAROLINE MCGUIRE	)	
and BILL MCGUIRE, Individually,	)	
	)	
Defendants.	)	

**NOTICE OF SERVING DISCOVERY**

TO: McHenry County Circuit Clerk  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

PLEASE TAKE NOTICE that on July 10, 2012, the Defendants herein by their attorneys, Cicero, France, Barch & Alexander, PC, caused the following documents to be served upon the Plaintiff herein, by mailing copies of same to the attorneys of record for the Plaintiff, as indicated on the attached Certificate of Service:

1. Interrogatories to Plaintiff.
2. Request to Produce to Plaintiff.
3. Defendants' Supplemental Interrogatories to Plaintiff (Medicare).
4. HIPAA Records Release Authorization.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 7/10/12.



---

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**NOTICE OF DISCOVERY DEPOSITIONS**

TO: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

**YOU ARE HEREBY NOTIFIED** that on **AUGUST 30, 2012**, we shall for the purpose of discovery, take the depositions of

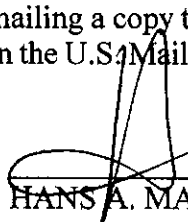
**Bill McGuire at 12:00 P.M.; and  
Caroline McGuire at 1:00 P.M.**

at the **LAW OFFICES OF THOMAS J. POPOVICH, P.C., 3416 W. Elm Street, McHenry, IL**, upon oral interrogatories, as though under cross examination, pursuant to the provisions of the Civil Practice Act and Rules of the Supreme Court.

This Notice is served upon you in conformity with the above-named Act and Rules and is intended to require the presence of the party, identified herein, at said time and place. It is requested that each party or counsel advise the undersigned attorney in writing 72 hours prior to the deposition should the witness require an interpreter for the English language.

**CERTIFICATE OF SERVICE**

I certify that I served this Notice by mailing a copy to each person to whom it is directed at the address above indicated by depositing it in the U.S. Mail at McHenry, IL 60050, on June 25, 2012 with proper postage prepaid.

  
HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**  
3416 West Elm Street  
McHenry, IL 60050  
815-344-3797  
Attorney No. 6203684

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

PAUL DULBERG,

Plaintiff,

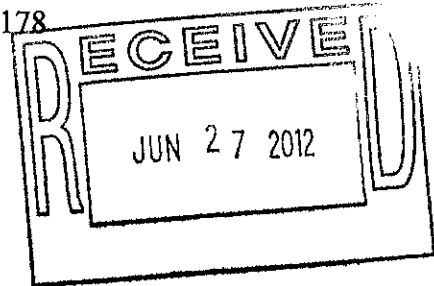
vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

No. 12 LA 178

**COPY**



**PROOF OF SERVICE**

The undersigned, being first duly sworn on oath, deposes and states that on the 25<sup>th</sup> day of June, 2012, the following described documents were served by mailing true and correct copies thereof in an envelope, addressed as is shown below, that said envelope was sealed, that sufficient U.S. postage for first-class mail was placed thereon, and the same was deposited in the U.S. Mail in McHenry, Illinois, at or about the hour of 5:00 p.m.

**DOCUMENT DESCRIPTION: PLAINTIFF'S REQUEST FOR PRODUCTION TO DEFENDANTS, BILL McGUIRE AND CAROLINE McGUIRE, PLAINTIFF'S INTERROGATORIES TO DEFENDANTS, BILL McGUIRE AND CAROLINE McGUIRE, RULE 237(b) NOTICE TO PRODUCE AT TRIAL AND/OR ARBITRATION TO DEFENDANTS, BILL McGUIRE AND CAROLINE McGUIRE AND NOTICE OF DEPOSITIONS OF DEFENDANTS**

ADDRESSED TO: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH**  
3416 West Elm Street  
McHenry, IL 60050  
815-344-3797  
Attorney No. 6203684

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**ANSWER TO COMPLAINT -**  
**DEFENDANT BILL McGUIRE AND**  
**DEFENDANT CAROLYN McGUIRE**

**ANSWER TO COUNT I**

Defendants, BILL McGUIRE and CAROLYN McGUIRE, make no response to Count I of Plaintiff's Complaint inasmuch as said allegations are directed at a separate and distinct Defendant.

**ANSWER TO COUNT II**

Defendants, BILL McGUIRE AND CAROLYN McGUIRE (improperly named Caroline), by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their Answer to Count I of Plaintiff's Complaint, state as follows:

1. Defendants admit the allegations of paragraph one (1).
2. Defendants admit that on June 28, 2011, they owned and lived in a single family home located at 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois. Defendants neither admit nor deny the remaining allegations set forth in paragraph two (2) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
3. Defendants deny the allegations of paragraph three (3).
4. Defendants deny the allegations of paragraph four (4).
5. Defendants admit that on June 28, 2011, Defendant David Gagnon was engaged in cutting, trimming and maintaining trees and brush on the premises at 1016 W. Elder



Avenue, in the City of McHenry, County of McHenry, Illinois. Defendants admit that David Gagnon was doing so at their request, with their authority and permission and for their benefit. Defendants deny the remaining allegations of paragraph five (5).

6. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. Defendants admit that they owned a chain saw on June 28, 2011. Defendants deny the remaining allegations of paragraph six (6).
7. Defendants deny the allegations of paragraph seven (7).
8. Defendants deny the allegations of paragraph eight (8).
9. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations set forth in paragraph nine (9). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
10. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph ten (10). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
11. Defendants deny the allegations of paragraph eleven (11).
12. Defendants deny the allegations of paragraph twelve (12).
13. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph thirteen (13). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
14. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph fourteen (14). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.

15. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
16. Defendants admit that at all relevant times they owned and lived in the premises that are the subject of Plaintiff's Complaint. Defendants neither admit nor deny the remaining allegations set forth in paragraph sixteen (16) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
17. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
18. Defendants deny the allegations of paragraph eighteen (18).
19. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to whether Defendant David Dagnon was operating a chain saw with the assistance of Plaintiff Paul Dulberg. Defendants neither admit nor deny the remaining allegations set forth in paragraph nineteen (19) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
20. Defendants make no response to the allegations set forth in paragraph twenty (20) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
21. Defendants deny the allegations of paragraph twenty-one (21).
22. Defendants deny the allegations of paragraph twenty-two (22).

WHEREFORE, the Defendants, BILL McGUIRE and CAROLYN McGUIRE, pray the court dismiss Count I of Plaintiff's Complaint and enter judgment for the Defendants for their costs of suit.

**Defendants Hereby Demand A Trial By Jury**

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

A handwritten signature in black ink, appearing to read 'R Barch', written over a horizontal line.


By

RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS                     )  
  ) SS  
COUNTY OF WINNEBAGO            )

RONALD A. BARCH, being first duly sworn on oath, deposes and states that he is one of the attorneys for the Defendants, BILL McGUIRE and CAROLYN McGUIRE, that he has read the foregoing Answer signed by him; that the allegations as to insufficient knowledge are true to the best of his knowledge and belief.



\_\_\_\_\_  
RONALD A. BARCH

Subscribed and sworn to before  
me on July 10, 2012.

Tina A. Fink  
Notary Public



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 7/10/12.

RBZ

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**DEMAND FOR JURY**

The Defendants, BILL MCGUIRE and CAROLYN MCGUIRE (improperly named  
Caroline), in the above-entitled cause, hereby demand a jury for the trial of said cause.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By

  
RONALD A. BARCH (6209572)

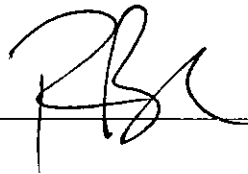
Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

**CERTIFICATE OF SERVICE**

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served upon:

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 7/10/12.

A handwritten signature in black ink, appearing to be 'H. Mast', is written over a horizontal line.

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

)  
)  
) Case No. 12 LA 178  
)  
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)  
)

APPEARANCE

We hereby enter our Appearance for the Defendants, CAROLINE MCGUIRE and BILL  
MCGUIRE, in the above-entitled cause.

CAROLINE MCGUIRE and BILL MCGUIRE,  
Defendants,  
By CICERO, FRANCE, BARCH & ALEXANDER, P.C.,  
their Attorneys

By

  
\_\_\_\_\_  
RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700 fax: 815/226-7701

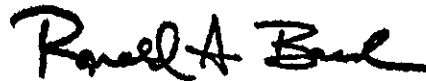


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served upon:

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on June 12, 2012.

  
\_\_\_\_\_

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700 fax: 815/226-7701

**SUMMONS - 30 DAY**  
**IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT**  
**McHENRY COUNTY, ILLINOIS**

(Name all parties)

**PAUL DULBERG,**

Plaintiff(s)

vs.

**DAVID GAGNON, Individually, and as****Agent of CAROLINE MCGUIRE and BILL****MCGUIRE, and CAROLINE MCGUIRE and**

Defendant(s)

**BILL MCGUIRE, Individually**

Case Number

12 LA 178Amount Claimed \$ 50,000.00+

Please Serve:

Caroline McGuire  
 1016 W. Elder Avenue  
 McHenry, IL 60051

**SUMMONS**

*Rec'd June 3-12  
 30 days would be  
 July 3 is  
 30 days*

**To each Defendant:**

**YOU ARE SUMMONED** and required to file an answer in this case, or otherwise file your appearance, in the office of the Clerk of this court, McHenry County Government Center, 2200 N. Seminary Avenue, Woodstock, Illinois, 60098, within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.



WITNESS

**MAY 15 2012**

20

*Katherine M. Keefe*  
 Clerk of the Circuit Court

Plaintiff's attorney or plaintiff if he is not represented by an attorney

Name Law Offices of Thomas J PopovichPrepared by Hans A. MastAttorney for PlaintiffAttorney for PlaintiffAddress 3416 W. Elm StreetAttorney Registration No. 06203684City, State Zip McHenry, IL 60050Telephone 815-344-3797

*6-03-12  
 MS*

**FILED**  
**COPY**  
 MAY 5 2012  
 KATHLEEN M. KEEFE  
 McHENRY CITY CLERK

STATE OF ILLINOIS )  
 )SS  
 COUNTY OF McHENRY )

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

PAUL DULBERG, )

Plaintiff, )

vs. )

No.: 12LA178

DAVID GAGNON, Individually, and as )  
 Agent of CAROLINE MCGUIRE and BILL )  
 MCGUIRE, and CAROLINE MCGUIRE )  
 and BILL MCGUIRE, Individually, )

Defendants. )

COMPLAINT

NOW COMES the Plaintiff PAUL DULBERG, by his attorneys, LAW OFFICES OF THOMAS J. POPOVICH, P.C., and complaining against the Defendants, DAVID GAGNON Individually, and as Agent of CAROLINE MCGUIRE and BILL MCGUIRE, and CAROLINE MCGUIRE and BILL MCGUIRE, individually, and states as follows:

**Count 1**

**Paul Dulberg vs. David Gagnon, individually, and as Agent of Caroline and Bill McGuire**

1. On June 28, 2011, the Plaintiff, PAUL DULBERG, lived in the City of McHenry, County of McHenry, Illinois.

2. On June 28, 2011, Defendants CAROLINE MCGUIRE and BILL MCGUIRE lived, controlled, managed and maintained a single family home located at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.

NOTICE  
 BY LOCAL RULE 3.10  
 THIS CASE IS HEREBY SET FOR SCHEDULING  
 CONFERENCE IN COURTROOM 208 ON  
 9/18/2012, AT 2:00 PM  
 FAILURE TO APPEAR MAY RESULT IN THE CASE  
 BEING DISMISSED OR AN ORDER OF  
 DEFAULT BEING ENTERED.

3. On June 28, 2011, the Defendant, DAVID GAGNON, was living and/or staying at his parent's home at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.

4. On June 28, 2011, the Defendants, CAROLINE McGUIRE and BILL McGUIRE contracted, hired the Defendant, DAVID GAGNON, to cut down, trim and/or maintain the trees and brush at their premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.

5. On June 28, 2011, and at the request and with the authority and permission of the Defendants CAROLINE McGUIRE and BILL McGUIRE, and for their benefit, the Defendant, DAVID GAGNON, was working under their supervision and control while engaged in cutting, trimming and maintaining trees and brush at the premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.

6. On June 28, 2011, as part of his work at the subject property, the Defendant, DAVID GAGNON, was authorized, instructed, advised and permitted to use a chainsaw to assist him in his work for Defendants, CAROLINE McGUIRE and BILL McGUIRE, which was owned by the McGuires.

7. On June 28, 2011, the Defendant, DAVID GAGNON, was under the supervision and control of Defendants, CAROLINE McGUIRE and BILL McGUIRE, and was working as their apparent and actual agent, and was then acting and working in the scope of his agency for Defendants, CAROLINE McGUIRE and BILL McGUIRE.

8. On June 28, 2011, and while the Defendant, DAVID GAGNON, was working in the course and scope of his agency for Defendants, CAROLINE McGUIRE and BILL McGUIRE, and was under their supervision and control, Defendant, DAVID GAGNON was in use of a chainsaw while trimming a tree and branch.

9. On June 28, 2011, and while Defendant, DAVID GAGNON, was in use of a chainsaw while trimming a tree and branch, Defendant, DAVID GAGNON, asked for and/or requested the assistance of the Plaintiff, PAUL DULBERG, to hold the tree branch while Defendant, DAVID GAGNON, trimmed the branch with the chainsaw.

10. On June 28, 2011, and while Defendant, DAVID GAGNON, was in sole control, use and operation of the subject chainsaw, the chainsaw was caused to strike and injure the Plaintiff, PAUL DULBERG.

11. At all relevant times, Defendants, CAROLINE McGUIRE and BILL McGUIRE, knew of Defendant, DAVID GAGNON's use of the chainsaw in the presence of the Plaintiff, PAUL DULBERG, and knew that such created a danger to the Plaintiff, PAUL DULBERG's safety.

12. That at all relevant times, the Defendants, DAVID GAGNON, as agent of CAROLINE McGUIRE and BILL McGUIRE, owed a duty to use care and caution in his operation of a known dangerous instrumentality.

13. On June 28, 2011, the Defendant, DAVID GAGNON, was negligent in one or more of the following ways:

- a. Failed to maintain control over the operating of the chainsaw;
- b. Failed to take precaution not to allow the chainsaw to move toward the Plaintiff, PAUL DULBERG, so as to cause injury;
- c. Failed to warn the Plaintiff, PAUL DULBERG, of the dangers existing from the Defendant, DAVID GAGNON's inability to control the chainsaw;
- d. Failed to keep a proper distance from the Plaintiff, PAUL DULBERG, while operating the chainsaw;
- e. Otherwise was negligent in operation and control of the chainsaw.

14. That as a proximate result of the Defendant's negligence, the Plaintiff, PAUL DULBERG, was injured externally; he has experienced and will in the future experience pain and suffering; he has been permanently scarred and/or disabled; and has become obligated for large sums of money for medical bills and will in the future become obligated for additional sums of money for medical care, and has lost time from work and/or from earning wages due to such injury.

15. That at the above time and date, the Defendant's negligence can be inferred from the circumstances of the occurrence as the instrument of the injury was under the control of the Defendant and therefore, negligence can be presumed under the doctrine of *Res Ipsa Loquitur*.

WHEREFORE, Plaintiff, PAUL DULBERG, demands judgment against Defendants, DAVID GAGNON, and CAROLINE McGUIRE and BILL McGUIRE in an amount in excess of \$50,000.00, plus costs of this action.

**Count II****Paul Dulberg vs. Caroline McGuire and Bill McGuire**

1 - 15. That the Plaintiff, PAUL DULBERG, restates and realleges paragraphs 1 through 14, in Count I, above, as paragraphs 1 through 15 of Count II, as if fully alleged herein.

16. That at all relevant times, the Defendants, CAROLINE McGUIRE and BILL McGUIRE, owned, controlled, maintained and supervised the premises whereat the accident to the Plaintiff, PAUL DULBERG, occurred.

17. That at all relevant times, the Defendants, CAROLINE McGUIRE and BILL McGUIRE, were in control of and had the right to advise, instruct and demand that the Defendant, DAVID GAGNON, act or work in a safe and reasonable manner.

18. That at all relevant times, the Defendant, DAVID GAGNON, was acting as the agent, actual and apparent, of Defendants, CAROLINE McGUIRE and BILL McGUIRE, and was acting at their request and in their best interests and to their benefit as in a joint enterprise.

19. That at all relevant times, Defendants, CAROLINE McGUIRE and BILL McGUIRE, knew DAVID GAGNON was operating a chainsaw with the assistance of the Plaintiff, PAUL DULBERG, and had the right to discharge or terminate the Defendant, DAVID GAGNON's work for any reason.

20. That at all relevant times, Defendants, CAROLINE McGUIRE and BILL McGUIRE, owed a duty to supervise and control Defendant, DAVID GAGNON's activities on the property so as not to create a unreasonable hazard to others, including the Plaintiff, PAUL DULBERG.

21. On June 28, 2011, the Defendants, CAROLINE McGUIRE and BILL McGUIRE, were negligent in one or more of the following ways:

- a. Failed to control operation of the chainsaw;
- b. Failed to take precaution not to allow the chainsaw to move toward the Plaintiff, PAUL DULBERG, so as to cause injury;
- c. Failed to warn the Plaintiff, PAUL DULBERG, of the dangers existing from the Defendant's inability to control the chainsaw;
- d. Failed to keep the chainsaw a proper distance from the Plaintiff, PAUL DULBERG, while operating the chainsaw;
- e. Otherwise was negligent in operation and control of the chainsaw.

22. That as a proximate result of the Defendant's negligence, the Plaintiff, PAUL DULBERG, was injured externally; he has experienced and will in the future experience pain and suffering; he has been permanently scarred and/or disabled; and has become obligated for large sums of money for medical bills and will in the future become obligated for additional sums of money for medical care, and has lost time from work and/or from earning wages due to such injury.



WHEREFORE, Plaintiff, PAUL DULBERG, demands judgment against Defendants, CAROLINE McGUIRE and BILL McGUIRE, in an amount in excess of \$50,000.00, plus costs of this action.

LAW OFFICES OF THOMAS J. POPOVICH, P.C.



---

One of the Attorneys for Plaintiff

Hans A. Mast  
LAW OFFICES OF THOMAS J. POPOVICH, P.C.  
3416 West Elm Street  
Lake, Illinois 60050  
(815) 344-3797  
ARDC No. 06203684

STATE OF ILLINOIS       )  
                                       )SS  
 COUNTY OF McHENRY    )

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

PAUL DULBERG,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No.:
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE MCGUIRE and BILL	)	
MCGUIRE, and CAROLINE MCGUIRE	)	
and BILL MCGUIRE, Individually,	)	
	)	
Defendants.	)	

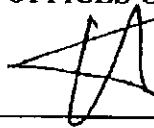
AFFIDAVIT

I, HANS A. MAST, being first duly sworn on oath, depose and state as follows:

1. That I am one of the attorneys responsible for the prosecution of the above-entitled case.
2. That on behalf Plaintiff, PAUL DULBERG, I am hereby requesting money damages in an amount not to exceed \$50,000.00, together with the costs of this action, against each of the above-named Defendants.

FURTHER, Affiant sayeth naught.

LAW OFFICES OF THOMAS J. POPOVICH, P.C.



Hans A. Mast  
 LAW OFFICES OF THOMAS J. POPOVICH, P.C.  
 3416 West Elm Street  
 McHenry, Illinois 60050  
 (815) 344-3797  
 ARDC No. 06203684

**SUMMONS - 30 DAY**  
**IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT**  
**McHENRY COUNTY, ILLINOIS**

(Name all parties)

PAUL DULBERG,

Plaintiff(s)

vs.

DAVID GAGNON, Individually, and asAgent of CAROLINE MCGUIRE and BILLMCGUIRE, and CAROLINE MCGUIRE and

Defendant(s)

BILL MCGUIRE, Individually

Case Number

12LA178Amount Claimed \$ 50,000.00+

Please Serve:

Bill McGuire

1016 W. Elder Avenue

McHenry, IL 60051

**SUMMONS****To each Defendant:**

**YOU ARE SUMMONED** and required to file an answer in this case, or otherwise file your appearance, in the office of the Clerk of this court, McHenry County Government Center, 2200 N. Seminary Avenue, Woodstock, Illinois, 60098, within 30 days after service of this summons, not counting the day of service. **IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.**

**To the officer:**

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.



WITNESS

**MAY 15 2012**

20

Katherine M. Key  
 Clerk of the Circuit Court

Plaintiff's attorney or plaintiff if he is not represented by an attorney

Name Law Offices of Thomas J PopovichPrepared by Hans A. MastAttorney for PlaintiffAttorney for PlaintiffAddress 3416 W. Elm StreetAttorney Registration No. 06203684City, State Zip McHenry, IL 60050Telephone 815-344-3797

6-12  
MS

**FILED**  
**COPY**  
JUN 11 2012  
CLERK OF COURT  
MCHENRY COUNTY, ILL.

STATE OF ILLINOIS     )  
                                  )SS  
COUNTY OF McHENRY    )

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

PAUL DULBERG,                                 )  
   )  
                  Plaintiff,                         )  
   )  
vs.   )  
   )  
DAVID GAGNON, Individually, and as         )  
Agent of CAROLINE MCGUIRE and BILL        )  
MCGUIRE, and CAROLINE MCGUIRE            )  
and BILL MCGUIRE, Individually,            )  
   )  
                  Defendants.                        )

No.:

12LA 178

COMPLAINT

NOW COMES the Plaintiff PAUL DULBERG by his attorneys, LAW OFFICES OF THOMAS J. POPOVICH, P.C., and complaining against the Defendants, DAVID GAGNON, Individually, and as Agent of CAROLINE MCGUIRE and BILL MCGUIRE, and CAROLINE MCGUIRE and BILL MCGUIRE, individually, and states as follows:

**Count I**

Paul Dulberg vs. David Gagnon, individually, and as Agent of Caroline and Bill McGuire

1. On June 28, 2011, the Plaintiff, PAUL DULBERG, lived in the City of McHenry, County of McHenry, Illinois.
2. On June 28, 2011, Defendants CAROLINE MCGUIRE and BILL MCGUIRE lived, controlled, managed and maintained a single family home located at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.

NOTICE  
BY LOCAL RULE 3.10  
THIS CASE IS HEREBY SET FOR SCHEDULING  
CONFERENCE IN COURTROOM 204 ON  
9/18 20 12 AT 9 AM PM  
FAILURE TO APPEAR MAY RESULT IN THE CASE  
BEING DISMISSED OR AN ORDER OF  
DEFAULT BEING ENTERED.

3. On June 28, 2011, the Defendant, DAVID GAGNON, was living and/or staying at his parent's home at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.

4. On June 28, 2011, the Defendants, CAROLINE McGUIRE and BILL McGUIRE contracted, hired the Defendant, DAVID GAGNON, to cut down, trim and/or maintain the trees and brush at their premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.

5. On June 28, 2011, and at the request and with the authority and permission of the Defendants CAROLINE McGUIRE and BILL McGUIRE, and for their benefit, the Defendant, DAVID GAGNON, was working under their supervision and control while engaged in cutting, trimming and maintaining trees and brush at the premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.

6. On June 28, 2011, as part of his work at the subject property, the Defendant, DAVID GAGNON, was authorized, instructed, advised and permitted to use a chainsaw to assist him in his work for Defendants, CAROLINE McGUIRE and BILL McGUIRE, which was owned by the McGuires.

7. On June 28, 2011, the Defendant, DAVID GAGNON, was under the supervision and control of Defendants, CAROLINE McGUIRE and BILL McGUIRE, and was working as their apparent and actual agent, and was then acting and working in the scope of his agency for Defendants, CAROLINE McGUIRE and BILL McGUIRE.

8. On June 28, 2011, and while the Defendant, DAVID GAGNON, was working in the course and scope of his agency for Defendants, CAROLINE McGUIRE and BILL McGUIRE, and was under their supervision and control, Defendant, DAVID GAGNON was in use of a chainsaw while trimming a tree and branch.

9. On June 28, 2011, and while Defendant, DAVID GAGNON, was in use of a chainsaw while trimming a tree and branch, Defendant, DAVID GAGNON, asked for and/or requested the assistance of the Plaintiff, PAUL DULBERG, to hold the tree branch while Defendant, DAVID GAGNON, trimmed the branch with the chainsaw.

10. On June 28, 2011, and while Defendant, DAVID GAGNON, was in sole control, use and operation of the subject chainsaw, the chainsaw was caused to strike and injure the Plaintiff PAUL DULBERG.

11. At all relevant times, Defendants, CAROLINE McGUIRE and BILL McGUIRE, knew of Defendant, DAVID GAGNON's use of the chainsaw in the presence of the Plaintiff, PAUL DULBERG, and knew that such created a danger to the Plaintiff, PAUL DULBERG's safety.

12. That at all relevant times, the Defendants, DAVID GAGNON, as agent of CAROLINE McGUIRE and BILL McGUIRE, owed a duty to use care and caution in his operation of a known dangerous instrumentality.

13. On June 28, 2011, the Defendant, DAVID GAGNON, was negligent in one or more of the following ways:

- a. Failed to maintain control over the operating of the chainsaw;
- b. Failed to take precaution not to allow the chainsaw to move toward the Plaintiff, PAUL DULBERG, so as to cause injury;
- c. Failed to warn the Plaintiff, PAUL DULBERG, of the dangers existing from the Defendant, DAVID GAGNON's inability to control the chainsaw;
- d. Failed to keep a proper distance from the Plaintiff, PAUL DULBERG, while operating the chainsaw;
- e. Otherwise was negligent in operation and control of the chainsaw.

14. That as a proximate result of the Defendant's negligence, the Plaintiff, PAUL DULBERG, was injured externally; he has experienced and will in the future experience pain and suffering; he has been permanently scarred and/or disabled; and has become obligated for large sums of money for medical bills and will in the future become obligated for additional sums of money for medical care, and has lost time from work and/or from earning wages due to such injury.

15. That at the above time and date, the Defendant's negligence can be inferred from the circumstances of the occurrence as the instrument of the injury was under the control of the Defendant and therefore, negligence can be presumed under the doctrine of *Res Ipsa Loquitur*.

WHEREFORE, Plaintiff, PAUL DULBERG, demands judgment against Defendants, DAVID GAGNON, and CAROLINE McGUIRE and BILL McGUIRE in an amount in excess of \$50,000.00, plus costs of this action.

**Count II****Paul Dulberg vs. Caroline McGuire and Bill McGuire**

1 - 15. That the Plaintiff, PAUL DULBERG, restates and realleges paragraphs 1 through 14, in Count I, above, as paragraphs 1 through 15 of Count II, as if fully alleged herein.

16. That at all relevant times, the Defendants, CAROLINE McGUIRE and BILL McGUIRE, owned, controlled, maintained and supervised the premises whereat the accident to the Plaintiff, PAUL DULBERG, occurred.

17. That at all relevant times, the Defendants, CAROLINE McGUIRE and BILL McGUIRE, were in control of and had the right to advise, instruct and demand that the Defendant, DAVID GAGNON, act or work in a safe and reasonable manner.

18. That at all relevant times, the Defendant, DAVID GAGNON, was acting as the agent, actual and apparent, of Defendants, CAROLINE McGUIRE and BILL McGUIRE, and was acting at their request and in their best interests and to their benefit as in a joint enterprise.

19. That at all relevant times, Defendants, CAROLINE McGUIRE and BILL McGUIRE, knew DAVID GAGNON was operating a chainsaw with the assistance of the Plaintiff, PAUL DULBERG, and had the right to discharge or terminate the Defendant, DAVID GAGNON's work for any reason.

20. That at all relevant times, Defendants, CAROLINE McGUIRE and BILL McGUIRE, owed a duty to supervise and control Defendant, DAVID GAGNON's activities on the property so as not to create a unreasonable hazard to others, including the Plaintiff, PAUL DULBERG.



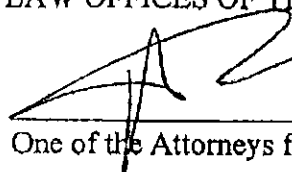
21. On June 28, 2011, the Defendants, CAROLINE McGUIRE and BILL McGUIRE, were negligent in one or more of the following ways:

- a. Failed to control operation of the chainsaw;
- b. Failed to take precaution not to allow the chainsaw to move toward the Plaintiff, PAUL DULBERG, so as to cause injury;
- c. Failed to warn the Plaintiff, PAUL DULBERG, of the dangers existing from the Defendant's inability to control the chainsaw;
- d. Failed to keep the chainsaw a proper distance from the Plaintiff, PAUL DULBERG, while operating the chainsaw;
- e. Otherwise was negligent in operation and control of the chainsaw.

22. That as a proximate result of the Defendant's negligence, the Plaintiff, PAUL DULBERG, was injured externally; he has experienced and will in the future experience pain and suffering; he has been permanently scarred and/or disabled; and has become obligated for large sums of money for medical bills and will in the future become obligated for additional sums of money for medical care, and has lost time from work and/or from earning wages due to such injury.

WHEREFORE, Plaintiff, PAUL DULBERG, demands judgment against Defendants, CAROLINE McGUIRE and BILL McGUIRE, in an amount in excess of \$50,000.00, plus costs of this action.

LAW OFFICES OF THOMAS J. POPOVICH, P.C.

A handwritten signature in black ink, appearing to be 'Hans A. Mast', is written over a horizontal line.

One of the Attorneys for Plaintiff

Hans A. Mast  
LAW OFFICES OF THOMAS J. POPOVICH, P.C.  
3416 West Elm Street  
Lake, Illinois 60050  
(815) 344-3797  
ARDC No. 06203684

STATE OF ILLINOIS       )  
                                   )SS  
 COUNTY OF McHENRY    )

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

PAUL DULBERG,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No.:
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE MCGUIRE and BILL	)	
MCGUIRE, and CAROLINE MCGUIRE	)	
and BILL MCGUIRE, Individually,	)	
	)	
Defendants.	)	

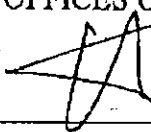
AFFIDAVIT

I, HANS A. MAST, being first duly sworn on oath, depose and state as follows:

1. That I am one of the attorneys responsible for the prosecution of the above-entitled case.
2. That on behalf Plaintiff, PAUL DULBERG, I am hereby requesting money damages in an amount not to exceed \$50,000.00, together with the costs of this action, against each of the above-named Defendants.

FURTHER, Affiant sayeth naught.

LAW OFFICES OF THOMAS J. POPOVICH, P.C.



Hans A. Mast  
 LAW OFFICES OF THOMAS J. POPOVICH, P.C.  
 3416 West Elm Street  
 McHenry, Illinois 60050  
 (815) 344-3797  
 ARDC No. 06203684

## Public Case Access

Public Case View Search

<b>CASE ID</b>	<b>12LA000178</b>
<b>TITLE</b>	<b>DULBERG, PAUL VS GAGNON, DAVID, ET AL</b>
<b>CASE TYPE</b>	<b>LAW -&gt; \$50,000</b>
<b>STATUS</b>	<b>OPEN</b>
<b>STATUS DATE</b>	<b>05/15/2012</b>
<b>FILING TYPE</b>	<b>MONEY DAMAGES - OVER \$50,000</b>
<b>FILING DATE</b>	<b>05/15/2012</b>

[Charges / Sentences](#) | [Parties On Case](#) | [Financial Summary](#) | [Court Events](#) | [Summons](#)**FUTURE COURT EVENTS**

EVENT DATE	EVENT TIME	LOCATION	ROOM	TYPE	JUDGE
09/18/2012	9:00AM	McHenry County Government Center	204	CONFERENCE - SCHEDULING	CALDWELL, MICHAEL T.

**PREVIOUS COURT EVENTS**

EVENT DATE	ROOM	TYPE	JUDGE	RESULT
NO PREVIOUS COURT EVENTS				

Appearance fee = \$136  
ELF. did NOT pay  
Jury Demand = \$212.50

Caroline served June 3  
Bill served " 3

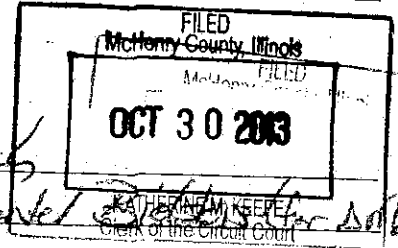
Paul Dulberg  
Plaintiff

VS

DAN BAJAR et al  
Defendant

Case Number 12 CA 178

Circuit Clerk Use Only	
_____	ORD
_____	ORDJ
_____	ORDDWP



**ORDER**

- ☒ Plaintiff(s) appear in person/by attorney B. Lumber - Repovich  
☒ Defendant(s) appear in person/by attorney Perry Acordo, Charles  
☐ Summons not served; alias summons to issue; return date \_\_\_\_\_, 20\_\_\_\_  
☐ Summons has been properly served on Defendant(s) \_\_\_\_\_  
☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ \_\_\_\_\_, plus interest of \$ \_\_\_\_\_ plus attorney fees of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_ plus court costs.  
☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ \_\_\_\_\_, plus interest of \$ \_\_\_\_\_ plus attorney fees of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_ plus court costs.  
☐ Case set for ☐ trial ☐ arbitration on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ m. in Courtroom \_\_\_\_\_  
☐ Defendant(s) shall file an Appearance within \_\_\_\_\_ days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

**NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.**

- ☐ Defendant(s) shall file an answer or other pleading within \_\_\_\_\_ days of today's date.  
☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☐ By Agreement; ☐ Court; to JANUARY 3, 2014 at 9:00 A m. for status Reopened  
☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.  
☐ Case dismissed with/without prejudice on Plaintiff's motion.  
☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ \_\_\_\_\_, plus interest of \$ \_\_\_\_\_ plus attorney fees of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_ plus court costs.  
☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).  
☐ **COURT FURTHER ORDERS:** \_\_\_\_\_

Date: \_\_\_\_\_

[Signature]  
Judge

245281968.1/SKO/ACCARDO/ml

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF MCHENRY )

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

PAUL DULBERG,

Plaintiff(s),

CASE NO. 12LA000178

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and  
BILL MCGUIRE, and CAROLINE  
MCGUIRE and BILL MCGUIRE,  
Individually,

Defendant(s).

**NOTICE OF DISCOVERY DEPOSITION(S)**

PLEASE TAKE NOTICE that the undersigned attorney will take the deposition of:

NAME: Dr. Apiwat Ford  
DATE: November 20, 2013  
TIME: 10:00 AM  
PLACE: Northern IL Medical Center  
4201 Medical Center Drive  
Medical Building Office, B100  
McHenry, IL 60050

upon oral examination, before Merrill Legal Solutions, certified shorthand reporters, or some other officer duly authorized by law to take depositions. The deposition(s) is/are being taken for the purpose of discovery, or for such other purposes as are permitted under the applicable and governing Illinois Rules of the Supreme Court.

I HEREBY CERTIFY that on 11/5/13, a true and correct copy of the foregoing Notice of Deposition was faxed mailed to:

Hans A. Mast 815 344-5280  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry IL 60050

Cicero, France, Barch & Alexander PC 815 226-7701  
6323 East Riverside Blvd  
Rockford, IL 61114

LAW OFFICE OF STEVEN A. LIHOSIT  
200 N. LaSalle Street, Suite 2550  
Chicago, IL 60601-1014  
Telephone: (312) 558-9821

By:

  
PERRY A. ACCARDO

Firm No.: 19859

E-MAIL ADDRESS:

ILLINOISLEGAL@ALLSTATE.COM

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon

STATE OF ILLINOIS

0245281968.1/SKO/ACCARDO/mlt

COUNTY OF MCHENRY

)  
) SS  
)

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

PAUL DULBERG,

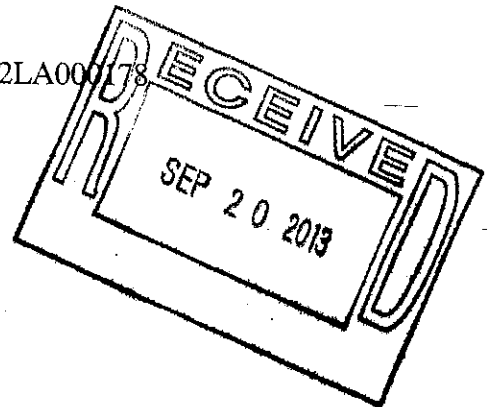
Plaintiff(s),

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and  
BILL MCGUIRE, and CAROLINE  
MCGUIRE and BILL MCGUIRE,  
Individually,

Defendant(s).

CASE NO. 12LA000178



**NOTICE OF DISCOVERY DEPOSITION(S)**

PLEASE TAKE NOTICE that the undersigned attorney will take the deposition of:

NAME: Dr. Apiwat W Ford  
DATE: October 23, 2013  
TIME: 2:00 PM  
PLACE: Northern IL Medical Center  
4201 Medical Center Drive  
McHenry, IL 60050

upon oral examination, before Merrill Legal Solutions, certified shorthand reporters, or some other officer duly authorized by law to take depositions. The deposition(s) is/are being taken for the purpose of discovery, or for such other purposes as are permitted under the applicable and governing Illinois Rules of the Supreme Court.



I HEREBY CERTIFY that on 9/18/13, a true and correct copy of the foregoing Notice of Deposition was mailed to:

Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry IL 60050

Cicero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
Rockford, IL 61114

LAW OFFICE OF STEVEN A. LIHOSIT  
200 N. LaSalle Street, Suite 2550  
Chicago, IL 60601-1014  
Telephone: (312) 558-9821

By: 

PERRY A. ACCARDO

Firm No.: 19859

E-MAIL ADDRESS:

ILLINOISLEGAL@ALLSTATE.COM

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF MCHENRY )

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

PAUL DULBERG,

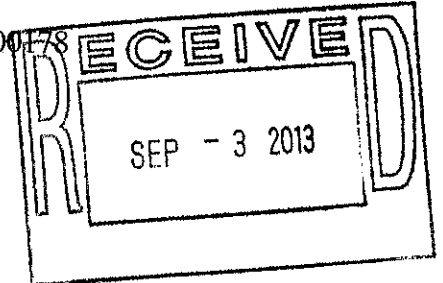
Plaintiff(s),

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and  
BILL MCGUIRE, and CAROLINE  
MCGUIRE and BILL MCGUIRE,  
Individually,

Defendant(s).

CASE NO. 12LA000178



**NOTICE OF DISCOVERY DEPOSITION(S)**

PLEASE TAKE NOTICE that the undersigned attorney will take the deposition of:

NAME: Dr. Marcus Talerico  
DATE: October 16, 2013  
TIME: 1:00 PM  
PLACE: Mid America Hand and Shoulder  
2000 E. Algonquin Road, Suite 109  
Schaumburg, IL 60067

upon oral examination, before Merrill Legal Solutions, certified shorthand reporters, or some other officer duly authorized by law to take depositions. The deposition(s) is/are being taken for the purpose of discovery, or for such other purposes as are permitted under the applicable and governing Illinois Rules of the Supreme Court.

I HEREBY CERTIFY that on 8/20/13, a true and correct copy of the foregoing Notice of Deposition was mailed to:

Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry IL 60050

Cicero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
Rockford, IL 61114

LAW OFFICE OF STEVEN A. LIHOSIT  
200 N. LaSalle Street, Suite 2550  
Chicago, IL 60601-1014  
Telephone: (312) 558-9821

By: 

PERRY A. ACCARDO

Firm No.: 19859

E-MAIL ADDRESS:

ILLINOISLEGAL@ALLSTATE.COM

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF MCHENRY )

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

PAUL DULBERG,

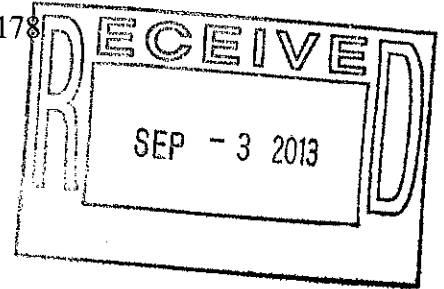
Plaintiff(s),

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and  
BILL MCGUIRE, and CAROLINE  
MCGUIRE and BILL MCGUIRE,  
Individually,

Defendant(s).

CASE NO. 12LA000178



**NOTICE OF DISCOVERY DEPOSITION(S)**

PLEASE TAKE NOTICE that the undersigned attorney will take the deposition of:

NAME: Dr. Sagerman  
DATE: October 15, 2013  
TIME: 9:00 AM  
PLACE: Hand Surgery Associates  
515 W. Algonquin Road, Suite 120  
Arlington Heights, IL 60005

upon oral examination, before Merrill Legal Solutions, certified shorthand reporters, or some other officer duly authorized by law to take depositions. The deposition(s) is/are being taken for the purpose of discovery, or for such other purposes as are permitted under the applicable and governing Illinois Rules of the Supreme Court.

I HEREBY CERTIFY that on 8-30-13, a true and correct copy of the foregoing Notice of Deposition was mailed to:

Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry IL 60050

Cicero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
Rockford, IL 61114

LAW OFFICE OF STEVEN A. LIHOSIT  
200 N. LaSalle Street, Suite 2550  
Chicago, IL 60601-1014  
Telephone: (312) 558-9821

By: 

PERRY A. ACCARDO

Firm No.: 19859

E-MAIL ADDRESS:

ILLINOISLEGAL@ALLSTATE.COM

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF MCHENRY )

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

PAUL DULBERG,

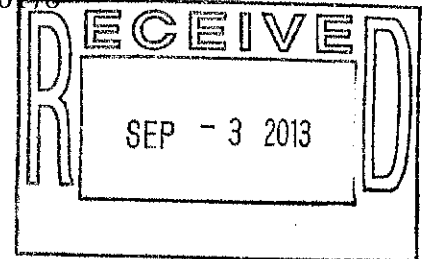
Plaintiff(s),

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and  
BILL MCGUIRE, and CAROLINE  
MCGUIRE and BILL MCGUIRE,  
Individually,

Defendant(s).

CASE NO. 12LA000178



**NOTICE OF DISCOVERY DEPOSITION(S)**

PLEASE TAKE NOTICE that the undersigned attorney will take the deposition of:

NAME: Dr. Karen Levin  
DATE: October 1, 2013  
TIME: 9:00 AM  
PLACE: Associated Neurology  
1900 Hollister Drive, Suite 250  
Libertyville, IL 60048

upon oral examination, before Merrill Legal Solutions, certified shorthand reporters, or some other officer duly authorized by law to take depositions. The deposition(s) is/are being taken for the purpose of discovery, or for such other purposes as are permitted under the applicable and governing Illinois Rules of the Supreme Court.

I HEREBY CERTIFY that on 8-30-13, a true and correct copy of the foregoing Notice of Deposition was mailed to:

Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry IL 60050

Cicero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
Rockford, IL 61114

LAW OFFICE OF STEVEN A. LIHOSIT  
200 N. LaSalle Street, Suite 2550  
Chicago, IL 60601-1014  
Telephone: (312) 558-9821

By:

  
PERRY A. ACCARDO

Firm No.: **19859**

E-MAIL ADDRESS:

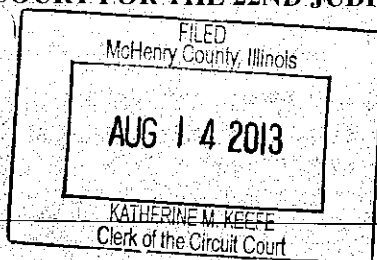
ILLINOISLEGAL@ALLSTATE.COM

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon

## CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

STATE OF ILLINOIS }  
COUNTY OF MCHENRY } SSGEN. NO. 12 CA 178  
☐ Jury ☐ Non-Jury

DUBERIN

vs.

GAGNON et al

Date 8/14/13 Plaintiff's  
AttorneyDefendant's  
Attorney

## ORDER

This case coming on for status  
on medical discovery, counsel for  
Plaintiff + the McGinnis Defendants  
appearing, and the Court being  
advised,

IT IS ORDERED:

case is reset to 10/30/13 at 9:00 AM  
for  
further status on medical  
discovery.

Prepared by: \_\_\_\_\_

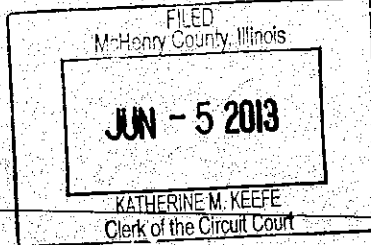
Attorney for: \_\_\_\_\_

Attorney Registration No.: \_\_\_\_\_

Judge



## CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

STATE OF ILLINOIS  
COUNTY OF MCHENRY } SSGEN. NO. 12-1178☐ Jury ☐ Non-JuryDulberg

vs.

Lugones et al.Date 1-15-13Plaintiff's  
AttorneyR. L. Linder  
HammillDefendant's  
AttorneyPerry, Orlando - Esq.  
Patrick - Esq.  
Ken Patch - McGarr

## ORDER

This matter coming before the Court for status on non-medical fact discovery, all parties having notice and the Court being fully advised in the premises;

IT IS HEREBY ORDERED:

- (1) Non medical fact discovery closed with the deposition of witness Mike Thomas;
- (2) The case is continued to 8-14-13 at 9 AM for status on FD discovery.

Prepared by:

C. Bickis (Ken Patch)

Attorney for:

Defendants McGarr

Attorney Registration No.:

Judge

[Signature]

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

PAUL DULBERG,

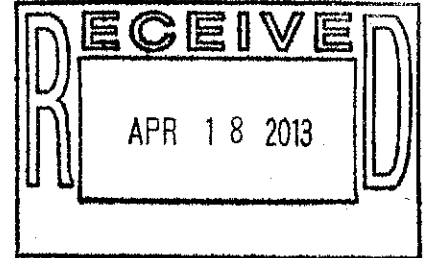
Plaintiff(s),

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and  
BILL MCGUIRE, and CAROLINE  
MCGUIRE and BILL MCGUIRE,  
Individually,

Defendant(s).

CASE NO. 12LA000178



**NOTICE OF NAME CHANGE**

TO: Hans A. Mast  
Law Offices of Thomas J. Popovich, P.C.  
3416 W Elm St  
McHenry IL 60050

Attorney for Plaintiff(s) Paul Dulberg

Cicero, France, Barch & Alexander PC  
6323 East Riverside Blvd  
Rockford, IL 61114

Attorney for Co-Defendants, Caroline and Bill McGuire

YOU ARE HEREBY NOTIFIED, that effective April 15, 2013, the Law Office of M.  
Gerard Gregoire will change its name, address and fax number to:

LAW OFFICE OF STEVEN A. LIHOSIT  
200 N. LaSalle St., Ste 2550  
Chicago, IL 60601  
Telephone: 312-558-9800

8.14.13

**PROOF OF SERVICE BY MAIL**

I, PERRY A. ACCARDO, the attorney, certify that I served this notice by mailing a copy to the above named attorney(s), at the above address(s), and depositing the same in the U.S. mail at 200 North LaSalle St, Ste 2650, Chicago, Illinois, at 4:30 p.m., on 4/17/13, with proper postage prepaid.

(Perry  
Accardo)

Ext

LAW OFFICE OF STEVEN A. LIHOSIT  
200 N. LaSalle St., Ste 2550  
Chicago, IL 60601  
Telephone: 312-858-9821  
ATTORNEY Bar Number: 6228720

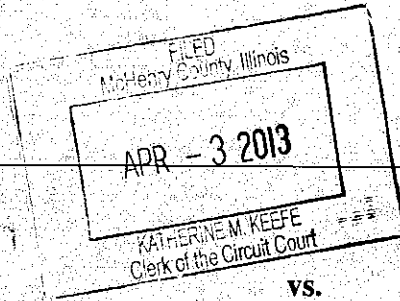
Signature

email -

Perry + Accardo @ allstate.com.

**CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT**

STATE OF ILLINOIS }  
COUNTY OF MCHENRY } SS



GEN. NO. 12LA178  
☐ Jury ☐ Non-Jury

PAUL DUBOIS

DAVID GARNON et al.

vs.

Date 4/3/13 Plaintiff's Attorney MAST Defendant's Attorney McHenry - Garnon  
CHAMBERLAIN - A. C. M. O. O.

**ORDER**

Came for all parties appearing, and the Court being advised that the McHenry Defendants' chamberlain and clerk's manual was provided for inspection, photographing and copying on March 11, 2013.

IT IS ORDERED:

~~AND~~ The Protective Order entered on August 17, 2012 is hereby modified and amended as follows:

The clerk of said chain saw and associated parts, accessories, manual and paperwork are free to use same in the ordinary course; provided, however, that no one shall not sell or otherwise dispose of ~~accessories, manual or~~ <sup>parts, accessories, manual or</sup> chamberlain without further order of the court.

Prepared by: \_\_\_\_\_

Attorney for: \_\_\_\_\_

Attorney Registration No.: \_\_\_\_\_ Judge \_\_\_\_\_

CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

STATE OF ILLINOIS }  
COUNTY OF MCHENRY } SS

GEN. NO. 12 LA 178

☐ Jury ☐ Non-Jury

PAUL DUCBERG

vs.

DAVID GAGNON

et al

Date 4/3/13

Plaintiff's Attorney MAST

Defendant's Attorney

McGowan → BA-2018  
GAGNON → Assoc. So.

ORDER

This cause coming on for status,  
counsel for all parties appearing,  
and the Court being advised,

IT IS ORDERED:

Cause is reset for status on the  
completion of fact discovery  
(non-medical) for 6/15/13 at 9:00 AM

Prepared by: \_\_\_\_\_

Attorney for: \_\_\_\_\_

Attorney Registration No.: \_\_\_\_\_

Judge \_\_\_\_\_

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

PAUL DULBERG,

Plaintiff,

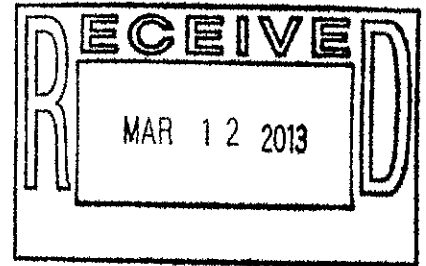
vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**COPY**

No. 12 LA 178



**PROOF OF SERVICE**

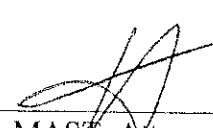
The undersigned, being first duly sworn on oath, deposes and states that on the 11<sup>th</sup> day of **March, 2013** the following described documents were served by mailing true and correct copies thereof in an envelope, addressed as is shown below, that said envelope was sealed, that sufficient U.S. postage for first-class mail was placed thereon, and the same was deposited in the U.S. Mail in McHenry, Illinois, at or about the hour of 5:00 p.m.

DOCUMENT DESCRIPTION: **PLAINTIFF'S SUBPOENA FOR DISCOVERY  
DEPOSITION OF MICHAEL McARTOR**

ADDRESSED TO: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

*2/12/12*

  
\_\_\_\_\_  
HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH**  
3416 West Elm Street  
McHenry, IL 60050  
815-344-3797  
Attorney No. 6203684

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>nd</sup> JUDICIAL CIRCUIT  
McHENRY COUNTY

**COPY**

PAUL DULBERG

VS.

DAVID GAGNON, et al.

Case Number 12 LA 178

**SUBPOENA FOR DEPOSITION**

To: Michael McArtor, 4606 Hayden Court, McHenry, IL 60050

YOU ARE COMMANDED to appear to give your deposition before a notary public at Law Ofc of Scott  
Hiera, 3421 W. Elm Street, Room number                     , McHenry, Illinois, on  
March 20, 20 13 at 12:00 M.

YOU ARE COMMANDED also to bring the following: YOURSELF

in your possession or control.

YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL SUBJECT YOU TO  
PUNISHMENT FOR CONTEMPT OF THIS COURT.



Witness March 8, 20 13

*Katherine M. Keefe*

McHenry County Clerk of the Circuit Court

Name Hans A. Mast

Attorney for Plaintiff

Address 3416 W. Elm Street

City, State, Zip McHenry, IL 60050

Telephone 815.344.3797

I served this subpoena by handing a copy to via certified mail on  
March 11, 20 13. I paid the witness \$ 35.00 for witness and mileage fees.

Signed and sworn to before me

Prepared By Hans A. Mast

Attorney For Plaintiff

Attorney Registration No. 6203684

Notary Public

CV-SUB1: Revised 12/01/08

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

**COPY**

PAUL DULBERG,

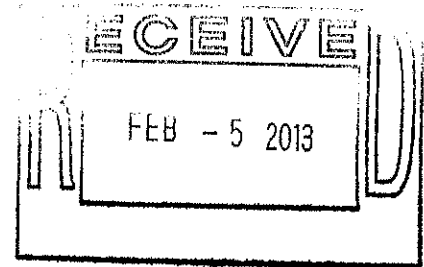
Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.



**NOTICE OF FILING**

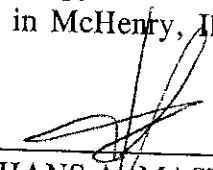
TO: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

YOU ARE HEREBY NOTIFIED that on February 4, 2013, or soon thereafter, there was filed with the Clerk of the Circuit Court of McHenry County, 2200 N. Seminary Avenue, Woodstock, Illinois, **PLAINTIFF'S REPLY TO DEFENDANTS, BILL AND CAROLYN MCGUIRE'S AFFIRMATIVE DEFENSE**, a copy of which is attached hereto.

**CERTIFICATE OF SERVICE**

I certify that I served this Notice by mailing a copy to whom it is directed at the address above indicated by depositing it in the U.S. Mail in McHenry, Illinois before 5:00 p.m. on February 4, 2013.

  
HANS A. MAST, Attorney For Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH**

3416 West Elm Street  
McHenry, Illinois 60050  
(815) 344-3798  
Attorney No. 6203684



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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGuIRE and BILL  
McGUIRE and CAROLINE McGuIRE  
and BILL McGuIRE, Individually,

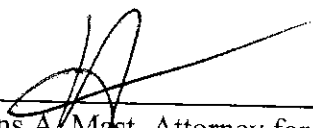
Defendants.

**PLAINTIFF'S REPLY TO DEFENDANTS, BILL AND CAROLYN  
MCGUIRE'S AFFIRMATIVE DEFENSE IN THEIR AMENDED ANSWER**

NOW COMES, the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW  
OFFICES OF THOMAS J. POPOVICH, P.C., and for her reply to Defendants, Bill and Carolyn  
McGuire's Affirmative Defense in their Amended Answer, states as follows:

1. Plaintiff denies each and every allegation contained in the affirmative defense of  
Defendants, Bill and Carolyn McGuire.

WHEREFORE, the Plaintiff, PAUL DULBERG, moves for judgment in his favor and against  
the Defendants, Bill and Carolyn McGuire plus costs.

  
Hans A. Mast, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**  
3416 West Elm Street  
McHenry, Illinois 60050  
(815) 344-3797  
Attorney No. 6203684

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

**FILED**

**FEB -1 2013**

KATHERINE M. KESFE  
McHENRY CTY. CIR. CLK.

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**AMENDED ANSWER AND**  
**AFFIRMATIVE DEFENSE BY**  
**DEFENDANTS BILL McGUIRE**  
**AND CAROLYN McGUIRE**

**DEFENDANTS' ANSWER**

**ANSWER TO COUNT I**

Defendants, BILL McGUIRE and CAROLYN McGUIRE, make no response to Count I of Plaintiff's Complaint inasmuch as said allegations are directed at a separate and distinct Defendant.

**ANSWER TO COUNT II**

Defendants, BILL McGUIRE AND CAROLYN McGUIRE (improperly named Caroline), by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their Answer to Count I of Plaintiff's Complaint, state as follows:

1. Defendants admit the allegations of paragraph one (1).
2. Defendants admit that on June 28, 2011, they owned and lived in a single family home located at 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois. Defendants neither admit nor deny the remaining allegations set forth in paragraph two (2) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
3. Defendants deny the allegations of paragraph three (3).
4. Defendants deny the allegations of paragraph four (4).

5. Defendants admit that on June 28, 2011, Defendant David Gagnon was engaged in cutting, trimming and maintaining trees and brush on the premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois. Defendants admit that David Gagnon was doing so at their request, with their authority and permission and for their benefit. Defendants deny the remaining allegations of paragraph five (5).
6. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. Defendants admit that they owned a chain saw on June 28, 2011. Defendants deny the remaining allegations of paragraph six (6).
7. Defendants deny the allegations of paragraph seven (7).
8. Defendants deny the allegations of paragraph eight (8).
9. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations set forth in paragraph nine (9). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
10. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph ten (10). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
11. Defendants deny the allegations of paragraph eleven (11).
12. Defendants deny the allegations of paragraph twelve (12).
13. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph thirteen (13). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
14. The answering Defendants were not present and therefore lack sufficient

information upon which to form a belief as to the truth of the allegations of paragraph fourteen (14). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.

15. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
16. Defendants admit that at all relevant times they owned and lived in the premises that are the subject of Plaintiff's Complaint. Defendants neither admit nor deny the remaining allegations set forth in paragraph sixteen (16) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
17. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
18. Defendants deny the allegations of paragraph eighteen (18).
19. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to whether Defendant David Dagnon was operating a chain saw with the assistance of Plaintiff Paul Dulberg. Defendants neither admit nor deny the remaining allegations set forth in paragraph nineteen (19) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
20. Defendants make no response to the allegations set forth in paragraph twenty (20) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
21. Defendants deny the allegations of paragraph twenty-one (21).
22. Defendants deny the allegations of paragraph twenty-two (22).

WHEREFORE, the Defendants, BILL McGUIRE and CAROLYN McGUIRE, pray the court dismiss Count I of Plaintiff's Complaint and enter judgment for the Defendants for their costs of suit.

**Defendants Hereby Demand A Trial By Jury**

**DEFENDANTS' AFFIRMATIVE DEFENSE**

The Defendants, BILL McGUIRE and CAROLYN McGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their Affirmative Defense to Count II of Plaintiff's Complaint, state as follows:

1. That on the date and at the place alleged in the Plaintiff's Complaint, the Plaintiff, PAUL DULBERG, was guilty of negligence by failing to exercise due care and caution for his own safety, in that he:

- a. Failed to use due care and caution as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches.
- b. Failed to use due care and caution as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches when he knew and appreciated the dangers associated with chainsaw usage.
- c. Was inattentive and unobservant to surrounding conditions and dangers as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches.
- d. Notwithstanding a reasonable opportunity to do so, failed to maintain a safe distance between himself and an operating chainsaw.
- e. Was otherwise careless and negligent as will be demonstrated by the evidence at trial.

2. That by reason of the aforesaid negligence of the Plaintiff, PAUL DULBERG, and as a direct and proximate result thereof, the Plaintiff sustained the damages claimed.

3. That pursuant to the Illinois Code of Civil Procedure, Section 5/2-613(d) and Section 5/2-1116, the Complaint of PAUL DULBERG should be dismissed in that the contributory

fault on the part of the Plaintiff was more than 50 percent and, therefore, PAUL DULBERG's Complaint is barred.

4. Or, in the alternative, that any verdict against the Defendants, BILL McGUIRE and CAROLYN McGUIRE, should be reduced in direct proportion to the percentage of PAUL DULBERG's contributory negligence causing his claimed injuries.

WHEREFORE, the Defendants, BILL McGUIRE and CAROLYN McGUIRE, moves this Court for an Order dismissing Count I of Plaintiff's Complaint, costs being assessed to the Plaintiff.

**Defendants Hereby Demand A Trial By Jury**

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By

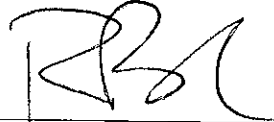


RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF WINNEBAGO            )

RONALD A. BARCH, being first duly sworn on oath, deposes and states that he is one of the attorneys for the Defendants, BILL McGUIRE and CAROLYN McGUIRE, that he has read the foregoing Answer signed by him; that the allegations as to insufficient knowledge are true to the best of his knowledge and belief.



\_\_\_\_\_  
RONALD A. BARCH

Subscribed and sworn to before  
me on 1-25-13.

Tina A. Fink  
Notary Public



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/25/13.



---

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)



STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**FILED**  
**FEB - 1 2013**  
KATHERINE M. KEEFE  
McHENRY CTY. CIR. CLK.

**CROSS-CLAIM FOR CONTRIBUTION AGAINST**  
**CO-DEFENDANT DAVID GAGNON**

The Defendants, BILL McGUIRE and CAROLYN McGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their cross-claim for counterclaim for contribution against Defendant David Gagnon, state as follows:

1. Plaintiff PAUL DULBERG has filed a two-count complaint against Defendants David Gagnon, Bill McGuire and Carolyn McGuire seeking damages for injuries he attributes to a chainsaw incident that purportedly occurred on June 28, 2011 in the County of McHenry, State of Illinois.
2. The chainsaw incident set forth in Plaintiff's Complaint purportedly occurred on a residential parcel owned by Defendants Bill McGuire and Carolyn McGuire.
3. Defendants Bill McGuire and Carolyn McGuire were not present in the vicinity of the chainsaw incident when it occurred.
4. At the time of the alleged chainsaw incident, Plaintiff PAUL DULBERG was assisting Defendant David Gagnon as Defendant Gagnon was cutting and trimming trees and branches with a chainsaw.
5. At said time and place, Defendant David Gagnon owed a duty to exercise reasonable care at all times to avoid causing injury and property damages to others.

Illinois recognizes the right of contribution among joint tortfeasors.

9. Should the Defendants Bill McGuire and Carolyn McGuire be found liable for the injuries to Plaintiff PAUL DULBERG, Defendants Bill McGuire and Carolyn McGuire are entitled to contribution from Defendant David Gagnon for that portion of the total recoveries, if any, by Plaintiff PAUL DULBERG that the Defendants Bill McGuire and Carolyn McGuire are required to pay in excess of their pro rata share of the liability pursuant to the aforesaid Illinois Contribution Among Joint Tortfeasors Act.

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, demand judgment in their favor and against Defendant David Gagnon for any and all sums for which Defendants BILL MCGUIRE and CAROLYN MCGUIRE may be held liable to Plaintiff PAUL DULBERG, in excess of their pro rata share.

**Defendants Hereby Demands A Trial By Jury**

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/25/13.



---

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

CICERO, FRANCE, BARCH & ALEXANDER, P.C.  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, IL 61114  
ATTN: CICERO, FRANCE, BARCH & AL

CASE NAME: DULBERG v GAGNON, ET. AL.

# COMPEX LEGAL SERVICES

325 Maple Avenue, Torrance, California 90503

(888) 685-4411

## RECORD REQUEST FORM

Compex Order: E61147

CICERO, FRANCE, BARCH & ALEXANDER, P.C.  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, IL 61114

February 07, 2013

RE: DULBERG V. GAGNON, ET. AL.  
Case No.: 12 LA 000178  
Record Subject: DULBERG, PAUL  
Records requested by: LAW OFFICE OF M. GERARD GREGOIRE

DEAR CICERO, FRANCE, BARCH & AL:

Compex Legal Services has been requested by the firm named above to obtain records from the locations listed below.

If you require copies of any of these records, please indicate by checking the box next to the appropriate location(s) and sign and return the form(s) to Compex Legal Services. If no boxes are checked, we will assume you are requesting records from all locations.

### Please note:

By placing a check mark in the box next to a location, you have indicated your desire to receive a copy of the records received by Compex Legal Services from that location. Should you desire a copy of any original item(s) listed below the location, please indicate by checking the box before the item description. If you check "Films" and/or "Other" which may include copies of original items such as photos, blueprints, video or audio tapes, you must place your order within (2) business days of receipt of this notice to assure proper delivery.

☐ If a location provides a Certificate of No Records, you will receive a copy UNLESS this box is checked

Records    Films    Other  
              (if requested)

☐    ☐    ☐    A. JUSKIE PRINTING INC

If your firm has an account with Compex Legal Services, normal billing will apply. If you represent an insurance carrier and prefer that we bill them directly, please provide the following information:

Carrier \_\_\_\_\_ Adjuster \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

City, St \_\_\_\_\_ Zip \_\_\_\_\_

Claim \_\_\_\_\_ Insured \_\_\_\_\_

Your signature below confirms that you are ordering these records and agree to the terms and conditions(attached)

Authorized signature \_\_\_\_\_ (Required)      Date \_\_\_\_\_

Print Name \_\_\_\_\_ Title \_\_\_\_\_

E-mail \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

**Please return all pages of this form with your signature to FAX (800)479-3365**

## IN THE CIRCUIT COURT OF THE TWENTYSECOND JUDICIAL CIRCUIT, MCHEMRY COUNTY, ILLINOIS

DULBERG

Plaintiff/Petitioner

v.

GAGNON, ET. AL.

Defendant/Respondent

No. 12 LA 000178

SUBPOENA IN A CIVIL MATTER  
(For Testimony and/or Documents)

To: JUSKIE PRINTING INC  
2820 HITCHCOCK AVENUE, UNIT E  
DOWNERS GROVE, IL 60515

- ☐ 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable \_\_\_\_\_ in Room \_\_\_\_\_, Illinois on \_\_\_\_\_, at \_\_\_\_\_ m.
- ☐ 2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at: \_\_\_\_\_ in Room \_\_\_\_\_, Illinois on \_\_\_\_\_, at \_\_\_\_\_ m.
- ☒ 3. YOU ARE COMMANDED to mail the following documents in your possession or control to COMPEX LEGAL SERVICES, INC. at 1016 WEST JACKSON BOULEVARD, SUITE 213, CHICAGO, IL 60607, on or before FEBRUARY 25, 2013 at 10:00 a.m.  
(THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES);

☒ Description continued on attached page(s).

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

## Notice to Deponent:

- ☒ 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows: TO OBTAIN FACTUAL INFORMATION RELATING TO THE NATURE AND EXTENT OF INJURIES AND/OR DAMAGES ALLEGED BY THE PARTIES IN THIS LAWSUIT AND NO OTHER MEANS OF PRODUCTION ARE AVAILABLE.

☐ Description continued on attached page(s).

(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

- ☐ 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by \_\_\_\_\_ (Name of Recording Device Operator)
3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. \_\_\_\_\_ Pro Se 99500

Name: PERRY A. ACCARDO

Issued by: JS| PERRY A. ACCARDO

Atty. for: GAGNON

Signature

Address: 200 NORTH LASALLE STREET, SUITE 2650

☒ Attorney

City/State/Zip: CHICAGO, IL 60601

☐ Clerk of Court

Telephone: 312-558-9800

Date: FEBRUARY 07, 2013

- ☐ I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to \_\_\_\_\_ by certified mail, return receipt requested (Receipt # \_\_\_\_\_) on \_\_\_\_\_, I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.
- ☐ I served this subpoena by handing a copy to \_\_\_\_\_ on \_\_\_\_\_, I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.

(Signature of Server)

(Print Name)

**ATTACHMENT 3**

**E61147-A**

**SUBJECT: DULBERG, PAUL**

**AKA: NOT PROVIDED**

**DOB: 03/19/1970**

**SSN: 323-76-4001**

**ALL DOCUMENTS AND RECORDS PERTAINING TO THE EMPLOYMENT AND/OR EARNINGS OF THE PLAINTIFF, INCLUDING ALL PAYROLL, THE APPLICATION FOR EMPLOYMENT, WORK ABSENCE RECORDS, INCIDENT REPORTS, ALL WORKERS' COMPENSATION FILES, ALL EMPLOYEE HEALTH AND MEDICAL RECORDS, INSURANCE RECORDS, PRE-EMPLOYMENT EXAMS, 1099 FORMS, EMPLOYEE PERFORMANCE RECORDS, INCLUDING BUT NOT LIMITED TO, CD ROM, TAPE DRIVE, FLOPPY DRIVE, HARD DRIVE, SCANNED DOCUMENTS AND ALL OTHER DOCUMENTS STORED ELECTRONICALLY OR DIGITALLY, PERTAINING TO THE PLAINTIFF, FROM THE FIRST DATE OF EMPLOYMENT, UP TO AND INCLUDING THE PRESENT.**

ATTORNEY OR PARTY WITHOUT ATTORNEY: <b>PERRY A. ACCARDO</b> <b>LAW OFFICE OF M. GERARD GREGOIRE</b> <b>200 NORTH LASALLE STREET, SUITE 2650, CHICAGO, IL 60601</b>		TELEPHONE NO <b>(312) 558-9800</b>	FOR COURT USE ONLY
ATTORNEY FOR: <b>GAGNON</b>			
NAME OF COURT: <b>CIRCUIT COURT FOR THE STATE OF ILLINOIS</b> POST OFFICE & <b>FOR THE COUNTY OF MCHENRY</b> STREET ADDRESS <b>2200 NORTH SEMINARY AVENUE, WOODSTOCK, IL 60098</b>			
PLAINTIFF/PETITIONER: <b>DULBERG</b> DEFENDANT/RESPONDENT: <b>GAGNON, ET. AL.</b> CASE NUMBER: <b>12 LA 000178</b>			
<b>NOTICE OF DEPOSITION</b>			

**NOTICE TO ALL PARTIES AND THEIR ATTORNEY(S):**

1. The production of documents by the Custodian of Records of the following business will be required as follows:

	DATE	TIME
<b>JUSKIE PRINTING INC</b> 2820 HITCHCOCK AVENUE, UNIT E, DOWNERS GROVE, IL 60515	02/25/2013	10:00 AM

Date: February 07, 2013

**PERRY A. ACCARDO**

(Type or Print Name)

**|S| PERRY A. ACCARDO**

(Signature)

**ATTORNEY AT LAW**

(Title)

**NOTICE OF DEPOSITION**



I am employed in LOS ANGELES County, California. I am over the age of 18 and not a party to the within action; my business address is: 1016 WEST JACKSON BOULEVARD, SUITE 213,  
CHICAGO, IL 60607

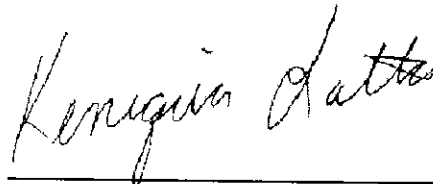
On 02/08/13, I gave notice to: SEE SERVICE LIST BELOW

On the above date, I served true copies of the following documents;  
Subpoena

To each party appearing in this action, at the address below, by placing true copies thereof enclosed in a sealed envelope with postage fully pre-paid, in the United States mail at 325 MAPLE AVENUE,  
TORRANCE, CA 90503

I declare under penalty of perjury under the laws of the State of Illinois that the foregoing is true and correct, and that this declaration was executed on 02/08/13.

SIGNED: \_\_\_\_\_



Keniqua Latta

THOMAS J. POPOVICH, P.C.  
HANS A. MAST  
3416 W. ELM ST  
MCHENRY, IL 60050

CICERO, FRANCE, BARCH & ALEXANDER, P.C.  
CICERO, FRANCE, BARCH & AL  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, IL 61114

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

PAUL DULBERG,

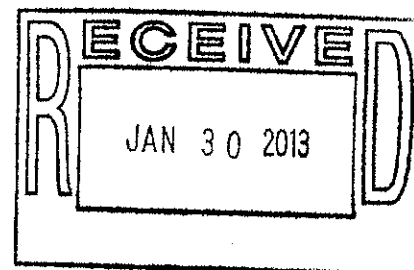
Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

No. 12 LA 178



**COPY**

**THIRD AMENDED NOTICE OF DISCOVERY DEPOSITIONS**

TO: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114  
Fax: 815/226-7701

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092  
Fax: 312/558-9357

**YOU ARE HEREBY NOTIFIED** that on **March 20, 2013**, we shall for the purpose of discovery, take the depositions of

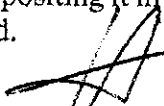
**BILL MCGUIRE at 1:00 P.M.; and  
CAROLINE MCGUIRE at 2:00 P.M.**

at the **LAW OFFICES OF SCOTT A. HIERA, 3421 W. ELM STREET, MCHENRY, IL**, upon oral interrogatories, as though under cross examination, pursuant to the provisions of the Civil Practice Act and Rules of the Supreme Court.

This Notice is served upon you in conformity with the above-named Act and Rules and is intended to require the presence of the party, identified herein, at said time and place. It is requested that each party or counsel advise the undersigned attorney in writing 72 hours prior to the deposition should the witness require an interpreter for the English language.

**CERTIFICATE OF SERVICE**

I certify that I served this Notice via facsimile and by mailing a copy to each person to whom it is directed at the address above indicated by depositing it in the U.S. Mail at McHenry, IL 60050, on January 29, 2013 with proper postage prepaid.

  
\_\_\_\_\_  
HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**  
3416 West Elm Street  
McHenry, IL 60050  
815-344-3797  
Attorney No. 6203684

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**THIRD AMENDED NOTICE OF DISCOVERY DEPOSITIONS**

TO: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114  
Fax: 815/226-7701

Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092  
Fax: 312/558-9357

**YOU ARE HEREBY NOTIFIED** that on **March 20, 2013**, we shall for the purpose of discovery, take the depositions of


**BILL MCGUIRE at 1:00 P.M.; and  
CAROLINE MCGUIRE at 2:00 P.M.**

at the **LAW OFFICES OF SCOTT A. HIERA, 3421 W. ELM STREET, MCHENRY, IL**, upon oral interrogatories, as though under cross examination, pursuant to the provisions of the Civil Practice Act and Rules of the Supreme Court.

This Notice is served upon you in conformity with the above-named Act and Rules and is intended to require the presence of the party, identified herein, at said time and place. It is requested that each party or counsel advise the undersigned attorney in writing 72 hours prior to the deposition should the witness require an interpreter for the English language.

**CERTIFICATE OF SERVICE**

I certify that I served this Notice via facsimile and by mailing a copy to each person to whom it is directed at the address above indicated by depositing it in the U.S. Mail at McHenry, IL 60050, on January 29, 2013 with proper postage prepaid.

  
HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**  
3416 West Elm Street  
McHenry, IL 60050  
815-344-3797  
Attorney No. 6203684

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

**FOURTH AMENDED NOTICE OF DISCOVERY DEPOSITION**

TO: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114  
Fax: 815/226-7701

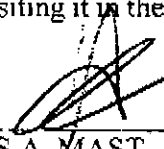
Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092  
Fax: 312/558-9357

**YOU ARE HEREBY NOTIFIED** that on **FEBRUARY 4, 2013**, at **1:00 p.m.** we shall for the purpose of discovery, take the deposition of **DAVID GAGNON** at the **LAW OFFICES OF SCOTT A. HIERA, 3421 W. ELM STREET, MCHENRY, IL**, upon oral interrogatories, as though under cross examination, pursuant to the provisions of the Civil Practice Act and Rules of the Supreme Court.

This Notice is served upon you in conformity with the above-named Act and Rules and is intended to require the presence of the party, identified herein, at said time and place. It is requested that each party or counsel advise the undersigned attorney in writing 72 hours prior to the deposition should the witness require an interpreter for the English language.

**CERTIFICATE OF SERVICE**

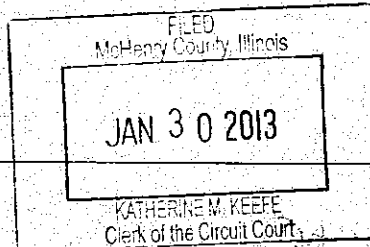
I certify that I served this Notice via facsimile and by mailing a copy to each person to whom it is directed at the address above indicated by depositing it in the U.S. Mail at McHenry, IL 60050, on January 25, 2013 with proper postage prepaid.

  
HANS A. MAST, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**  
3416 West Elm Street  
McHenry, IL 60050  
815-344-3797  
Attorney No. 6203684

**CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT**

STATE OF ILLINOIS }  
COUNTY OF MCHENRY } SS



GEN. NO. 12 LA 178  
☐ Jury ☐ Non-Jury

PAUL DUBOIS

VS.

GAGNON

et al.

Date 1/30/13 Plaintiff's Attorney WAST Defendant's Attorney BARRETT & GAGNON  
ACCORDO & GAGNON

**ORDER**

THIS CAUSE COMING ON FOR STATUS ~~AND ON~~  
MOTION DEFENDANT'S MOTION FOR LEAVE TO  
AMEND ANSWER TO INCLUDE AFFIRMATIVE DEFENSE,  
MOTION FOR LEAVE TO FILE CROSS CLAIM FOR  
CONTRIBUTION AND MOTION TO DISMISS AS TO  
DEFENDANT GAGNON. COURT FOR ALL PARTIES  
APPEARING.

IT IS ORDERED:

- (1) DEFENDANT'S MOTION FOR LEAVE TO  
ADD AFFIRMATIVE DEFENSE IS GRANTED;
- (2) DEFENDANT'S MOTION TO FILE CROSS CLAIM  
FOR CONTRIBUTION IS GRANTED;
- (3) DEFENDANT'S MOTION TO DISMISS AS TO  
DEFENDANT GAGNON IS GRANTED, DEFENDANT GAGNON  
TO ANSWER WITHIN ~~10~~ DISCOVERY BY 2/4/13;
- (4) CASE RESET FOR STATUS ON COMPLETION  
OF PARTY NEUTRAL FOR 4/3/13 at 9:00 AM.

Prepared by: \_\_\_\_\_

Attorney for: \_\_\_\_\_

Attorney Registration No.: \_\_\_\_\_

Judge \_\_\_\_\_

*[Handwritten signature]*

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

)  
)  
) Case No. 12 LA 178  
)

) **AMENDED ANSWER AND**  
) **AFFIRMATIVE DEFENSE BY**  
) **DEFENDANTS BILL McGUIRE**  
) **AND CAROLYN McGUIRE**  
)  
)  
)

**DEFENDANTS' ANSWER**

**ANSWER TO COUNT I**

Defendants, BILL McGUIRE and CAROLYN McGUIRE, make no response to Count I of Plaintiff's Complaint inasmuch as said allegations are directed at a separate and distinct Defendant.

**ANSWER TO COUNT II**

Defendants, BILL McGUIRE AND CAROLYN McGUIRE (improperly named Caroline), by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their Answer to Count I of Plaintiff's Complaint, state as follows:

1. Defendants admit the allegations of paragraph one (1).
2. Defendants admit that on June 28, 2011, they owned and lived in a single family home located at 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois. Defendants neither admit nor deny the remaining allegations set forth in paragraph two (2) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
3. Defendants deny the allegations of paragraph three (3).
4. Defendants deny the allegations of paragraph four (4).

5. Defendants admit that on June 28, 2011, Defendant David Gagnon was engaged in cutting, trimming and maintaining trees and brush on the premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois. Defendants admit that David Gagnon was doing so at their request, with their authority and permission and for their benefit. Defendants deny the remaining allegations of paragraph five (5).
6. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. Defendants admit that they owned a chain saw on June 28, 2011. Defendants deny the remaining allegations of paragraph six (6).
7. Defendants deny the allegations of paragraph seven (7).
8. Defendants deny the allegations of paragraph eight (8).
9. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations set forth in paragraph nine (9). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
10. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph ten (10). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
11. Defendants deny the allegations of paragraph eleven (11).
12. Defendants deny the allegations of paragraph twelve (12).
13. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph thirteen (13). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
14. The answering Defendants were not present and therefore lack sufficient

information upon which to form a belief as to the truth of the allegations of paragraph fourteen (14). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.

15. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
16. Defendants admit that at all relevant times they owned and lived in the premises that are the subject of Plaintiff's Complaint. Defendants neither admit nor deny the remaining allegations set forth in paragraph sixteen (16) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
17. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
18. Defendants deny the allegations of paragraph eighteen (18).
19. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to whether Defendant David Dagnon was operating a chain saw with the assistance of Plaintiff Paul Dulberg. Defendants neither admit nor deny the remaining allegations set forth in paragraph nineteen (19) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
20. Defendants make no response to the allegations set forth in paragraph twenty (20) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
21. Defendants deny the allegations of paragraph twenty-one (21).
22. Defendants deny the allegations of paragraph twenty-two (22).



WHEREFORE, the Defendants, BILL McGUIRE and CAROLYN McGUIRE, pray the court dismiss Count I of Plaintiff's Complaint and enter judgment for the Defendants for their costs of suit.

**Defendants Hereby Demand A Trial By Jury**

**DEFENDANTS' AFFIRMATIVE DEFENSE**

The Defendants, BILL McGUIRE and CAROLYN McGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their Affirmative Defense to Count II of Plaintiff's Complaint, state as follows:

1. That on the date and at the place alleged in the Plaintiff's Complaint, the Plaintiff, PAUL DULBERG, was guilty of negligence by failing to exercise due care and caution for his own safety, in that he:

- a. Failed to use due care and caution as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches.
- b. Failed to use due care and caution as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches when he knew and appreciated the dangers associated with chainsaw usage.
- c. Was inattentive and unobservant to surrounding conditions and dangers as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches.
- d. Notwithstanding a reasonable opportunity to do so, failed to maintain a safe distance between himself and an operating chainsaw.
- e. Was otherwise careless and negligent as will be demonstrated by the evidence at trial.

2. That by reason of the aforesaid negligence of the Plaintiff, PAUL DULBERG, and as a direct and proximate result thereof, the Plaintiff sustained the damages claimed.

3. That pursuant to the Illinois Code of Civil Procedure, Section 5/2-613(d) and Section 5/2-1116, the Complaint of PAUL DULBERG should be dismissed in that the contributory

fault on the part of the Plaintiff was more than 50 percent and, therefore, PAUL DULBERG's Complaint is barred.

4. Or, in the alternative, that any verdict against the Defendants, BILL McGUIRE and CAROLYN McGUIRE, should be reduced in direct proportion to the percentage of PAUL DULBERG's contributory negligence causing his claimed injuries.

WHEREFORE, the Defendants, BILL McGUIRE and CAROLYN McGUIRE, moves this Court for an Order dismissing Count I of Plaintiff's Complaint, costs being assessed to the Plaintiff.

**Defendants Hereby Demand A Trial By Jury**

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By

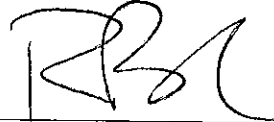


RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF WINNEBAGO            )

RONALD A. BARCH, being first duly sworn on oath, deposes and states that he is one of the attorneys for the Defendants, BILL McGUIRE and CAROLYN McGUIRE, that he has read the foregoing Answer signed by him; that the allegations as to insufficient knowledge are true to the best of his knowledge and belief.



\_\_\_\_\_  
RONALD A. BARCH

Subscribed and sworn to before  
me on 1-25-13.

Tina A. Fink  
Notary Public



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/25/13.



---

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

5. At said time and place, Defendant David Gagnon owed a duty to exercise reasonable care at all times to avoid causing injury and property damages to others.

6. On the date and in the location set forth in Plaintiff's Complaint, the chainsaw being then and there operated by Defendant David Gagnon made contact with the right arm of Plaintiff PAUL DULBERG.

7. At the time and place alleged, notwithstanding his aforementioned duty, Defendant David Gagnon was then and there guilty of one or more of the following negligent acts and/or omissions:

- a. Caused or permitted a chainsaw to make contact with Plaintiff's right arm;
- b. Failed to operate said chainsaw in a safe and reasonable manner so as to avoid injuring Plaintiff's right arm;
- c. Failed to maintain a reasonable and safe distance between the chainsaw he was operating and Plaintiff's right arm;
- d. Failed to properly instruct Plaintiff prior to approaching him with an operating chainsaw;
- e. Failed to properly warn Plaintiff prior to approaching him with an operating chainsaw;
- f. Failed to maintain the chainsaw in the idle or off position when he knew or should have known that Plaintiff was close enough to sustain injury from direct contact with the subject chainsaw;
- g. Failed to maintain a proper lookout for Plaintiff while operating the subject chainsaw;
- h. Failed to maintain proper control over an operating chainsaw;
- i. Was otherwise negligent in the operation and control of the subject chainsaw.

8. That the injuries alleged by Plaintiff PAUL DULBER, if any, were the direct and proximate result of negligence on the part of Defendant David Gagnon.

9. By virtue of those aforesaid actions, Defendant David Gagnon is a joint tortfeasor within the meaning of the Illinois Contribution Among Joint Tortfeasors Act (740 ILCS 100/0.01, et seq.) which was in full force and effect on the date of the occurrence and, as such, the State of

Illinois recognizes the right of contribution among joint tortfeasors.

9. Should the Defendants Bill McGuire and Carolyn McGuire be found liable for the injuries to Plaintiff PAUL DULBERG, Defendants Bill McGuire and Carolyn McGuire are entitled to contribution from Defendant David Gagnon for that portion of the total recoveries, if any, by Plaintiff PAUL DULBERG that the Defendants Bill McGuire and Carolyn McGuire are required to pay in excess of their pro rata share of the liability pursuant to the aforesaid Illinois Contribution Among Joint Tortfeasors Act.

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, demand judgment in their favor and against Defendant David Gagnon for any and all sums for which Defendants BILL MCGUIRE and CAROLYN MCGUIRE may be held liable to Plaintiff PAUL DULBERG, in excess of their pro rata share.

**Defendants Hereby Demands A Trial By Jury**

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/25/13.



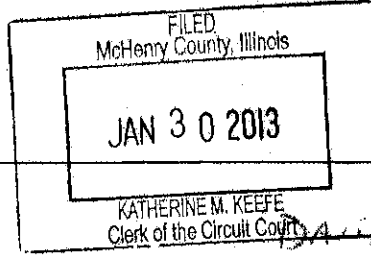
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Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)



**CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT**

STATE OF ILLINOIS }  
COUNTY OF MCHENRY } SS



GEN. NO. 12 LA 178  
☐ Jury ☐ Non-Jury

PAUL DUBERG

VS.

GAGNON

et al.

Date 1/30/13 Plaintiff's Attorney MAST Defendant's Attorney BARRY - > MCGUIRE  
RECUADO - > GAGNON

**ORDER**

THIS CASE COMING ON FOR STATUS ~~AND ON~~  
MCGUIRE DEFENDANTS' MOTIONS FOR LEAVE TO  
AMEND ANSWER TO INCLUDE AFFIRMATIVE DEFENSES,  
MOTION FOR LEAVE TO FILE CROSS-CLAIM FOR  
CONTRIBUTIONS AND MOTION TO COMPEL AS TO  
DEFENDANT GAGNON, COUNSEL FOR ALL PARTIES  
APPEARING.

**IT IS ORDERED:**

- (1) ~~DEF~~ MCGUIRE DEFENDANTS' MOTION FOR LEAVE TO  
ADD AFFIRMATIVE DEFENSE IS GRANTED;
- (2) MCGUIRE DEFENDANTS' MOTION TO FILE CROSS-CLAIM  
FOR CONTRIBUTIONS IS GRANTED;
- (3) MCGUIRE DEFENDANTS' MOTION TO COMPEL AS TO  
DEFENDANT GAGNON IS GRANTED; DEFENDANT GAGNON  
TO ANSWER WRITTEN ~~DISCOVERY~~ DISCOVERY BY 2/4/13;
- (4) CASE SET FOR STATUS ON COMPLETION  
OF PARTY DEPOSITIONS FOR 4/3/13 at 9:00 AM.

Prepared by: \_\_\_\_\_

Attorney for: \_\_\_\_\_

Attorney Registration No.: \_\_\_\_\_

Judge \_\_\_\_\_

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**NOTICE OF MOTION**

TO: ATTACHED SERVICE LIST

YOU ARE HEREBY notified that on the **30<sup>th</sup> day of January, 2013, at 9:00 o'clock A.M.**, or soon thereafter as Counsel may be heard, I shall appear before his Honor, Judge Thomas A. Meyer, in the room usually occupied by him as a Court Room, or in his absence, before any other Judge that may be presiding in said Court Room, in the Courthouse in McHenry County at Rockford, Illinois, and then and there present: Defendants' Motion to Compel; At which time and place you may appear, if you so desire.

Dated: January 25, 2013

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

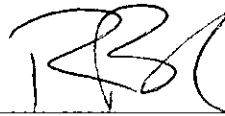
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served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/25/13.

  
\_\_\_\_\_

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,	)	
	)	
Plaintiff,	)	Case No. 12 LA 178
	)	
vs.	)	
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE MCGUIRE and BILL	)	
MCGUIRE, and CAROLINE MCGUIRE	)	
and BILL MCGUIRE, Individually,	)	
	)	
Defendants.	)	

**MOTION TO COMPEL**

Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, hereby moves the Court for an Order compelling Defendant David Gagnon to answer Interrogatories and a Request for Production previously propounded upon him. In support of their Motion, the movants further state as follows:

1. On September 27, 2012, the Defendants Bill McGuire and Carolyn McGuire served upon the Defendant David Gagnon written interrogatories and a production request to be answered within 28 days.
2. On October 29, 2012, during efforts to schedule party depositions, counsel for the movants orally requested Defendant Gagnon's discovery responses. The subject was revisited during Plaintiff Dulberg's deposition on January 24, 2013.
3. As of the date of writing, Defendant Gagnon has failed to cooperate in discovery by failing to answer the movant's written interrogatories and production request.

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, pray that the Court enter an Order compelling Defendant GAGNON to provide responses to Defendants' written discovery within seven (7) days.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By   
RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

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Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/25/13.



Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**NOTICE OF MOTION**


TO: ATTACHED SERVICE LIST

YOU ARE HEREBY notified that on the 30<sup>th</sup> day of January, 2013, at 9:00 o'clock A.M., or soon thereafter as Counsel may be heard, I shall appear before his Honor, Judge Thomas A. Meyer, in the room usually occupied by him as a Court Room, or in his absence, before any other Judge that may be presiding in said Court Room, in the Courthouse in McHenry County at Rockford, Illinois, and then and there present: Defendants' Motion for Leave to File Amended Answer and Affirmative Defense; At which time and place you may appear, if you so desire.

Dated: January 25, 2013

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

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Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

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McHenry, IL 60050

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at Rockford, Illinois, at 5:00 o'clock p.m. on 11/25/13.



Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)



re Dulberg

B:

DELIVERED, 11/04/2013  
610081801  
1615400408-0096

11/04/2013 (800)275-8777 04:45:56 PM

Sales Receipt			
Product Description	Sale Unit Qty	Price	Final Price
TWIN LAKES WI 53181 Zone-2			\$0.46
First-Class Mail Letter			
0.80 oz.			
Scheduled Delivery Day: Wed			
11/06/13			
Return Rcpt (Green Card)			\$2.55
@@ Certified			\$3.10
Label #:	70110110000228454617		
Issue PVI:			\$6.11

Total: \$6.11

Paid by:  
Personal Check \$6.11

@@ For tracking or inquiries go to  
USPS.com or call 1-800-222-1811.  
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Certified Fee	\$3.10
Return Receipt Fee (Endorsement Required)	\$2.55
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 6.11

11/04/2013

Sent To: Mike Thomas  
Street, Apt. No., or PO Box No.: 460 Walbeck Drive  
City, State, ZIP+4: Twin Lakes WI 53181

PS Form 3800, August 2006 See Reverse for Instructions

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: *[Signature]* ☒ Agent ☐ Addressee

B. Received by (Printed Name): Todd Tedrow Date of Delivery: 11/04/2013

D. Is delivery address different from item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

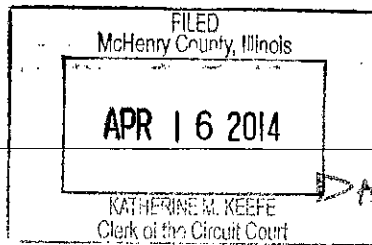
3. Service Type: ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. ☐ Restricted Delivery? (Extra Fee) ☐ Yes

**SENDER: COMPLETE THIS SECTION**

1. Article Addressed to: Mike Thomas  
460 Walbeck Drive  
Twin Lakes, WI 53181

2. Article Number (Transfer from service label): 7011 0110 0002 2845 4617

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

STATE OF ILLINOIS }  
COUNTY OF MCHENRY } SS

GEN. NO. 124178

☒ Jury ☐ Non-JuryPAUL  
DULBERG

vs.

David GAGNON,  
et al

Date 4/16/14 Plaintiff's KANS Defendant's RON BARCK - McGuire's  
 Attorney MART Attorney PERY ACORDS - GAGNON

## ORDER

This cause coming on before the Court on the McGuire Defendants' Motion to Vacate Protective Order, counsel for Plaintiff & the movant present, and there being no objection,

## IT IS ORDERED:

- (1) The McGuire Defendants' Motion to Vacate the Protective Order (entered on 8/8/12 and amended on 4/3/13) is heard and granted.
- (2) Case shall remain set for 8/13/14 at 9:00 a.m.

Prepared by: Ron BarckAttorney for: McGuire DefendantsAttorney Registration No.: 6209572Judge 

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**NOTICE OF MOTION**

TO: Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

YOU ARE HEREBY notified that on the 16<sup>th</sup> day of April, 2014, at 9:00 o'clock A.M., or soon thereafter as Counsel may be heard, I shall appear before his Honor, Judge Thomas A. Meyer, in the room usually occupied by him as a Court Room (#201), or in his absence, before any other Judge that may be presiding in said Court Room, in the Courthouse in McHenry County at Rockford, Illinois, and then and there present: **McGuire Defendants' Motion to Vacate Protective Order**; At which time and place you may appear, if you so desire.

Dated: January 9, 2014

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, PC  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700

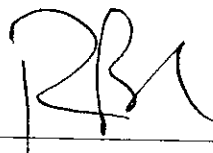
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid, at Rockford, Illinois, at 5:00 o'clock p.m. on April 4, 2014.



---

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

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) Case No. 12 LA 178  
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**McGUIRE DEFENDANTS' MOTION TO VACATE PROTECTIVE ORDER**

Defendants, CAROLYN McGUIRE and BILL McGUIRE, by their attorneys, Cicero, France, Barch & Alexander, PC, hereby move this Court to vacate the Protective Order entered on August 8, 2012 and modified on April 3, 2013. In further support of the Motion, Defendants Carolyn and Bill McGuire state as follows:

1. On or about May 5, 2012, the Plaintiff, Paul Dulberg, filed a multiple count complaint alleging he suffered injuries as a result of negligence on the parts of David Gagnon, Carolyn McGuire and Bill McGuire. In general, Plaintiff alleges he sustained severe and permanent injuries when a chain saw being operated by David Gagnon made contact with his arm.

2. On July 31, 2012, Plaintiff filed a Motion for Protective Order wherein he alleged that Plaintiff's counsel (Attorney Hans Mast) wanted an opportunity to photograph and inspect the subject "chain saw" and any parts, accessories and manual/paperwork pertaining to the saw. In his prayer for relief, Plaintiff requested a protective order declaring the "saw and its parts and

accessories and paperwork/manual be preserved and protected without destruction or loss until further order of this court.” A copy of Plaintiff’s Motion for Protective Order is attached as “Exhibit A.”

3. On August 8, 2012, the Court granted Plaintiff’s Motion for Protective Order. A copy of the Court’s order of August 8, 2012 is attached as “Exhibit B.”

4. On March 20, 2013, the depositions of Carolyn McGuire and Bill McGuire proceeded with counsel for Plaintiff (Attorney Hans Mast) and counsel for Co-Defendant (Attorney Perry Accardo) present. Prior to the start of the depositions the “chain saw” allegedly involved in the injury to Plaintiff was presented for inspection and photographing. Plaintiff’s counsel photographed the chain saw and also photographed the Owner’s Manual.

5. On April 3, 2013, the Court’s protective order was modified to allow the owners to utilize the chain saw and Owner’s Manual in the ordinary course. The protective order further directed that the owners shall not sell or discard the chain saw, parts, accessories and associated paperwork without further order of the court. A copy of the Amended Protective Order dated April 3, 2013 is attached as “Exhibit C.”

6. Subsequent to the entry of the amended protective order the Plaintiff reached a settlement agreement with Carolyn McGuire and Bill McGuire as to all matters in controversy, whereupon the negligence claims and contribution claims against them were dismissed with prejudice. A copy of the Good Faith Finding and Order of Dismissal entered on January 22, 2014 is attached as “Exhibit D.”

7. With the claims against Carolyn McGuire and Bill McGuire fully resolved, counsel for the McGuires issued a letter to Attorney Mast and Attorney Accardo seeking an agreement to

have the pending protective order vacated. A copy of the February 12, 2014, letter to counsel is attached as "Exhibit E."

8. During a chance meeting in the Winnebago County Courthouse shortly after the February 12 letter issued, Attorney Accardo advised informally that he had no objection to vacating the protective order. Counsel for the McGuires has not heard from Attorney Mast.

9. Counsel for Plaintiff and Counsel for Defendant Gagnon have both had an opportunity to photograph and inspect the subject chain saw. In addition, both attorneys have copies of the Owner's Manual associated with the subject chain saw.

10. The subject chain saw was brand new on the date of Plaintiff's claimed injury and Plaintiff does not allege or claim that he was injured due to a manufacturing defect associated with the subject chain saw.

11. No prejudice will result to Plaintiff or Defendant Gagnon should this Court vacate the Amended Protective Order.

12. No just reason exists to delay the McGuires' request to vacate the Amended Protective Order.

WHEREFORE, the Defendants, Carolyn McGuire and Bill McGuire, respectfully pray this court to vacate the Amended Protective Order dated April 3, 2013.

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

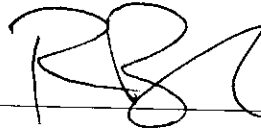
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200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 4/4/14.

  
\_\_\_\_\_

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)



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

PAUL DULBERG,

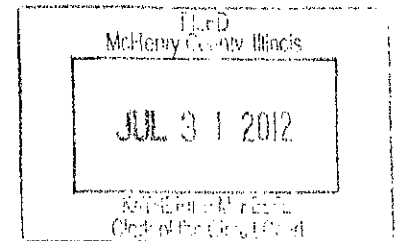
Plaintiff,

vs.

No. 12 LA 178

DAVID GAGNON, Individually, and as  
Agent of CAROLINE McGUIRE and BILL  
McGUIRE and CAROLINE McGUIRE  
and BILL McGUIRE, Individually,

Defendants.

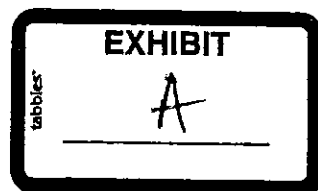


**PLAINTIFF'S MOTION FOR PROTECTIVE ORDER**

NOW COME the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW OFFICES OF THOMAS J. POPOVICH, P.C. and for his Motion for Protective Order to preserve and protect the "chain saw" involved in the underlying occurrence along with all parts and accessories and manual/paperwork, and states as follows:

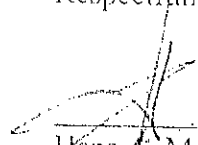
1. This suit arises from injuries suffered by the Plaintiff, PAUL DULBERG, on June 28, 2011, when he was negligently struck by a "chain saw" operated by DAVID GAGNON while working on behalf and/or at the request of the Defendants, CAROLINE McGUIRE and BILL McGUIRE at their premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.

2. Plaintiff's counsel would like an opportunity to photograph and inspect the subject "chain saw" and any parts, accessories and manual/paperwork pertaining to the saw and moves that this court order the "saw and its parts and accessories and paperwork/manual be preserved and protected without destruction or loss until further order of this court."



WHEREFORE, the Plaintiff, PAUL DULBERG, respectfully moves this Court to enter a protective order against the Defendants, their agents, employees, staff and/or representatives and any others under it's control, and it's attorneys, to preserve and protect the chain saw and its parts and accessories and paperwork/manual, from any destruction, alterations, modifications, or other changes from its condition as presently exists, until further order of the court and to present the saw and its parts etc within 30 days hereof to the Plaintiff's counsel for inspection and photographing.

Respectfully Submitted:

  
\_\_\_\_\_  
Hans A. Mast, Attorney for Plaintiff

**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**

3416 W. Elm Street

McHenry, IL 60050

815/344-3797

ARDC. #06203684

McHENRY COUNTY, ILLINOIS

AUG - 8 2012

KATHERINE M. KEEFE  
Clerk of the Circuit Court

Circuit Clerk Use Only

ORD

ORDJ

ORDDWP

Plaintiff

vs

Case Number

12 LA 178

Defendant

## ORDER

- ☒ Plaintiff(s) appear in person/by attorney T. Freeman / Papovich
- ☐ Defendant(s) appear in person/by attorney Ken Borch
- ☐ Summons not served; alias summons to issue; return date \_\_\_\_\_, 20\_\_\_\_
- ☐ Summons has been properly served on Defendant(s) \_\_\_\_\_
- ☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ \_\_\_\_\_, plus interest of \$ \_\_\_\_\_ plus attorney fees of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_ plus court costs.
- ☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ \_\_\_\_\_, plus interest of \$ \_\_\_\_\_ plus attorney fees of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_ plus court costs.
- ☐ Case set for ☐ trial ☐ arbitration on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ m. in Courtroom \_\_\_\_\_
- ☐ Defendant(s) shall file an Appearance within \_\_\_\_\_ days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

**NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.**

- ☐ Defendant(s) shall file an answer or other pleading within \_\_\_\_\_ days of today's date.
- ☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☐ By Agreement; ☒ Court; to 9-18, 2012 at 9:00 a m. for Status
- ☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.
- ☐ Case dismissed with/without prejudice on Plaintiff's motion.
- ☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ \_\_\_\_\_, plus interest of \$ \_\_\_\_\_ plus attorney fees of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_ plus court costs.
- ☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).

**COURT FURTHER ORDERS:**

Plaintiff Motion for Protective Order is granted as set forth in Plaintiff Motion.

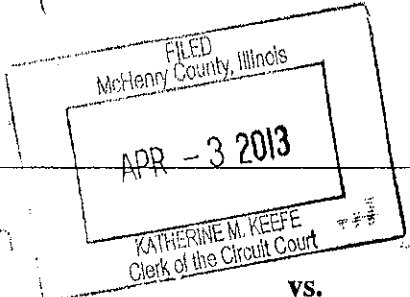
Date: \_\_\_\_\_

EXHIBIT

B

Judge

STATE OF ILLINOIS }  
COUNTY OF MCHENRY } SS



GEN. NO. 12LA178  
☐ Jury ☐ Non-Jury

Paul Durberry

David Garrison, et al.

vs.

Date 4/3/13 Plaintiff's Attorney [Signature] Defendant's Attorney [Signature]

ORDER

Came for all parties appearing, and  
the Court being advised that the McHenry  
Sheriff's Office has taken certain photographs  
for evidence in this case and  
copying on March 27, 2013.

The Court has reviewed the  
Affidavit of Probable Cause filed on  
March 17, 2013 in this case and  
finds that the following items  
were seized from the defendant's car and associated  
with the case and are being  
presented to the Court for review and  
seizure. The items are: photographs, documents, and other items  
The Court has reviewed the items and finds them to be relevant to the case.

Prepared by: \_\_\_\_\_  
Attorney for: \_\_\_\_\_  
Attorney Registration No.: \_\_\_\_\_



ORD 1

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

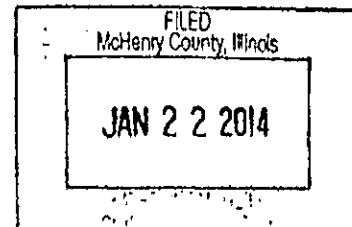
Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

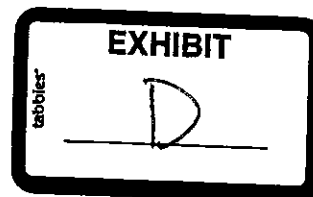


**GOOD FAITH FINDING AND ORDER OF DISMISSAL**

THIS CAUSE coming on to be heard on the Motion for Good Faith Finding and for Order of Dismissal with Prejudice filed by Defendants Bill McGuire and Carolyn McGuire, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

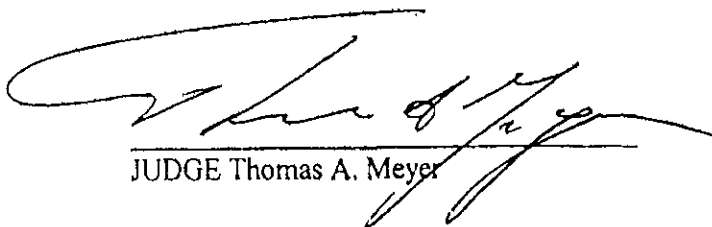
1. That settlement between Plaintiff Paul Dulberg and Defendants Bill McGuire and Carolyn McGuire (improperly named Caroline) constitutes a fair and reasonable and good faith settlement within the meaning of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 0.01 et seq.
2. That the good faith settlement shall henceforth constitute a bar to any and all claims that Plaintiff Paul Dulberg and Defendant David Gagnon and other known or unknown tortfeasors may have against Defendants Bill McGuire and Carolyn McGuire on account of or arising out of the injuries, if any, sustained by Plaintiff Paul Dulberg as a result of the alleged chain saw accident that occurred on June 28, 2011, whether by way of original action, third party claim, cross-claim, counterclaim, claim for contribution or otherwise.



3. That Defendants Bill McGuire and Carolyn McGuire be and are hereby dismissed from the above-captioned lawsuit as party defendants and cross-claimants, with prejudice, and in bar of further suit.

4. That that there is no just reason to delay the enforcement or appeal of this good faith finding and order of dismissal.

DATED: \_\_\_\_\_



JUDGE Thomas A. Meyer

Prepared by:  
Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700

CICERO, FRANCE, BARCH & ALEXANDER, P.C.

A Professional Corporation  
Attorneys at Law  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
JOHN W. FRANCE  
RONALD A. BARCH  
CHARLES P. ALEXANDER  
  
CHANTEL R. BIELSKIS  
ANDREW T. SMITH

February 12, 2014

TEL: (815) 226-7700  
FAX: (815) 226-7701

COPY

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich, PC  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of Steven A. Lihosit  
200 N. LaSalle Street, Suite 2550  
Chicago, IL 60601

**Case:** *Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire*  
(McHenry County Case No. 12 LA 178)

Dear Counsel:

With my departure from the case I feel compelled to address the subject of the chain saw that was involved in Mr. Dulberg's injury. Early on in the case a protective order was entered which prohibited Mr. and Mrs. McGuire from destroying or otherwise disposing of the chain saw and any associated documentation. The primary purpose behind the order of protection was to preserve the chainsaw and associated documentation until such time that Plaintiff's counsel could inspect and photograph same.

On March 20, 2013, the chain saw and owner's manual were made available for inspection and photographing. Plaintiff's counsel inspected and photographed the chainsaw. Plaintiff's counsel also secured a photocopy of the owner's manual.

On April 3, 2013, the protective order was modified to allow the Plaintiffs to use the subject chainsaw, owner's manual and associated paperwork in the ordinary course. The order further provides, however, that the owners may not destroy, dispose of, or sell the items without further order of the court.

Given the above, I am concerned about the possibility of a spoliation claim in the event the McGuires destroy, dispose of, or otherwise sell the chainsaw following my departure from the case. Please advise in writing whether you believe there is any reason to maintain the protective order as it currently exists. If not, I believe it makes sense to have the April 3, 2013 version of the protective order vacated.

I look forward to hearing from both of you at your earliest convenience.



Very truly yours,

A handwritten signature in black ink, appearing to be 'RAB' with a stylized flourish at the end.

RONALD A. BARCH

RB:mj\44ltr.OC

Encl.

CC Tom Malatia (13-2779-11)



ORD

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

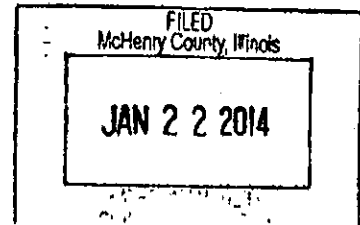
Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178



**GOOD FAITH FINDING AND ORDER OF DISMISSAL**

THIS CAUSE coming on to be heard on the Motion for Good Faith Finding and for Order of Dismissal with Prejudice filed by Defendants Bill McGuire and Carolyn McGuire, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

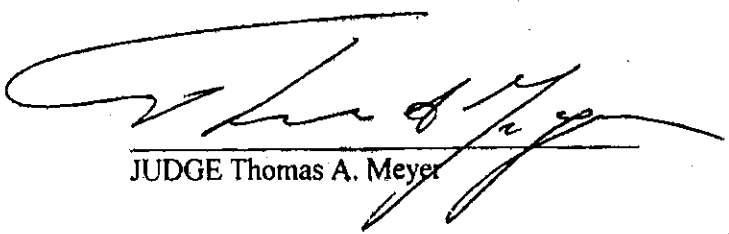
1. That settlement between Plaintiff Paul Dulberg and Defendants Bill McGuire and Carolyn McGuire (improperly named Caroline) constitutes a fair and reasonable and good faith settlement within the meaning of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 0.01 et seq.

2. That the good faith settlement shall henceforth constitute a bar to any and all claims that Plaintiff Paul Dulberg and Defendant David Gagnon and other known or unknown tortfeasors may have against Defendants Bill McGuire and Carolyn McGuire on account of or arising out of the injuries, if any, sustained by Plaintiff Paul Dulberg as a result of the alleged chain saw accident that occurred on June 28, 2011, whether by way of original action, third party claim, cross-claim, counterclaim, claim for contribution or otherwise.

3. That Defendants Bill McGuire and Carolyn McGuire be and are hereby dismissed from the above-captioned lawsuit as party defendants and cross-claimants, with prejudice, and in bar of further suit.

4. That that there is no just reason to delay the enforcement or appeal of this good faith finding and order of dismissal.

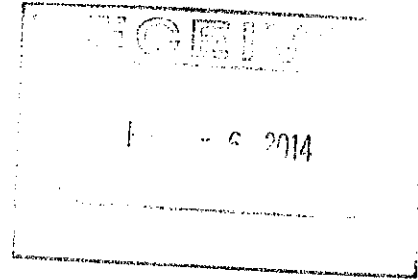
DATED: \_\_\_\_\_

  
JUDGE Thomas A. Meyer

Prepared by:  
Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700



Katherine M. Keefe  
Clerk of the Circuit Court  
22nd Judicial Circuit - McHenry County, Illinois  
2200 N. Seminary Avenue  
Woodstock, IL 60098  
www.mchenrycircuitclerk.org



### RECEIPT FOR PAYMENT

Receipt: 4500049

Date: Feb 05, 2014

Time: 10:37 AM

Received From: CICERO FRANCE BARCH & ALEXANDER PC

Paid By: CHECK OR MONEY ORDER(2457)

\$2.50

Total Paid:

\$2.50

Case Number: 12LA000178

DULBERG, PAUL VS GAGNON, DAVID, ET AL

COPIES COST

\$2.50

Total Paid on this case:

\$2.50

Balance Due:

\$0.00

\*\* The Balance Due can increase if a warrant or other court-ordered paper is served by an arresting agency.

## GENERAL RELEASE AND SETTLEMENT AGREEMENT

NOW COMES PAUL DULBERG, and in consideration of the payment of Five-Thousand (\$5,000.00) Dollars to him, by or on behalf of the WILLIAM MCGUIRE and CAROLYN MCGUIRE (aka Bill McGuire; improperly named as Caroline McGuire) and AUTO-OWNERS INSURANCE COMPANY, the payment and receipt of which is hereby acknowledged, PAUL DULBERG does hereby release and discharge the WILLIAM MCGUIRE and CAROLYN MCGUIRE and AUTO-OWNERS INSURANCE COMPANY, and any agents or employees of the WILLIAM MCGUIRE and CAROLYN MCGUIRE and AUTO-OWNERS INSURANCE COMPANY, of and from any and all causes of action, claims and demands of whatsoever kind or nature including, but not limited to, any claim for personal injuries and property damage arising out of a certain chain saw incident that allegedly occurred on or about June 28, 2011, within and upon the premises known commonly as 1016 West Elder Avenue, City of McHenry, County of McHenry, State of Illinois.

IT IS FURTHER AGREED AND UNDERSTOOD that there is presently pending a cause of action in the Circuit Court of the 22<sup>nd</sup> Judicial Circuit, McHenry County, Illinois entitled "Paul Dulberg, Plaintiff, vs. David Gagnon, Individually, and as agent of Caroline McGuire and Bill McGuire, and Caroline McGuire and Bill McGuire, Individually, Defendants", Cause No. 2012 LA 178, and that this settlement is contingent upon WILLIAM MCGUIRE and CAROLYN MCGUIRE being dismissed with prejudice as parties to said lawsuit pursuant to a finding by the Circuit Court that the settlement between the parties constitutes a good faith settlement for purposes of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 100/0.01, *et seq.*

IT IS FURTHER AGREED AND UNDERSTOOD that as part of the consideration for this agreement the undersigned represents and warrants as follows (check applicable boxes):

- ☒ I was not 65 or older on the date of the occurrence.
- ☒ I was not receiving SSI or SSDI on the date of the occurrence.
- ☐ I am not eligible to receive SSI or SSDI.
- ☒ I am not currently receiving SSI or SSDI.

IT IS FURTHER AGREED AND UNDERSTOOD:

- a. That any subrogated claims or liens for medical expenses paid by or on behalf of PAUL DULBERG shall be the responsibility PAUL DULBERG, including, but not limited to, any Medicare liens. Any and all reimbursements of medical expenses to subrogated parties, including Medicare's rights of reimbursement, if any, shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released herein.
- b. That any outstanding medical expenses are PAUL DULBERG's responsibility and all payment of medical expenses hereafter shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released

- c. That PAUL DULBERG agrees to save and hold harmless and indemnify the parties released herein against any claims made by any medical providers, including, but not limited to Medicare or parties subrogated to the rights to recover medical or Medicare payments.

IT IS FURTHER AGREED AND UNDERSTOOD by the parties hereto that this agreement contains the entire agreement between the parties with regard to materials set forth herein, and shall be binding upon and inure to the benefit of the parties hereto, jointly and severally, and the executors, conservators, administrators, guardians, personal representatives, heirs and successors of each.

IT IS FURTHER AGREED AND UNDERSTOOD that this settlement is a compromise of a doubtful and disputed claim and no liability is admitted as a consequence hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the dates set forth below.

Dated: 1-29-2014

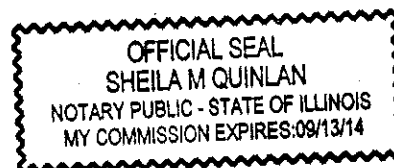
Paul Dulberg  
PAUL DULBERG

STATE OF ILLINOIS       )  
                                  ) SS.  
COUNTY OF MCHENRY    )

PAUL DULBERG personally appeared before me this date and acknowledged that she executed the foregoing Release and Settlement Agreement as his own free act and deed for the uses and purposes set forth therein.

Dated this 29th day of January, 2014

Sheila M. Quinlan  
Notary Public



STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

STATUS ALSO  
SET FOR

4/4/14

@ 9:00

NOTICE OF MOTION

TO: ATTACHED SERVICE LIST

YOU ARE HEREBY notified that on the 22<sup>nd</sup> day of January, 2014, at 9:00 o'clock A.M., or soon thereafter as Counsel may be heard, I shall appear before his Honor, Judge Thomas A. Meyer, in the room usually occupied by him as a Court Room (#201), or in his absence, before any other Judge that may be presiding in said Court Room, in the Courthouse in McHenry County at Rockford, Illinois, and then and there present: **Defendant Bill McGuire and Defendant Carolyn McGuire's Motion for Good Faith Finding and for Order of Dismissal with Prejudice;** At which time and place you may appear, if you so desire.

Dated: January 9, 2014

CAROLYN MCGUIRE and BILL MCGUIRE,  
Defendants, by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

Attorney Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/9/14.



---

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,	)	
	)	
Plaintiff,	)	Case No. 12 LA 178
	)	
vs.	)	
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE MCGUIRE and BILL	)	
MCGUIRE, and CAROLINE MCGUIRE	)	
and BILL MCGUIRE, Individually,	)	
	)	
Defendants.	)	

**MOTION FOR GOOD FAITH FINDING AND FOR ORDER OF  
DISMISSAL WITH PREJUDICE BY DEFENDANTS BILL MCGUIRE  
AND CAROLYN MCGUIRE**

Defendants, BILL MCGUIRE (aka William McGuire) and CAROLYN MCGUIRE (improperly named Caroline), by and through their attorneys, Cicero, France, Barch & Alexander, P.C., hereby move this Court to dismiss all claims against them with prejudice and further request this Court to find that the settlement set forth in this motion was made in good faith and within the meaning and contemplation of the Illinois Contribution Among Joint Tortfeasors Act, 740 ILCS 100/1, et seq. In support of their Motion, Defendants Bill McGuire and Carolyn McGuire state as follows:

1. On or about March 15, 2012, Plaintiff Paul Dulberg filed a multiple count complaint seeking damages for personal injuries he generally attributes to a chain saw incident that occurred on or about June 28, 2011, at and upon the premises owned by Defendants Bill McGuire and Carolyn McGuire, known commonly as 1016 West Elder Avenue, City of McHenry, County of McHenry, State of Illinois.

2. Plaintiff generally alleges that Defendant David Gagnon injured him with a chain



saw while working under the supervision and control of Defendants Bill McGuire and Carolyn McGuire. Defendant David Gagnon denies any and all liability for Plaintiff Paul Dulberg's injuries. Defendants Bill McGuire and Carolyn McGuire also deny any and all liability for Plaintiff Paul Dulberg's injuries and further deny that Defendant David Gagnon was under their control and supervision and working or acting as their employee or agent at the time of the alleged chain saw incident.

3. On February 1, 2013, Defendants Bill McGuire and Carolyn McGuire filed a cross-claim for contribution against Defendant David Gagnon. The cross-claim for contribution seeks contribution from Defendant David Gagnon for injuries claimed by Plaintiff Paul Dulberg and is based upon the terms and provisions of the Illinois Contribution Among Joint Tortfeasors Act, 740 ILCS 100/1, et seq.

4. Plaintiff Paul Dulberg and Defendants Bill McGuire and Carolyn McGuire have negotiated a settlement of all claims which Plaintiff brought or could have brought against Defendants Bill McGuire and Carolyn McGuire. The settlement was negotiated at arm's length over a substantial period of time, and with the advice of counsel on the part of both parties. There is no collusion or fraud on the part of any of the parties to the negotiation.

5. Pursuant to Section 100/2(c) of the Contribution Act, an alleged tortfeasor that settles with a claimant in good faith shall be discharged from liability for contribution to any other tortfeasors.

6. Defendants Bill McGuire and Carolyn McGuire deny and continue to deny liability to Plaintiff Paul Dulberg and further contest the nature and scope of the injuries Plaintiff Paul Dulberg attributes to the subject chain saw incident.

7. The lump-sum payment of \$5,000.00 to Plaintiff Paul Dulberg by or on behalf of

Defendants Bill McGuire and Carolyn McGuire constitutes adequate consideration for purposes of a good faith settlement under Section 100/2(c) of the Contribution Act.

8. Defendants Bill McGuire and Carolyn McGuire respectfully suggest that the settlement with Plaintiff Paul Dulberg is and was made in good faith within the meaning of the Illinois Contribution Among Joint Tortfeasors Act, 740 ILCS 100/2(c).

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, respectfully pray for the Court as follows:

- (1) For an Order declaring that the settlement between Plaintiff Paul Dulberg and Defendants Bill McGuire and Carolyn McGuire was made and entered into in good faith within the meaning of the Illinois Contribution Among Joint Tortfeasors Act, 740 ILCS 100/1, et seq.;
- (2) For an Order dismissing all civil complaints, cross-claims, counterclaims and contribution claims currently pending against Defendants Bill McGuire and Carolyn McGuire, and arising out of or otherwise connected to the injuries claimed by Plaintiff Paul Dulberg, with prejudice;
- (3) For an Order declaring that any potential future claims against Defendants Bill McGuire and Carolyn McGuire, including, without limitation, claims for contribution arising out of or otherwise connected to the chain saw incident and injuries claimed by Plaintiff Paul Dulberg, are barred;
- (4) For an Order declaring for purposes of Illinois Supreme Court Rule 304(a) that there is no just reason to delay enforcement or appeal of the Dismissal Order; and
- (5) That this Court enter an order granting such further relief as this Court deems just.

CAROLYN MCGUIRE and BILL MCGUIRE, Defendants,  
by their attorneys,  
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

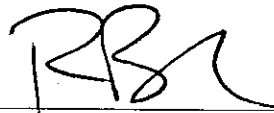
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was  
served upon:

Attorney Perry A. Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle St., Ste 2650  
Chicago, IL 60601-1092

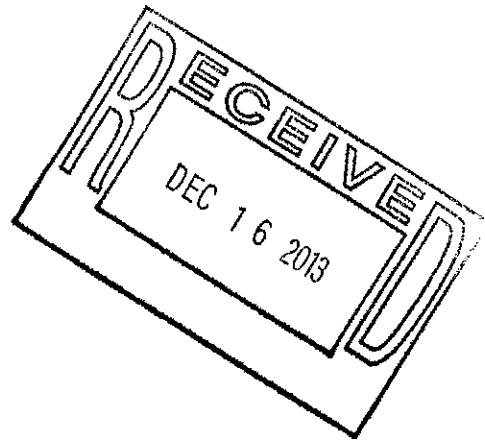
Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,  
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/9/14.



Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700  
815/226-7701 (fax)

**CICERO, FRANCE, BARCH & ALEXANDER, P.C.**  
**6323 EAST RIVERSIDE BOULEVARD**  
**ROCKFORD, IL 61114**  
**ATTN: CICERO, FRANCE, BARCH & AL**



CASE NAME: **DULBERG v GAGNON, ET AL.**

**COMPEX LEGAL SERVICES**

325 Maple Avenue, Torrance, California 90503

(888) 685-4411

**RECORD REQUEST FORM**

Compex Order: F13657

CICERO, FRANCE, BARCH & ALEXANDER, P.C.  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, IL 61114

December 06, 2013

RE: DULBERG V. GAGNON, ET AL.  
Case No.: 12 LA 000178  
Record Subject: DULBERG, PAUL  
Records requested by: LAW OFFICES OF STEVEN LIHOSIT

DEAR CICERO, FRANCE, BARCH & AL:

Compex Legal Services has been requested by the firm named above to obtain records from the locations listed below.

If you require copies of any of these records, please indicate by checking the box next to the appropriate location(s) and sign and return the form(s) to Compex Legal Services. If no boxes are checked, we will assume you are requesting records from all locations.

**Please note:**

By placing a check mark in the box next to a location, you have indicated your desire to receive a copy of the records received by Compex Legal Services from that location. Should you desire a copy of any original item(s) listed below the location, please indicate by checking the box before the item description. If you check "Films" and/or "Other" which may include copies of original items such as photos, blueprints, video or audio tapes, you must place your order within (2) business days of receipt of this notice to assure proper delivery.

☐ If a location provides a Certificate of No Records, you will receive a copy UNLESS this box is checked

Records    Films    Other  
(If requested)

☐    ☐    ☐    A . ALEXIAN BROTHERS NEUROSCIENCES INSTITUTE

If your firm has an account with Compex Legal Services, normal billing will apply. If you represent an insurance carrier and prefer that we bill them directly, please provide the following information:

Carrier \_\_\_\_\_ Adjuster \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

City, St \_\_\_\_\_ Zip \_\_\_\_\_

Claim \_\_\_\_\_ Insured \_\_\_\_\_

Your signature below confirms that you are ordering these records and agree to the terms and conditions(attached)

Authorized signature \_\_\_\_\_  
(Required)

Date \_\_\_\_\_

**Please return all pages of this form with your signature to FAX (800)479-3365**

## IN THE CIRCUIT COURT OF THE TWENTYSECOND JUDICIAL CIRCUIT, MCHENRY COUNTY, ILLINOIS

DULBERG

Plaintiff/Petitioner

v.

GAGNON, ET AL.

Defendant/Respondent

No. 12 LA 000178

SUBPOENA IN A CIVIL MATTER  
(For Testimony and/or Documents)

To: ALEXIAN BROTHERS NEUROSCIENCES INSTITUTE  
800 BIESTERFIELD ROAD, EBERLE BLDG., SUITE 610  
ELK GROVE VILLAGE, IL 60007

- ☐ 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☐ 2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at: \_\_\_\_\_  
in Room \_\_\_\_\_, Illinois on \_\_\_\_\_,  
at \_\_\_\_\_ m.
- ☒ 3. YOU ARE COMMANDED to mail the following documents in your possession or control to COMPLEX LEGAL SERVICES, INC.  
at 1016 WEST JACKSON BOULEVARD, SUITE 213, CHICAGO, IL 60607, on or before DECEMBER 24, 2013,  
at 10:00 a.m.  
(THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.);

☒ Description continued on attached page(s).

YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

## Notice to Deponent:

- ☒ 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows: TO OBTAIN FACTUAL INFORMATION RELATING TO THE NATURE AND EXTENT OF INJURIES AND/OR DAMAGES ALLEGED BY THE PARTIES IN THIS LAWSUIT AND NO OTHER MEANS OF PRODUCTION ARE AVAILABLE.

☐ Description continued on attached page(s).

(A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

- ☐ 2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by \_\_\_\_\_  
(Name of Recording Device Operator)
3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. \_\_\_\_\_ Pro Se 99500

Name: PERRY A. ACCARDO

Atty. for: GAGNON

Address: 200 NORTH LASALLE STREET, SUITE 2550

City/State/Zip: CHICAGO, IL 60601

Telephone: 312-558-9800

Issued by: [S] PERRY A. ACCARDO

Signature

☒ Attorney☐ Clerk of Court

Date: DECEMBER 06, 2013

- ☐ I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to \_\_\_\_\_  
by certified mail, return receipt requested (Receipt # \_\_\_\_\_) on \_\_\_\_\_,  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.
- ☐ I served this subpoena by handing a copy to \_\_\_\_\_ on \_\_\_\_\_,  
I paid the witness \$ \_\_\_\_\_ for witness and mileage fees.

(Signature of Server)

(Print Name)

**ATTACHMENT 3**

**F13657-A**

**SUBJECT: DULBERG, PAUL**

**AKA: NOT PROVIDED**

**DOB: 03/19/1970**

**SSN: 323-76-4001**

**ALL DOCUMENTS AND RECORDS, INCLUDING, BUT NOT LIMITED TO, CD ROM, TAPE DRIVE, FLOPPY DRIVE, HARD DRIVE, SCANNED DOCUMENTS, EMAIL CORRESPONDENCE AND ALL OTHER DOCUMENTS STORED ELECTRONICALLY OR DIGITALLY, INCLUDING ALL OFFICE, EMERGENCY ROOM, INPATIENT AND OUTPATIENT CHARTS AND RECORDS, SOAP NOTES, PHYSICAL THERAPY RECORDS, INCLUDING SIGN-IN SHEETS, COPIES OF ALL PRINTED MATERIAL DESCRIBING EXERCISES PRESCRIBED AND DOCUMENTATION WHICH INDICATES DATES AND TIMES OF PATIENT'S APPOINTMENTS, PHOTOGRAPHS, INSURANCE DOCUMENTS, ALL BILLING RECORDS, INCLUDING, BUT NOT LIMITED TO, ANY INSURANCE BILLING OR PAYMENT INFORMATION, PROCEDURE CODES/CPT CODES, ITEMIZED STATEMENTS OF CHARGES, PAYMENT AND WRITE-OFF RECORDS AND PAYMENT TRANSACTIONS, FROM ALL SOURCES, AND ALL PAYMENT HISTORY, TO INCLUDE ANY COMPUTER GENERATED BILLING AND PAYMENT SOFTWARE THAT CONTAINS SAID INFORMATION, PERTAINING TO THE CARE, TREATMENT AND EXAMINATION OF THE PATIENT, REGARDLESS OF TREATMENT DATE.**

ATTORNEY OR PARTY WITHOUT ATTORNEY: <b>PERRY A. ACCARDO</b> <b>LAW OFFICES OF STEVEN LIHOSIT</b> <b>200 NORTH LASALLE STREET, SUITE 2550, CHICAGO, IL 60601</b>		TELEPHONE NO <b>(312) 558-9800</b>	FOR COURT USE ONLY
ATTORNEY FOR: <b>GAGNON</b>			
NAME OF COURT: <b>CIRCUIT COURT FOR THE STATE OF ILLINOIS</b> POST OFFICE & <b>FOR THE COUNTY OF MCHENRY</b> STREET ADDRESS <b>2200 NORTH SEMINARY AVENUE, WOODSTOCK, IL 60098</b>			
PLAINTIFF/PETITIONER: <b>DULBERG</b> DEFENDANT/RESPONDENT: <b>GAGNON, ET AL.</b> CASE NUMBER: <b>12 LA 000178</b>			
<b>NOTICE OF DEPOSITION</b>			

**NOTICE TO ALL PARTIES AND THEIR ATTORNEY(S):**

1. The production of documents by the Custodian of Records of the following business will be required as follows:

	DATE	TIME
<b>ALEXIAN BROTHERS NEUROSCIENCES INSTITUTE</b> 800 BIESTERFIELD ROAD, EBERLE BLDG., SUITE 610, ELK GROVE VILLAGE, IL 60007	12/24/2013	10:00 AM

Date: December 06, 2013

PERRY A. ACCARDO

(Type or Print Name)

|S| PERRY A. ACCARDO

(Signature)

ATTORNEY AT LAW

(Title)

**NOTICE OF DEPOSITION**



I am employed in LOS ANGELES County, California. I am over the age of 18 and not a party to the within action; my business address is: 1016 WEST JACKSON BOULEVARD, SUITE 213,  
CHICAGO, IL 60607

On 12/10/13, I gave notice to: SEE SERVICE LIST BELOW

On the above date, I served true copies of the following documents;  
Subpoena

To each party appearing in this action, at the address below, by placing true copies thereof enclosed in a sealed envelope with postage fully pre-paid, in the United States mail at  
325 MAPLE AVENUE,  
TORRANCE, CA 90503

I declare under penalty of perjury under the laws of the State of Illinois that the foregoing is true and correct, and that this declaration was executed on 12/10/13.



SIGNED: \_\_\_\_\_

Sharon Prytz

THOMAS J. POPOVICH, P.C.  
HANS A. MAST  
3416 WEST ELM STREET  
MCHENRY, IL 60050

CICERO, FRANCE, BARCH & ALEXANDER, P.C.  
CICERO, FRANCE, BARCH & AL  
6323 EAST RIVERSIDE BOULEVARD  
ROCKFORD, IL 61114

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article addressed to:

*Mike Thomas  
460 Wabash Drive  
Twins Lake, WI 53181*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*[Signature]*

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

*Todd Thomas*

C. Date of Delivery

*1/25/04*

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number  
(Transfer from service label)

7011 0110 0002 2845 4617

PS, Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

(Notary Public)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON, Individually, and as  
Agent of CAROLINE MCGUIRE and BILL  
MCGUIRE, and CAROLINE MCGUIRE  
and BILL MCGUIRE, Individually,

Defendants.

Case No. 12 LA 178

**NOTICE OF SUBPOENAED  
DISCOVERY DEPOSITION**

TO: Attorney Hans A. Mast  
Law Offices of Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

Attorney Perry A. Accardo  
Law Office of Steven A. Lihosit  
200 N. LaSalle Street, Suite 2550  
Chicago, IL 60601-1092

On **January 17, 2014, at 1:00 p.m.**, at the Law Offices of Thomas J. Popovich, 3416 West Elm Street, McHenry, Illinois, the subpoenaed discovery deposition of **MIKE THOMAS** will be taken before a certified court reporter on oral interrogatories for discovery in this case.

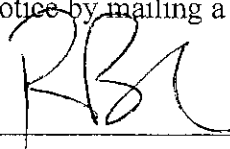
  
\_\_\_\_\_  
RONALD A. BARCH (6209572)

Cicero, France, Barch & Alexander, P.C.  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700 fax: 226-7701

**CERTIFICATE OF SERVICE**

I certify that on November 4, 2013, I served this notice by mailing a copy to each person to whom it is directed.

cc: Deb Fisher Reporting

  
\_\_\_\_\_  
depnot.thomas.mike (mj)

STATE OF ILLINOIS  
IN THE CIRCUIT COURT OF THE 22<sup>nd</sup> JUDICIAL CIRCUIT  
MCHENRY COUNTY, ILLINOIS

**Cicero, France, Barch & Alexander, PC**

vs.

Case Number **17 LA 377**

**The Law Offices of Thomas Popovich, Hans Mast**

**SUBPOENA FOR PRODUCTION OF SPECIFIED DOCUMENTS,  
OBJECTS OR TANGIBLE THINGS**

TO: **Cicero, France, Barch & Alexander PC**

ADDRESS: **6323 E. Riverside Blvd., Rockford, IL 61114**

You are directed to produce the following documents, objects or tangible things:

**All documents related to Paul Dulberg and the matter of Paul Dulberg v. David Gagnon, Caroline McGuire and Bill McGuire, Case No. 12LA178, except any documents that would be protected by attorney-client privilege**

on the following time and date: **November 25, 2019 at 2:00 p.m.**

**YOUR FAILURE TO RESPOND TO THIS SUBPOENA OR TO COMPLY WITH COURT RULES MAY SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF COURT.**

**YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING LEGIBLE AND COMPLETE COPIES OF ALL SPECIFIED DOCUMENTS, OBJECTS OR TANGIBLE THINGS REQUESTED IN THIS SUBPOENA TO THE PARTY OR LAW FIRM WHOSE ADDRESS APPEARS BELOW. COMPLIANCE BY MAIL REQUIRES A CERTIFICATION THAT THE DOCUMENTS, OBJECTS OR TANGIBLE THINGS MAILED ARE COMPLETE AND ACCURATE AND CONSTITUTE GOOD FAITH COMPLIANCE WITH THE MATERIALS REQUESTED BY SAID SUBPOENA. DO NOT FORWARD MATERIALS BEFORE DATE STATED ON SUBPOENA.**

Items to be delivered to the following party of law firm at the following address: **Edward X. Clinton, Jr., Julia C. Williams, The Clinton Law Firm, LLC, 111 W Washington Street, Suite 1437, Chicago, IL 60602**



WITNESS \_\_\_\_\_, 20\_\_\_\_

*Katherine M. Keefe*

CLERK OF THE CIRCUIT COURT

Name **The Clinton Law Firm, LLC**

Attorney for **Paul Dulberg**

Address **111 W Washington Street, Suite 1437**

City, State Zip **Chicago, IL 60602**

Telephone **312.357.1515**

**SERVICE ON PARTIES OF RECORD**

I served or will serve a copy of this Subpoena on all parties of record within 48 hours of its issuance.

*Julia Williams*  
\_\_\_\_\_  
Attorney or Party Issuing Subpoena

**NOTICE:**

No Subpoena issued under this provision may be returnable less than fourteen (14) days following its date of service. Within said fourteen (14) days, any party may timely object to the Court to the utilization of the Subpoena.

The party causing the Subpoena to be issued shall be liable to the party subpoenaed for the reasonable costs of copying or reproduction. The court may enter such orders as may be necessary to enforce payment of copying costs. Any party may request copies of all materials obtained by this Subpoena. Expenses of copying shall be reproduced and forwarded to the requesting party not less than ten (10) business days following receipt of subpoenaed materials.

**CERTIFICATION BY SUBPOENAED PARTY OR AGENT**

I am the custodian of the records of the person or entity subpoenaed herein, and I certify that I have completely and accurately complied with the Subpoena and have provided all the specified documents, objects or tangible things requested which are in my constructive or actual possession or control.

DATE \_\_\_\_\_

\_\_\_\_\_  
Keeper of Records and Person Answering Subpoena

**SERVICE**

**PERSONAL SERVICE:**

I served this Subpoena by handing a copy to \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. I paid the recipient \$ \_\_\_\_\_ for required fees and mileage expenses, if any.

\_\_\_\_\_  
Person Serving Subpoena

SUBSCRIBED and SWORN to  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**SERVICE BY CERTIFIED OR REGISTERED MAIL:** I served this Subpoena by placing same with the U.S. Mail, restricted delivery, return receipt requested, prepaid, and addressed to the individual or organization listed on page one hereof, at the address listed on page one hereof, together with \$ **30.00** for fees and mileage expenses, if any. I mailed the above on **October 24**, 20 **19** at **2:00 p.m.** ~~7104 2280 0000 2713 7741~~. I received the return on such mailing indicating it was received on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_ at the address listed on page one.

SUBSCRIBED and SWORN to  
before me this *Oct 27th* day  
of *Oct*, 20 *19*  
*[Signature]*  
Notary Public

