

<div><div>10:57:52</div><div>1</div><div>2</div><div>3</div><div>4</div><div>5</div><div>6</div><div>7</div><div>8</div><div>9</div><div>10</div><div>11</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div></div> <div><p>IN THE CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT McHENRY COUNTY, ILLINOIS</p><p>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. )</p><p>The deposition of MICHAEL McARTOR, taken in the above-entitled cause, before Paula Ann Erickson, Certified Shorthand Reporter, Registered Professional Reporter and Notary Public, on March 20, 2013 at 3421 West Elm Street, McHenry, Illinois, at the approximate hour of 11:50 a.m.</p><p>REPORTED BY: PAULA A. ERICKSON C.S.R. LICENSE NO. 084-003899</p><p>1</p></div>	<div><div>1</div><div>2</div><div>3</div><div>4</div><div>5</div><div>6</div><div>7</div><div>8</div><div>9</div><div>10</div><div>11</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div></div> <div><p>I N D E X</p><p>WITNESS</p><p>MICHAEL McARTOR</p><p>BY MR. MAST..... 4 BY MR. BARCH..... 41</p><p>E X H I B I T S</p><p>(NO EXHIBITS MARKED)</p><p>3</p></div>
<div><div>1</div><div>2</div><div>3</div><div>4</div><div>5</div><div>6</div><div>7</div><div>8</div><div>9</div><div>10</div><div>11</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div></div> <div><p>APPEARANCES:</p><p>MR. HANS MAST LAW OFFICES OF THOMAS J. POPOVICH 3416 W. Elm Street McHenry, Illinois 60050 (815) 344-3797</p><p>Appeared on behalf of the Plaintiff.</p><p>MR. RONALD A. BARCH CICERO, FRANCE, BARCH &amp; ALEXANDER, PC 6323 East Riverside Boulevard Rockford, Illinois 61114 (815) 226-7700</p><p>Appeared on behalf of the Defendants, Carolyn and Bill McGuire.</p><p>MR. PERRY A. ACCARDO LAW OFFICE OF M. GERARD GREGOIRE 200 North LaSalle Street Suite 2650 Chicago, Illinois 60601 (312) 558-9821</p><p>Appeared on behalf of the Defendant, David Gagnon.</p><p>* * * *</p><p>2</p></div>	<div><div>1</div><div>2</div><div>3</div><div>4</div><div>5</div><div>6</div><div>7</div><div>8</div><div>9</div><div>10</div><div>11</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div></div> <div><p>THE REPORTER: Sir, can you raise your right hand, please?</p><p>MICHAEL McARTOR, after being first duly sworn, deposeth and saith as follows:</p><p>EXAMINATION</p><p>BY MR. MAST:</p><p>Q. All right. Would you please state your name?</p><p>A. Michael McArtor.</p><p>Q. How do you spell the last name?</p><p>A. M-C capital A-R-T-O-R.</p><p>Q. Okay. All right.</p><p>MR. MAST: This is the discovery deposition of Michael McArtor, taken pursuant to subpoena with notice. Mr. McArtor, I am going to ask you some questions regarding what you may or may not know about a chain saw incident that involved my client Paul Dulberg and the other parties in this case. Let's see if I have a date of accident I can reference. Anybody have the date of accident?</p><p>MR. BARCH: I think it's June 28th of 2011 was the date.</p><p>BY MR. MAST:</p><p>Q. Okay. Do you recall that date as being the</p><p>4</p></div>

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<div>1 approximate time of Paul's accident?</div> <div>2 A. Yes. Summer of '11.</div> <div>3 MR. MAST: Okay. What I am going to do and maybe</div> <div>4 the other attorneys are going to ask you some</div> <div>5 questions regarding just some matters regarding Paul,</div> <div>6 my client, and just the incident and things that arose</div> <div>7 from the incident. Please let me finish the question</div> <div>8 and I will let you answer it. Let's try not to talk</div> <div>9 over each other and we will go from there, okay?</div> <div>10 THE WITNESS: Okay.</div> <div>11 BY MR. MAST:</div> <div>12 Q. You have probably never given a deposition</div> <div>13 before I take it?</div> <div>14 A. No.</div> <div>15 Q. Okay.</div> <div>16 A. Never been in a lawyer's office really.</div> <div>17 Q. Well, that's actually good. So let's start</div> <div>18 with your address.</div> <div>19 A. 4606 Hayden Court, McHenry, Illinois 60051.</div> <div>20 Q. Hayden, H-A-Y-D-E-N?</div> <div>21 A. Correct.</div> <div>22 Q. All right. And who do you live with?</div> <div>23 A. Paul and his mom.</div> <div>24 Q. What's his mother's name?</div> <div>5</div>	<div>1 A. Yes.</div> <div>2 Q. Okay. See, that's better. That makes it a</div> <div>3 little bit easier. All right. What's your date of</div> <div>4 birth?</div> <div>5 A. 9/3/70.</div> <div>6 Q. Okay. And what do you do for a living?</div> <div>7 A. I am unemployed right now.</div> <div>8 Q. How long have you been unemployed?</div> <div>9 A. About five years.</div> <div>10 Q. Is that by choice or for some reason?</div> <div>11 A. I was fired.</div> <div>12 Q. Well, that was five years ago, though. Are</div> <div>13 you staying -- Hold on. Are you staying unemployed by</div> <div>14 choice or for some season?</div> <div>15 A. Oh, no. Not by choice. It's just hard to</div> <div>16 find a job.</div> <div>17 Q. So you haven't been able to find a job?</div> <div>18 A. Right.</div> <div>19 Q. What is it that you do that you are looking</div> <div>20 to find work in?</div> <div>21 A. I do printing.</div> <div>22 Q. Okay. How long have you lived at that</div> <div>23 address with Paul and his mother?</div> <div>24 A. About seven years.</div> <div>7</div>
<div>1 A. Barb.</div> <div>2 Q. And is this a single family residence?</div> <div>3 A. Yes. There is two. It's like two floors. I</div> <div>4 live on the bottom.</div> <div>5 Q. Do you like live in an apartment?</div> <div>6 A. No. It's one house. We share a kitchen.</div> <div>7 Everything else I have is my own. You know, I have my</div> <div>8 own bathroom and everything.</div> <div>9 Q. So it's kind of --</div> <div>10 A. It's kind of like a duplex.</div> <div>11 Q. This is the problem we are going to have is</div> <div>12 when I start talking and when you start talking. You</div> <div>13 got to let me finish my question and then I will let</div> <div>14 you say whatever you want to say, okay? All right?</div> <div>15 A. Yep.</div> <div>16 Q. So although it's a single family house, you</div> <div>17 use it in kind of sections where you have a place that</div> <div>18 you use and then the second floor they use?</div> <div>19 A. Yes.</div> <div>20 Q. Okay. So does Paul live in the area where</div> <div>21 his mother lives?</div> <div>22 A. Yes.</div> <div>23 Q. And then you live alone in the area of the</div> <div>24 first floor?</div> <div>6</div>	<div>1 Q. How long have you known Paul and his mother?</div> <div>2 A. My whole life. Since I was like three.</div> <div>3 Q. So you grew up with Paul?</div> <div>4 A. Yes.</div> <div>5 Q. Did you go to school with him as well?</div> <div>6 A. Yes.</div> <div>7 Q. What -- Did you go to grade school with him?</div> <div>8 A. Yes.</div> <div>9 Q. What grade school?</div> <div>10 A. All of them, Johnsburg, Ringwood.</div> <div>11 Q. What high school did you go?</div> <div>12 A. Johnsburg.</div> <div>13 Q. Same with Paul?</div> <div>14 A. Yes.</div> <div>15 Q. So is it fair to say since maybe 3 or 4 years</div> <div>16 old you and Paul have been friends?</div> <div>17 A. We have known each other.</div> <div>18 Q. Okay. How long would you say you and Paul</div> <div>19 have been friends?</div> <div>20 A. Probably since '80.</div> <div>21 Q. Okay. What started that friendship?</div> <div>22 A. Just we live two roads away from each other.</div> <div>23 Q. Okay. How is it that you began to live with</div> <div>24 Paul?</div> <div>8</div>

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1	A.	We originally had a business together.	1	Q.	Okay. What began your friendship with Dave?
2	Q.	What kind of business?	2	A.	Once again, we lived in the same
3	A.	T-shirt business.	3		neighborhood. We knew each other.
4	Q.	A what?	4	Q.	Okay. And up until Paul's incident in 2011
5	A.	T-shirt printing.	5		with the chain saw -- You are familiar with that
6	Q.	How did that carry on to living together?	6		incident, right?
7	A.	We pretty much needed somebody there all the	7	A.	Yes.
8		time and he was working at Intermatic and I wasn't	8	Q.	Up until then, were you -- from '86 until
9		really working at the time.	9		then, were you friends with Dave?
10	Q.	Is it out of the home?	10	A.	Yes.
11	A.	Yes.	11	Q.	Okay. And friends can mean a lot of
12	Q.	Okay. Is that something you are still doing	12		different things. Some friends are very close and
13		with Paul?	13		they see each other every day and go out and socialize
14	A.	No. We are not doing that anymore.	14		and stuff. Other people can be friends. They see
15	Q.	So do you do anything to earn any income	15		each other once a year, so how would you describe
16		right now?	16		before Paul's accident your friendship with Dave?
17	A.	No.	17	A.	I'd say I saw him probably four times a week
18	Q.	Okay. When did the T-shirt business stop,	18		at least.
19		end?	19	Q.	Any type of social activities together?
20	A.	Roughly about 2011.	20	A.	No. We just go to his house and play like
21	Q.	Okay. And was it -- Was it run out of the	21		hacky sack.
22		home?	22	Q.	Did Dave live alone?
23	A.	Yes.	23	A.	No. He lived with his mom and Bill.
24	Q.	Do you pay rent?	24	Q.	Mom and who?
9			11		
1	A.	No.	1	A.	Bill.
2	Q.	Or do you do anything in exchange for living	2	Q.	Who is Bill?
3		there?	3	A.	McGuire.
4	A.	I clean. I cook.	4	Q.	I'm sorry?
5	Q.	Okay. For everyone?	5	A.	Carol and Bill.
6	A.	Yes.	6	Q.	His parents you are saying?
7	Q.	Oh. Are you a good cook?	7	A.	It wasn't his parents at the time. Bill was
8	A.	Yes.	8		not his dad. They weren't married at the time.
9	Q.	Good.	9	Q.	So Bill is like his stepfather?
10	A.	I think so.	10	A.	Bill would be his stepfather, yes.
11	Q.	Do you have anything beyond high school? Any	11	Q.	Does Dave still live with them?
12		type of college?	12	A.	No.
13	A.	No.	13	Q.	Is he married now?
14	Q.	Okay. How about David Gagnon, do you know	14	A.	Yes.
15		him?	15	Q.	Does he have children?
16	A.	Yes.	16	A.	No.
17	Q.	How long have you known Dave?	17	Q.	How long has Dave lived -- I imagine Dave
18	A.	Since probably 1984.	18		lives with his wife now?
19	Q.	Has he been a friend since then?	19	A.	Correct.
20	A.	He was an acquaintance at that time.	20	Q.	How long have they lived together, if you
21		Probably about 1986 we probably became friends.	21		know?
22	Q.	Okay. So almost as long as with Paul but not	22	A.	Oh, probably it was at least probably six
23		quite?	23		years.
24	A.	Yes. Right.	24	Q.	Okay. Up until then -- up until he got
10			12		

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1 married and started living with his now wife, he lived  
2 with his mother and Bill?  
3 A. Yes.  
4 Q. Okay. And is that the same address where she  
5 lives today?  
6 A. Yes.  
7 Q. What street is that?  
8 A. Oakleaf I think.  
9 Q. Is that in McHenry?  
10 A. They have a McHenry mailing address, yes.  
11 Q. And so the time that you would see Dave four  
12 times a week at his mom's house on Oakleaf that would  
13 be before Dave got married and moved out obviously?  
14 A. Correct.  
15 Q. Okay. So for six years -- for the past six  
16 years, have you had a friendship with Dave?  
17 A. I would see him every now and then. I  
18 wouldn't see him as much, no.  
19 Q. And the reason you saw him it looks like  
20 significantly less is because he got married and moved  
21 in with his wife and moved?  
22 A. They moved away. They moved to Wisconsin.  
23 Q. Is that where they are living now?  
24 A. Yes.

13

1 Q. So once Dave got married and moved up to  
2 Wisconsin to live with his wife, that's when your  
3 connection with him got a little bit less?  
4 A. Yes.  
5 Q. But you still had a friendship with him?  
6 A. Yes.  
7 Q. Okay. Okay. And then if you would, you  
8 described now your relationship friendship with Dave  
9 over the years. How about now with Paul? You have  
10 lived with him for the past six years. I am assuming  
11 you socialize with him from time to time?  
12 A. Sure.  
13 Q. Is that on a frequent everyday basis or what?  
14 A. Yeah.  
15 Q. Okay. So you still have a close relationship  
16 with Paul then?  
17 A. Yes.  
18 Q. All right. Are you -- Do you have a close  
19 relationship with his mother then as well?  
20 A. Yes.  
21 Q. What's his mother's name?  
22 A. Barbara.  
23 Q. Anybody else that lives in the house?  
24 A. No.

14

1 Q. Do you know Dave's mother and stepfather?  
2 A. Yes.  
3 Q. Okay. Does he have a -- Is his natural  
4 father still living?  
5 A. No.  
6 Q. Okay. What's his mother's name?  
7 A. Carol.  
8 Q. Carol. Since Dave moved out of their house  
9 like six years ago, have you maintained any type of  
10 contact with Carol and Bill?  
11 A. I have talked to them a couple times, not  
12 much.  
13 Q. Okay. With regard to Paul's accident, the  
14 chain saw that we are here about today, June, 2011,  
15 other than -- and we will get to your communications  
16 or what you have overheard with regard to Dave and  
17 Paul, but other than Dave and Paul, have you had  
18 communications with anyone else regarding that  
19 incident?  
20 A. No.  
21 Q. Okay. So all of the information you know  
22 about the chain saw accident with Paul has all come  
23 from either Paul or Dave?  
24 A. Well, and Carol. Carol. Carol is the one

15

1 who called me the day it happened.  
2 Q. That's what I was trying to find out.  
3 A. Yes.  
4 Q. So it's just three people then you have  
5 learned about the chain saw accident, Carol, Dave and  
6 Paul?  
7 A. Yes.  
8 Q. Okay. You have never talked to Bill about it  
9 then?  
10 A. No.  
11 Q. Okay. Before the -- Before the accident  
12 occurred with Paul -- You know it happened over at the  
13 McGuire's house, right?  
14 A. Yes.  
15 Q. Before it happened, did you know what Paul  
16 was doing that day?  
17 A. No.  
18 Q. Did you know he was going to be using a chain  
19 saw or working around a chain saw?  
20 A. No. No.  
21 Q. Okay. Did you know what Dave was going to be  
22 doing that day?  
23 A. I had no idea what any of them were doing.  
24 Q. Okay. Okay. Obviously they don't have to

16

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1 report to you what they decide to do, right?	1 A. Yes.
2 A. Right.	2 Q. So not unusual?
3 Q. And you don't know every day what they're	3 A. No.
4 doing?	4 Q. Did she say anything else in the phone call?
5 A. No.	5 A. No.
6 Q. All right. So your first notification of	6 Q. So it was about a minute or two phone call?
7 what happened in Paul's chain saw accident was when	7 A. Yes.
8 Carol called you?	8 Q. What did you do -- So I imagine she said Paul
9 A. Yes.	9 was in the hospital?
10 Q. Okay. Was it the day of the incident?	10 A. Yes.
11 A. Yes.	11 Q. Okay. Did she tell you what type of injury
12 Q. What time did she call you?	12 or how severe it was?
13 A. Probably five, six hours after it happened.	13 A. No. No. She just said it was a chain saw
14 Q. Okay. So Paul had already been to the	14 cut.
15 hospital I am assuming?	15 Q. On the arm?
16 A. Yes. He was at the hospital when she called.	16 A. Yes.
17 Q. Okay. All right. So let's start with that	17 Q. Okay. So what did you do after hanging up
18 telephone call then. What did Carol say to the best	18 with Carol?
19 you can paraphrase for us?	19 A. Walked over to their house and got the dog.
20 A. Carol called and told me why she didn't want	20 Q. How far away did they live?
21 to call earlier. She didn't want to talk to Barb	21 A. A couple blocks.
22 because she was afraid what she would say because Dave	22 Q. And that is from the place where you are
23 cut Paul's arm with the chain saw.	23 living today --
24 Q. Were those her words?	24 A. Yes.
17	19
1 A. Those were her words.	1 Q. -- when you were living with Paul at the
2 Q. She didn't want to call earlier because she	2 time?
3 didn't want to talk to Barb?	3 A. Yes.
4 A. She didn't want to put Barb in stress until	4 Q. And you went and got the dog, brought him
5 she found out what was going on.	5 home and what did you do next?
6 Q. About the injury?	6 A. Waited to find out about Paul.
7 A. Yes.	7 Q. So you were waiting for someone to call you?
8 Q. Okay. And she described it as Dave cut	8 A. Waiting to find out what was going on. You
9 Paul's --	9 know, Dave was with him at the hospital.
10 A. Paul with the chain saw.	10 Q. So you were assuming one of them was going to
11 Q. With the chain saw. Okay. All right. What	11 call you?
12 else did Carol say?	12 A. Well, I was assuming that he was going to
13 A. Come get your dog.	13 show back up after he was done with the hospital.
14 Q. Why was your dog over there?	14 Q. Right. So either they were going to call you
15 A. Paul had the dog over there.	15 or somehow show up at the house and then you were
16 Q. Okay. And what kind of dog was that?	16 going to find out what happened?
17 A. A German Shepherd.	17 A. Yes.
18 Q. So apparently when Paul was going over to the	18 Q. Okay. So you weren't going to do anything
19 house to help Dave, he brought your dog with?	19 yourself until somebody contacted you?
20 A. Well, it's both of our dog.	20 A. Yes.
21 Q. He brought the dog with?	21 Q. Okay. So you just waited at home?
22 A. Yes.	22 A. Yep.
23 Q. And I guess that's something he does from	23 Q. Okay. What's the next thing that happened
24 time to time, right?	24 then?
18	20

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1A. A couple hours later Paul came home.	1A. Well, no, not really. He was on pills. You
2Q. Do you remember what time that was?	2really can't have much of a conversation at that point.
3A. No.	3Q. What was his demeanor or how was he acting at
4Q. Can you give me an estimate, like after 7:00,	4the time?
5before 7:00, something like that?	5A. Sore.
6A. Oh, it was before that.	6Q. In his arm?
7Q. Before 5:00, somewhere around there?	7A. Yes.
8A. Maybe around there.	8Q. Okay. Was his arm bandaged?
9Q. So around 5:00 p.m.?	9A. Yes.
10A. I suppose. I am not really sure on the time.	10Q. Do you remember which arm?
11Q. Okay. It wasn't late evening, though?	11A. It was the -- I believe it was the right arm.
12A. No. It was not pitch dark out, no.	12Q. Okay.
13Q. Was it still light out?	13A. Or left arm.
14A. Yes. It was still light out.	14Q. Left arm. No words exchanged or just hi, how
15Q. And who -- So your first -- the next thing	15are you doing? That type of thing and you went to
16that happened then is Paul arrived home?	16bed?
17A. Yes.	17A. Just, oh, my God. I can't believe that
18Q. Did he arrive home with anyone?	18happened.
19A. Well, Dave brought him home.	19Q. All right. Did Paul at this point -- and,
20Q. Okay. Did Dave just drop him off and drive	20again, we are going to go step by step -- but did Paul
21away or did he come into the house?	21describe to you what had happened?
22A. Dave did not come into the house.	22A. Not at the time, no. He was -- Like I said
23Q. Did you speak to Dave?	23he was on pills, so there wasn't much talking. I mean,
24A. No.	24he pretty much wanted to sleep.
21	23
1Q. Did you see Dave?	1Q. Okay. So after the hi and, oh, my God, what
2A. No.	2happened, then he just went to bed?
3Q. Okay. You just know he got dropped off	3A. Yeah.
4because somebody had to drop him off?	4Q. Okay. Okay. Did you see Paul the next
5A. Well, because they took him to the hospital	5morning then?
6so they brought him home.	6A. I saw him the next day, yes.
7Q. Where was Paul's truck at the time then?	7Q. Did you have a conversation with him more now
8A. Dave drove Paul's truck to the hospital.	8about the incident and what happened?
9Q. Okay. And then Dave drove Paul home?	9A. Yes.
10A. Yes.	10Q. How did Paul describe what happened?
11Q. And then Dave took Paul's truck away to his	11A. He said he was holding the branch for Dave
12house?	12and the next thing he knows Dave came up and -- too
13A. I don't think so.	13high and cut him in the arm.
14Q. What -- How did Dave get home?	14Q. Those are his words?
15A. He could have walked. It's only two blocks	15A. Yeah.
16away.	16Q. Okay. Did he say anything else? And, again,
17Q. I am just trying to find out.	17I know this has been some time but I need to go
18A. I have no idea.	18through everything and make sure you said everything
19Q. So as far as you know, Dave probably left	19you recall so did he say anything else regarding how
20Paul's truck there and just walked home? That's	20it happened?
21probably what happened?	21A. No. He was just there helping Dave hold some
22A. Yeah.	22branches while he cut them.
23Q. Okay. Okay. So Paul came in the house and	23Q. Okay. Anything else discussed that you
24did you have a conversation with him?	24recall the next morning?
22	24

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<div>1A. No.</div> <div>2Q. Okay. Are you the kind of -- Again, I don't</div> <div>3know. You guys live together. Did you know when Paul</div> <div>4was receiving medical treatment and all that or did</div> <div>5you not kind of stay up on that?</div> <div>6A. I try not to. I don't want to get into too</div> <div>7much stuff with him so no. I didn't really pay much</div> <div>8attention to it.</div> <div>9Q. He obviously had some issues with the arm</div> <div>10later on, right?</div> <div>11A. Yes. I have to help him do a lot of things.</div> <div>12Q. I am not going to go and belabor it. If they</div> <div>13want to, they can but what did you notice over the</div> <div>14next we are going on two years so let's say over the</div> <div>15next few months after the incident, what did you</div> <div>16notice about -- if anything, about his injury and how</div> <div>17that affected his day-to-day activities?</div> <div>18A. Well, he couldn't do a lot of things. He</div> <div>19can't open a jar. He can't do lots of things. He</div> <div>20can't, you know, type on a keyboard for more than maybe</div> <div>2120 minutes. He lost a lot of movement basically in his</div> <div>22arm. The grip and everything.</div> <div>23Q. And when you notice from day to day it was</div> <div>24causing him pain, so you would notice some visual</div> <div>25</div>	<div>1Q. Was he able to do any of that after the</div> <div>2accident that you noticed?</div> <div>3A. No, not really. He would plant a few seeds</div> <div>4in the garden but, you know, that's not really doing</div> <div>5anything.</div> <div>6Q. Okay. Okay. All right. Have you -- I will</div> <div>7just make this all kind of in one question and if they</div> <div>8want to go into more particulars, they can but since</div> <div>9the accident, have you noticed over now we are a year</div> <div>10and a half to two years, have you noticed any</div> <div>11improvement or him being able to be more active such</div> <div>12as he is getting better over the years or has he</div> <div>13gotten worse or has he pretty much stayed the same?</div> <div>14A. It definitely hasn't gotten better.</div> <div>15Q. Okay. His limitations if you compare them</div> <div>16today versus in the months after the accident, are</div> <div>17they about the same or have they improved or gotten</div> <div>18worse?</div> <div>19A. Probably the same.</div> <div>20Q. Okay. So you haven't really noticed any</div> <div>21significant changes since the months after the</div> <div>22accident until today? It's about the same?</div> <div>23A. On the cut arm?</div> <div>24Q. On his arm, yes.</div> <div>27</div>
<div>1issues in his face that would show that he is having</div> <div>2some problems or not?</div> <div>3A. Well, when you see him work with his hands,</div> <div>4yes. You can see him -- stress in his face.</div> <div>5Q. Okay. And was that something that you would</div> <div>6see on a day-to-day basis because you saw him every</div> <div>7day or would it be more once a week, once a month?</div> <div>8How often would you notice these things about him?</div> <div>9A. If he uses his hands, it happens all the</div> <div>10time.</div> <div>11Q. So it depends on how active he is trying to</div> <div>12be?</div> <div>13A. Yes.</div> <div>14Q. How about outside of the house? Were there</div> <div>15things he was having difficulties doing because of his</div> <div>16left hand/left arm issues?</div> <div>17A. Like mowing the lawn, things like that?</div> <div>18Q. Yes. Yes. Whatever he does outside.</div> <div>19A. Yes. Yes.</div> <div>20Q. Before this accident, was he kind of an</div> <div>21outdoors guy or indoor guy?</div> <div>22A. Outdoors.</div> <div>23Q. What did he like to do outdoors?</div> <div>24A. Camping. We used to cut wood, gardening.</div> <div>26</div>	<div>1A. No. It's about the same.</div> <div>2Q. Have you noticed something on the other parts</div> <div>3of his body?</div> <div>4A. Well, he had an accident on the other arm a</div> <div>5few years before that and now he has to use that arm a</div> <div>6little bit more and it's taken a toll on that arm.</div> <div>7Q. What was that accident?</div> <div>8A. A car accident.</div> <div>9Q. And he hurt his right arm?</div> <div>10A. Yes.</div> <div>11Q. Now that he has to use his right arm because</div> <div>12he can't use his left arm, that's making difficulties</div> <div>13using the right arm?</div> <div>14A. Yes. He had to have the ulnar nerve moved</div> <div>15from --</div> <div>16Q. From his right arm?</div> <div>17A. Yes.</div> <div>18Q. Because of that auto accident?</div> <div>19A. Yes.</div> <div>20Q. Did he have any prior problems with the left</div> <div>21arm where he had the saw accident?</div> <div>22A. No.</div> <div>23Q. Okay. Since you see Paul frequently, I don't</div> <div>24want to go into every time you see him, but this is</div> <div>28</div>

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<div>1 what I am trying to get at: Since the day after the</div> <div>2 accident when you had the conversation a little bit</div> <div>3 more particular about what happened, have you had</div> <div>4 additional conversations with Paul over the years</div> <div>5 about more specifically how it happened or has it</div> <div>6 always been him saying pretty much what you already</div> <div>7 told me?</div> <div>8 A. On how it happen? That's pretty much what</div> <div>9 it's always been.</div> <div>10 Q. Yes. So although he said it a few times over</div> <div>11 the years, he has pretty much said the same thing?</div> <div>12 A. Yes.</div> <div>13 Q. Had there been any other versions you heard</div> <div>14 from Paul other than what you described for us about</div> <div>15 how the incident occurred?</div> <div>16 A. No.</div> <div>17 Q. Okay. All right. Have you told us then</div> <div>18 everything that Paul has told you since the accident</div> <div>19 and again over the years about how the accident</div> <div>20 occurred?</div> <div>21 A. Yes.</div> <div>22 Q. Is there anything else about the accident</div> <div>23 that he has told you that you have not told us?</div> <div>24 A. About him?</div> <div>29</div>	<div>1 up. You walked over there?</div> <div>2 A. Yes.</div> <div>3 Q. And did you have to go inside?</div> <div>4 A. No. It was outside.</div> <div>5 Q. Okay. You picked up the dog. Did you talk</div> <div>6 to Carol?</div> <div>7 A. Carol came out.</div> <div>8 Q. Did you only talk to Carol?</div> <div>9 A. Carol and Bill came out.</div> <div>10 Q. Did you talk to Bill and Carol?</div> <div>11 A. Yeah.</div> <div>12 Q. All right. What was said between you?</div> <div>13 A. Pretty much that what happened. Dave cut</div> <div>14 Paul with the chain saw and they were waiting to hear</div> <div>15 back.</div> <div>16 Q. Okay. That was it then?</div> <div>17 A. Yeah.</div> <div>18 Q. Have you ever talked to Carol or her husband</div> <div>19 since that time up until today any more about this</div> <div>20 incident?</div> <div>21 A. No.</div> <div>22 Q. Okay. All right. All right. How about</div> <div>23 Dave? Now let's talk about Dave. After the accident,</div> <div>24 how long, how many days was it when you first spoke</div> <div>31</div>
<div>1 Q. About the accident. About how it happened.</div> <div>2 A. No. That's how it happened.</div> <div>3 Q. Okay. You were not -- obviously not a</div> <div>4 witness to the accident?</div> <div>5 A. No.</div> <div>6 Q. Okay. Other than Dave and Paul, are you</div> <div>7 aware of any other witnesses to the accident?</div> <div>8 A. No.</div> <div>9 Q. The chain saw accident.</div> <div>10 A. No.</div> <div>11 Q. Okay. Do you know if Carol or her husband</div> <div>12 were present at the time the incident occurred?</div> <div>13 A. They told me they were inside.</div> <div>14 Q. Okay. And when did they tell you they were</div> <div>15 inside?</div> <div>16 A. When I went to pick up the dog.</div> <div>17 Q. All right. And so I didn't talk to you about</div> <div>18 that conversation, so let's go back to that. That's</div> <div>19 with Carol?</div> <div>20 A. Yes. Carol.</div> <div>21 Q. Okay. So let's go back then because I want</div> <div>22 to cover as much as I can. When you went to pick up</div> <div>23 the dog after Carol called you the day of Paul's</div> <div>24 accident and said pick up the dog, you went to pick it</div> <div>30</div>	<div>1 with Dave or heard Dave talk about the incident?</div> <div>2 A. Dave didn't really want to talk about the</div> <div>3 incident.</div> <div>4 Q. Okay. Well, when is the first time -- how</div> <div>5 long after the accident was the first time you even</div> <div>6 were around him where you noticed he didn't want to</div> <div>7 talk about it?</div> <div>8 A. When we went up to try to get his insurance</div> <div>9 policy number.</div> <div>10 Q. How many days, though, later?</div> <div>11 A. Oh, I don't know.</div> <div>12 Q. Was it a week?</div> <div>13 A. Maybe a month.</div> <div>14 Q. Okay. I just need to get a timeframe so I</div> <div>15 know what we are talking about. So approximately one</div> <div>16 month after Paul's chain saw accident, you and Paul</div> <div>17 went over to Dave's house?</div> <div>18 A. Yes.</div> <div>19 Q. Okay. And, again, that's when he is with his</div> <div>20 wife up in Wisconsin?</div> <div>21 A. Yes. In Powers Lake.</div> <div>22 Q. Do you remember his wife's name? I don't</div> <div>23 know if I asked you.</div> <div>24 A. Pam.</div> <div>32</div>

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1 Q. Pam. Okay. And why did you go up with Paul?	1 and Paul present?
2 A. Because he wanted me to drive him.	2 A. Well, he first wanted to start to talk about
3 Q. Because he is not able to drive with his	3 the cars he is working on and Paul wanted to know about
4 injury?	4 the insurance policy.
5 A. Well, he can drive. I mean, it's just too	5 Q. How did Paul say it?
6 much turning, you know, and his hand gets sore.	6 A. He asked if he can get his insurance policy
7 Q. Okay. So the only reason you accompanied	7 number.
8 Paul up to Dave's house a month after his accident is	8 Q. His home insurance?
9 because he needed you to help him drive?	9 A. Yes. Homeowner's insurance.
10 A. I told him I would drive, yes.	10 Q. And what did Dave respond?
11 Q. Okay. All right. And how long were you at	11 A. He didn't.
12 Dave's house that day?	12 Q. He didn't even talk?
13 A. Half hour, maybe an hour.	13 A. He didn't say yes or no.
14 Q. And was it a sit-down meeting or is it just	14 Q. Okay. Did he say anything else in response?
15 kind of walking around talking a little bit?	15 A. About that, no.
16 A. Went into his garage, he showed us his cars,	16 Q. Okay. Anything else discussed about the
17 things he is working on.	17 incident?
18 Q. What does Dave do for a living, do you	18 A. Yes. He wanted to know what he was going to
19 recall?	19 get out of it, Dave did.
20 A. Auto body.	20 Q. Okay. Was that brought up out of the blue or
21 Q. Okay. Does he do it out of his house?	21 was that brought up in response to what Paul asked of
22 A. Yeah.	22 him?
23 Q. Okay. Do you know if he has any other work	23 A. After Paul asked about the insurance policy,
24 other than auto body out of his house?	24 Dave wouldn't answer him and Dave wanted to know what
33	35
1 A. That's all that I know of.	1 he was going to get out of it if he did.
2 Q. In the entire time that you were at Dave's	2 Q. And, again, I know you don't have it recorded
3 house the month after the accident was Paul and Dave	3 or know the exact words but can you give me kind of a
4 and all three of you together?	4 paraphrasing of his response?
5 A. Yes. We were in the garage.	5 A. What am I going to get out of this?
6 Q. Okay. So whatever was said all three of you	6 Q. Okay. Did he define what he meant by that
7 would overhear presumably?	7 statement?
8 A. Yes.	8 A. Not really.
9 Q. It's not like Paul or Dave went off somewhere	9 Q. All right. What did Paul say in response to
10 and talked to somebody else. You all three were there	10 that?
11 together for that half hour to an hour?	11 A. What's there to get out of this?
12 A. Yes.	12 Q. And, again, give me the back and forth. What
13 Q. So let me just to your knowledge, if Paul or	13 was said then?
14 Dave said something during that half hour or hour	14 A. Basically, he wanted to know -- you know,
15 visit, you would have heard what they had to say	15 Paul wanted the insurance policy, Dave -- like I said
16 because you all three were together, right?	16 Dave didn't give us an answer. He wanted to know what
17 A. Yes.	17 he was going to get out of it and Paul said there is
18 Q. Okay. There was never a time during that	18 nothing to get out of this. It's insurance. I want my
19 visit that Paul and Dave were alone without you	19 arm fixed and Dave is like, well, if my insurance goes
20 around?	20 up a penny, the chain saw cut is going to be the least
21 A. No.	21 of your worries. You haven't seen me mad yet. Exact
22 Q. Okay. Can you attempt to describe what was	22 words.
23 talked about during that half hour to an hour visit up	23 Q. Okay. Anything else discussed?
24 at Dave's house one month after the accident with you	24 A. At that point I said let's go.
34	36

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<div>1Q. And you left?</div> <div>2A. Yes.</div> <div>3Q. Okay. So, again, I got to say this then:</div> <div>4Have you told me now, and if you have to add anything,</div> <div>5now is the time to add it, have you told me now pretty</div> <div>6much as you can remember it everything that was said</div> <div>7during that half an hour to an hour meeting regarding</div> <div>8the chain saw incident, the injuries, anything related</div> <div>9to that incident?</div> <div>10A. Yeah. That was it.</div> <div>11Q. Okay. So you suggested, hey, Paul, let's go?</div> <div>12A. Yeah. I saw this was going nowhere.</div> <div>13Q. Okay. Was the whole trip -- What was the</div> <div>14whole point of the trip up to Dave's house?</div> <div>15A. To get his homeowner's insurance policy</div> <div>16number.</div> <div>17Q. Why couldn't you have called him?</div> <div>18A. We tried.</div> <div>19Q. Okay. I didn't know that. So Paul had</div> <div>20tried?</div> <div>21A. Paul tried.</div> <div>22Q. Paul said I can't get ahold of him or I can't</div> <div>23get the info so let's just drive up there?</div> <div>24A. He wouldn't give it to him so we just drove</div> <div>37</div>	<div>1Q. Do you know why?</div> <div>2A. To visit I suppose.</div> <div>3Q. Okay. Was that -- and maybe you don't know</div> <div>4this. Was that before this suit in this case was</div> <div>5filed to your knowledge?</div> <div>6A. I have no idea.</div> <div>7Q. Okay. So it would approximately have been</div> <div>8sometime at the end of 2011 or early 2012?</div> <div>9A. It was wintertime, so.</div> <div>10Q. So sometime in the winter of 2011, 2012?</div> <div>11A. Yes.</div> <div>12Q. Okay. And how long was Dave over?</div> <div>13A. 15 minutes.</div> <div>14Q. And, again, we are going to go through the</div> <div>15same exercise. Can you tell me what was said during</div> <div>16that conversation?</div> <div>17A. He came in and wanted to talk about him.</div> <div>18Q. What do you mean?</div> <div>19A. Just talk about what Dave is doing, you know.</div> <div>20Q. Oh, he wanted to tell you guys what he is</div> <div>21doing?</div> <div>22A. Yeah. Nothing about this accident, no. It</div> <div>23had nothing to do with the accident. As a matter of</div> <div>24fact, Dave said he didn't want to hear anything about</div> <div>39</div>
<div>1up there.</div> <div>2Q. Got you. Did Dave ever describe -- Let me</div> <div>3strike that.</div> <div>4That was your first meeting with Dave</div> <div>5since Paul's accident, right?</div> <div>6A. Yes.</div> <div>7Q. Did Dave ever talk about how the incident</div> <div>8occurred?</div> <div>9A. No.</div> <div>10Q. Okay. Have you been with Dave or overheard</div> <div>11Dave in any way say anything else more about how the</div> <div>12incident occurred or anything more about these -- the</div> <div>13conversation we just heard from you?</div> <div>14A. No. No.</div> <div>15Q. Have you ever been around Dave since that</div> <div>16first meeting?</div> <div>17A. I have seen him once since then.</div> <div>18Q. How long ago was that?</div> <div>19A. Probably six months after that last meeting</div> <div>20there.</div> <div>21Q. And under what circumstances?</div> <div>22A. He stopped over at the house.</div> <div>23Q. At Paul's house?</div> <div>24A. Yes.</div> <div>38</div>	<div>1it; and he said this is done with. You are fine, there</div> <div>2is no big deal and that was it.</div> <div>3Q. Do you know what he meant by you are fine?</div> <div>4A. He said there is nothing wrong with you.</div> <div>5Q. I see. Okay. To Paul?</div> <div>6A. Yes.</div> <div>7Q. Okay. And obviously in your view and Paul's</div> <div>8view that wasn't accurate?</div> <div>9A. I don't see how nothing is wrong with you</div> <div>10when you get cut by a chain saw.</div> <div>11Q. All right. Now, you have been seeing Paul,</div> <div>12what, every day since the accident pretty much?</div> <div>13A. Yeah. I live with him, so.</div> <div>14Q. Have you ever heard Paul say anything about</div> <div>15trying to get rich from this claim?</div> <div>16A. No.</div> <div>17Q. Or that he may not have to work the rest of</div> <div>18his life?</div> <div>19A. No.</div> <div>20Q. Did you ever hear Paul suggest that either</div> <div>21Dave or somebody else needs to testify to help him win</div> <div>22big in this claim?</div> <div>23A. No.</div> <div>24Q. Other than from Paul, have you heard anybody</div> <div>40</div>

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1 else's version of how this incident occurred?	1 A. Yes.
2 A. No. Besides what Carol told me about Dave	2 Q. And your last job was years before this
3 cutting him with the chain saw on the phone, that was	3 happened?
4 it.	4 A. Yes.
5 Q. Very good. And you have only seen Dave twice	5 Q. And how does everybody coexist there with
6 since Paul's accident, right?	6 nobody working?
7 A. Yes.	7 A. Well, Barb pays the bills.
8 MR. MAST: Okay. That's all I have.	8 Q. Barb does?
9 MR. ACCARDO: I don't have anything.	9 A. Yes.
10 EXAMINATION	10 Q. And when you say you were in printing, what
11 BY MR. BARCH:	11 does that mean? What were you doing?
12 Q. So just to backtrack a little bit, my name is	12 A. T-shirt screening. Printing T-shirts.
13 Ron Barch. I am here for Carol and Bill McGuire.	13 Q. Okay. There is a lot of different printing.
14 With respect to the living arrangements over at 4606	14 In fact Paul testified he did a different type of
15 Hayden Court, you have been I guess a housemate with	15 printing, correct?
16 Barbara and Paul for six years?	16 A. Yes. He did paper printing.
17 A. Yes. Six or seven years, yes.	17 Q. Okay. But you were actually --
18 Q. And you have known them your whole life	18 A. I did like this stuff, printing on T-shirts.
19 essentially?	19 (Indicating.)
20 A. Yes.	20 Q. Silk screening?
21 Q. Both of them?	21 A. Silk screening, yes.
22 A. Yes.	22 Q. Got you. And have you tried to go get
23 Q. And this is a sensitive question, please	23 another job for someone else?
24 don't take offense, but are you and Paul, are you a	24 A. Have I?
41	43
1 couple?	1 Q. We got to stop talking over each other. Let
2 A. No.	2 me get the whole question out.
3 Q. Okay. You are just friends?	3 A. Sorry.
4 A. Yes.	4 Q. In the last five years, have you gone
5 Q. And in terms of people that work in the	5 anywhere else that does silk screening or printing on
6 house, Paul was not working when this accident	6 shirts and things?
7 happened, correct?	7 A. Yes, I have tried.
8 A. Well, he was doing part work -- consulting	8 Q. Nothing locally?
9 work for Intermatic.	9 A. No.
10 Q. Okay.	10 Q. You mentioned that there is a dog of some
11 A. And at Juskie's Printing he was doing some	11 sort that stays at the house with you?
12 work.	12 A. Yes.
13 Q. That was prior to the accident?	13 Q. Do you still have the dog?
14 A. Yes.	14 A. Yes.
15 Q. And since the accident has he ever had	15 Q. And it's a -- what's the dog's name?
16 another job since?	16 A. Duke.
17 A. No. Just partially working for Juskie's	17 Q. Duke. And that's co-owned by you and Paul?
18 trying to see if he can do things and obviously he	18 A. Well, it's his -- Technically it's in his
19 couldn't too well.	19 mom's name.
20 Q. And Barb, is she retired or does she work?	20 Q. Is that a dog -- Is it a pure breed or
21 A. She is retired.	21 something?
22 Q. She retired when Paul was injured?	22 A. Yes.
23 A. No. She was retired.	23 Q. So there is some papers associated with the
24 Q. She was already retired?	24 dog?
42	44

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<p>1 A. We don't have papers.</p> <p>2 Q. But it's actually if there was -- somebody</p> <p>3 was to look up the ownership of this dog, there is</p> <p>4 some paper declaring her the owner?</p> <p>5 A. Yes.</p> <p>6 Q. But the three of you guys treat it as your</p> <p>7 own?</p> <p>8 A. Yes.</p> <p>9 Q. Is there anything else that you guys consider</p> <p>10 joint or is that pretty much it?</p> <p>11 A. That's pretty much it.</p> <p>12 Q. All right. Now the conversation -- Strike</p> <p>13 that.</p> <p>14 Going back to your first notice that</p> <p>15 something had happened to Paul, that was the phone</p> <p>16 call from Carol McGuire, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And what she described to you was that she</p> <p>19 was -- she wanted to call later and not speak to Barb?</p> <p>20 A. Yes.</p> <p>21 Q. Did she explain why she didn't want to speak</p> <p>22 to Barb?</p> <p>23 A. She didn't want to get Barb all worried until</p> <p>24 she found out what was wrong with Paul.</p> <p>45</p>	<p>1 A. That's all that she said.</p> <p>2 Q. There was no discussion as to what they were</p> <p>3 doing, how they were doing, anything like that?</p> <p>4 A. No.</p> <p>5 Q. And then when you did go back to get the dog,</p> <p>6 you said you walked over there and got the dog?</p> <p>7 A. Yes.</p> <p>8 Q. When you did meet up with Bill and Carolyn to</p> <p>9 retrieve the dog, did -- was there any additional</p> <p>10 description offered to you as to how Paul was injured?</p> <p>11 A. No.</p> <p>12 Q. That same comment roughly?</p> <p>13 A. Yes. That -- She didn't even make the</p> <p>14 comment at that point. I came to pick up the dog and</p> <p>15 that was about it. I mean, they were inside when it</p> <p>16 happened is what they told me.</p> <p>17 Q. There was no further discussion about how</p> <p>18 Paul got injured or what happened to him when you got</p> <p>19 the dog?</p> <p>20 A. No.</p> <p>21 Q. There was a comment, though, that neither one</p> <p>22 of them claimed to have been outside when it happened?</p> <p>23 A. They were inside, yes.</p> <p>24 Q. Did they talk about anything else that had</p> <p>47</p>
<p>1 Q. And at that point she was unclear as far as</p> <p>2 she told you as to what the situation was with Paul?</p> <p>3 A. As far as to what the extent of the injury</p> <p>4 was?</p> <p>5 Q. Yes.</p> <p>6 A. Yes.</p> <p>7 Q. The only thing that she was able to report to</p> <p>8 you is that he was still at the hospital?</p> <p>9 A. Yes.</p> <p>10 Q. And that he had an injury with the chain saw?</p> <p>11 A. That Dave cut him with the chain saw.</p> <p>12 Q. She reported to you that he was injured by a</p> <p>13 chain saw?</p> <p>14 A. She reported that Dave cut Paul with a chain</p> <p>15 saw.</p> <p>16 Q. So you knew that he was injured or believed</p> <p>17 based on that that he was injured by a chain saw?</p> <p>18 A. Yes.</p> <p>19 Q. All right. So now with respect to what she</p> <p>20 said about how, the only thing you can recall right</p> <p>21 now is that Dave cut Paul with a chain saw?</p> <p>22 A. Yes.</p> <p>23 Q. Any other detail at all that you can</p> <p>24 remember?</p> <p>46</p>	<p>1 happened on the premises that day leading up to when</p> <p>2 Paul was hurt?</p> <p>3 A. No.</p> <p>4 Q. It was a pretty short conversation then?</p> <p>5 A. Yes. I was there to get the dog and leave.</p> <p>6 Q. All right. And Paul had not returned at that</p> <p>7 point yet, correct?</p> <p>8 A. No.</p> <p>9 Q. Did you at any time over the last several</p> <p>10 weeks talk to Paul about his deposition in this case?</p> <p>11 A. No.</p> <p>12 Q. No conversation at all?</p> <p>13 A. None.</p> <p>14 Q. Did you even know he gave a deposition?</p> <p>15 A. I thought it was a few months ago.</p> <p>16 Q. Okay. However long it has been --</p> <p>17 A. We did not discuss any of it.</p> <p>18 Q. And you see him every day and didn't talk</p> <p>19 about it?</p> <p>20 A. Yes.</p> <p>21 Q. And in terms of that description that Paul</p> <p>22 gave you the morning after, and I am paraphrasing what</p> <p>23 you said, but generally he was holding a branch and</p> <p>24 the next thing he knows is Dave came up with the saw</p> <p>48</p>

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<p>1 and cut him?</p> <p>2 A. Yes.</p> <p>3 Q. All right. Does that capture what you recall</p> <p>4 telling us a few minutes ago?</p> <p>5 A. Yes.</p> <p>6 Q. All right. Has Dave -- I'm sorry. Has Paul</p> <p>7 ever given you any more background on what they</p> <p>8 were -- the tasks they were doing and how long they</p> <p>9 had been, any detail around what happened?</p> <p>10 A. They were just cutting a tree down.</p> <p>11 Q. Okay. So as best you can recall in terms of</p> <p>12 the details of who was doing what, where they were</p> <p>13 positioned, how Paul was positioned when he was</p> <p>14 injured, no details on that from Paul?</p> <p>15 A. No. All I know is he was holding a branch.</p> <p>16 Q. Okay. Whether he was holding a branch with</p> <p>17 the stump on the ground, holding it straight up and</p> <p>18 down, whether he was holding the stump if the branch</p> <p>19 was horizontal to the ground, no discussion about</p> <p>20 that?</p> <p>21 A. No.</p> <p>22 Q. And specifically how many branches they may</p> <p>23 have cut or how or what technique they were using to</p> <p>24 cut those branches, no detail?</p> <p>49</p>	<p>1 A. He doesn't do anything. He sits in his chair</p> <p>2 and that's about it. He can't really go do anything.</p> <p>3 Q. So he still goes but his activities are more</p> <p>4 limited?</p> <p>5 A. Very. He basically just sits in the chair.</p> <p>6 Q. Where do you guys typically camp?</p> <p>7 A. Up in Wisconsin. Boulder Junction.</p> <p>8 Q. Now you said one of the things he used to do</p> <p>9 before this is cut wood. What do you mean by that?</p> <p>10 A. We have a fireplace so we got to split wood.</p> <p>11 Q. And when you cut wood and split wood, do you</p> <p>12 use a chain saw?</p> <p>13 A. Log splitter.</p> <p>14 Q. A log splitter?</p> <p>15 A. Yes.</p> <p>16 Q. Have you ever used a chain saw?</p> <p>17 A. We use a log splitter. Yes. He has used</p> <p>18 chain saws.</p> <p>19 Q. Have you seen him use chain saws?</p> <p>20 A. I have seen him use a chain saw, yes.</p> <p>21 Q. And this was before he was ever injured?</p> <p>22 A. Yes.</p> <p>23 Q. Do either you or Paul or Barbara own a chain</p> <p>24 saw?</p> <p>51</p>
<p>1 A. Well, they were cutting for quite awhile.</p> <p>2 That's all I know.</p> <p>3 Q. So it had been going on for awhile?</p> <p>4 A. Yes.</p> <p>5 Q. Did Paul ever share with you that he was</p> <p>6 concerned about the approach that David Gagnon was</p> <p>7 using to cut the branches up?</p> <p>8 A. No.</p> <p>9 Q. Did he share with you any concerns he had</p> <p>10 right up until the very point where he was cut?</p> <p>11 A. No.</p> <p>12 Q. Nothing. And when you -- And you and David</p> <p>13 have never talked about what happened?</p> <p>14 A. No.</p> <p>15 Q. You said prior to the injury Mr. Dulberg was</p> <p>16 an outdoors guy. He would do gardening. He would cut</p> <p>17 wood. He would also go camping.</p> <p>18 A. Yeah. Canoeing. Pretty much any outdoor</p> <p>19 activity.</p> <p>20 Q. And since this accident June of 2011, has he</p> <p>21 gone out camping or canoeing?</p> <p>22 A. We have gone camping.</p> <p>23 Q. Okay. And how is he different now when he is</p> <p>24 out camping versus what he was like before?</p> <p>50</p>	<p>1 A. Paul does, yes.</p> <p>2 Q. And did you ever observe Paul using a chain</p> <p>3 saw in a way where you were concerned about him</p> <p>4 possibly getting injured?</p> <p>5 A. No.</p> <p>6 Q. Had you ever helped Paul cut up the wood?</p> <p>7 A. Yes.</p> <p>8 Q. Did you ever hold any branches for him while</p> <p>9 he was cutting?</p> <p>10 A. We never cut branches. We cut the big</p> <p>11 stumps. The main tree, the main trunk.</p> <p>12 Q. Where -- How would you get to the point of</p> <p>13 having I guess a log to split?</p> <p>14 A. How do we get it?</p> <p>15 Q. How did you get to the log before it was a</p> <p>16 branch I guess?</p> <p>17 A. Well, you cut the tree down and let it fall</p> <p>18 down.</p> <p>19 Q. So you and Paul I guess you guys would cut</p> <p>20 down an entire tree?</p> <p>21 A. Yes.</p> <p>22 Q. And then you would trim off the branches off</p> <p>23 the logs?</p> <p>24 A. He would.</p> <p>52</p>

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<div>1Q. He would?</div> <div>2A. I wouldn't.</div> <div>3Q. All right. And then those -- the logs would</div> <div>4get cut into small sections where they could then be</div> <div>5split?</div> <div>6A. Well, like I said for the most part we only</div> <div>7wanted the main branch.</div> <div>8Q. What happened with all the little branches,</div> <div>9though, I guess?</div> <div>10A. They got left behind.</div> <div>11Q. You didn't even take them with you?</div> <div>12A. No. Too small to burn.</div> <div>13Q. Okay. Did you ever see Paul -- Well,</div> <div>14sometimes the limbs can be big enough to burn as well.</div> <div>15A. Yes, but we were going -- we were going to</div> <div>16like farm fields and taking -- we have a buddy that has</div> <div>17farm fields and they remove trees so we go and take</div> <div>18trees that they knock down or cut down.</div> <div>19Q. Did you ever see Paul removing branches off</div> <div>20of a limb?</div> <div>21A. Yes.</div> <div>22Q. Okay. And then you would -- obviously you</div> <div>23would see him. You seen it yourself where he cut up</div> <div>24the trunk into logs where they could be split?</div> <div>53</div>	<div>1Q. So the times where you saw Paul doing it he</div> <div>2would do it while the limb was on the ground?</div> <div>3A. Yes.</div> <div>4Q. Did you ever see anybody help him by standing</div> <div>5the limb upright or holding the limb off the ground so</div> <div>6he could get at those?</div> <div>7A. No. There is nobody there to help.</div> <div>8Q. You were just watching?</div> <div>9A. Yeah. I would move the logs once he cut</div> <div>10them.</div> <div>11Q. All right. So when he did it --</div> <div>12A. I'd load them on the trailer.</div> <div>13Q. When you saw Paul doing this trimming</div> <div>14branches off of a limb, he would do that solo?</div> <div>15A. Yes, because we were the only two there.</div> <div>16Q. So if I'm understanding your testimony, as</div> <div>17you sit here today, there was never an occasion where</div> <div>18you would hold the limb off the ground so that Paul</div> <div>19could have an easier time cutting the branches off the</div> <div>20limb?</div> <div>21A. I didn't, no.</div> <div>22Q. Okay. Did you ever see anybody else help him</div> <div>23in that position?</div> <div>24A. No, because we were the only ones that went.</div> <div>55</div>
<div>1A. Yes.</div> <div>2Q. And some of the larger pieces of limbs those</div> <div>3would be cut then and split as well?</div> <div>4A. Yes.</div> <div>5Q. And in a situation where there was a limb,</div> <div>6sometimes the limbs don't have branches for quite a</div> <div>7ways. Sometimes there is branches throughout the</div> <div>8limb; would you agree?</div> <div>9A. Yes.</div> <div>10Q. As a general proposition?</div> <div>11A. Sure.</div> <div>12Q. Did you ever see him working on a limb that</div> <div>13was sizable that could be a log where he was cutting</div> <div>14branches off those, off the limbs?</div> <div>15A. Yeah.</div> <div>16Q. Did you ever help him do that?</div> <div>17A. No.</div> <div>18Q. How did he go about -- When you did see him</div> <div>19doing it, how did he go about getting all those</div> <div>20branches off the limbs before he was able to chop the</div> <div>21limb into some series of --</div> <div>22A. The tree would be on the ground and he would</div> <div>23walk up and just hack at it. Just cut them right off</div> <div>24right where the stump is and the branch.</div> <div>54</div>	<div>1Q. Okay. Did you and Paul ever do anything with</div> <div>2the cut wood other than use it yourself? For</div> <div>3instance, did you ever sell it?</div> <div>4A. No. We burned it in our fireplace.</div> <div>5Q. Okay. And then the source of the wood would</div> <div>6be a friend of yours that has a farm?</div> <div>7A. Or we'd find people who chopped a tree down</div> <div>8and it's laying down in the yard and we'd go and pick</div> <div>9up the pieces that they had cut already.</div> <div>10Q. Who is the fellow that you know that has the</div> <div>11farm and might let you take some --</div> <div>12A. His name is Jason.</div> <div>13Q. Jason, last name?</div> <div>14A. Madeus.</div> <div>15Q. How do you spell that, sir?</div> <div>16A. M-A-D-E-U-S I think.</div> <div>17Q. And where does he reside?</div> <div>18A. Out by Woodstock. I don't know the little</div> <div>19town name.</div> <div>20Q. Is he an acquaintance of yours?</div> <div>21A. He used to live across the street. We all</div> <div>22lived in the same neighborhood.</div> <div>23Q. All right. Would he be somebody that you</div> <div>24would have a cell phone number for him?</div> <div>56</div>

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<div>1A. I don't have the number. He is not really my</div> <div>2friend. He was one of Paul's friends.</div> <div>3Q. All right. Just in followup to some</div> <div>4questions that Mr. Mast had, you never -- you did not</div> <div>5go to the hospital with David and Paul, correct?</div> <div>6A. Correct.</div> <div>7Q. You didn't go up there anytime?</div> <div>8A. No.</div> <div>9Q. So the conversation -- You would not have</div> <div>10direct personal knowledge of any conversations that</div> <div>11occurred between Mr. Gagnon and Mr. Dulberg at the</div> <div>12hospital or in the parking lot of the hospital?</div> <div>13A. No.</div> <div>14Q. And with respect to -- Strike that.</div> <div>15If someone was to claim that you were</div> <div>16present for a conversation during which Mr. Dulberg</div> <div>17said this could be the best thing that ever happened</div> <div>18to me, I might not have to work again, you would deny</div> <div>19hearing a comment like that?</div> <div>20A. Yes. That never happened.</div> <div>21Q. And there was a conversation when you went to</div> <div>22get the insurance information from Mr. Gagnon and if I</div> <div>23heard your testimony correctly, Dave had asked what</div> <div>24would be in it for him if he gave the insurance</div> <div>57</div>	<div>1MR. ACCARDO: I don't have anything else.</div> <div>2MR. MAST: As a witness, you have a right to</div> <div>3review the transcript if it's transcribed of this and</div> <div>4review it and sign off on it or you can waive that</div> <div>5right and just rely on the accuracy of the court</div> <div>6reporter taking this down.</div> <div>7Most people just waive it and rely on</div> <div>8the court reporter but you do have a right to see it</div> <div>9if you want to see it.</div> <div>10THE WITNESS: She seems like a good typer.</div> <div>11MR. MAST: So you are going to waive?</div> <div>12THE WITNESS: I am good.</div> <div>13MR. MAST: Very good. You are done.</div> <div>14(FURTHER DEPONENT SAITH NOT.)</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>59</div>
<div>1information; is that how you recall it?</div> <div>2A. Yes. Yes.</div> <div>3Q. So if Mr. Gagnon was claiming actually the</div> <div>4reverse was the situation, that Mr. Dulberg posited to</div> <div>5him that it could be to his advantage that if he</div> <div>6helped him, that's not your recall as to that</div> <div>7conversation?</div> <div>8A. No. What I recall is Dave saying what am I</div> <div>9going to get out of this? I can go the easy way or the</div> <div>10hard way.</div> <div>11Q. So to answer the question then, your recall</div> <div>12of that conversation you didn't take away from it that</div> <div>13Mr. Dulberg was implying that he would -- that</div> <div>14Mr. Gagnon could get money out of this, too?</div> <div>15A. No.</div> <div>16Q. Do you know anything about the training that</div> <div>17Mr. Dulberg may have received as to how to use a chain</div> <div>18saw?</div> <div>19A. I have no idea.</div> <div>20Q. Had you ever seen David Gagnon using a chain</div> <div>21saw at any time prior to this?</div> <div>22A. Have I? No.</div> <div>23MR. BARCH: I think that's all I have.</div> <div>24MR. MAST: I don't have anything.</div> <div>58</div>	<div>1C E R T I F I C A T E</div> <div>2</div> <div>3</div> <div>4I, Paula Ann Erickson, Certified Shorthand</div> <div>5Reporter, Registered Professional Reporter and Notary</div> <div>6Public, do hereby certify:</div> <div>7</div> <div>8That the witness in the foregoing deposition</div> <div>9named was present at the time and place therein</div> <div>10specified;</div> <div>11</div> <div>12That the said proceeding was taken before me as</div> <div>13a Notary Public at the same time and place and was</div> <div>14taken down in shorthand writing by me;</div> <div>15</div> <div>16That this transcript is a true and accurate</div> <div>17transcript of my shorthand notes so taken, to the best</div> <div>18of my ability.</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>60</div>

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\*\*\*MISSING WHOLE PAGE\*\*\*  
WITNESS SIGNATURE and  
NOTARIZATION OF WITNESS SIGNATURE PAGE

Should have something close to the following:

I, MICHAEL MCARTOR, being first duly sworn, on oath say that I am the deponent in the aforesaid deposition taken on March 20, 2013; that I have read the foregoing transcript of my deposition, and affix my signature to same.

MICHAEL MCARTOR

Subscribed and sworn to  
before me this \_\_\_\_\_ day  
of, \_\_\_\_\_ 2013

Notary Public

1 I further certify that I am neither counsel for  
2 nor related to or employed by any of the parties to  
3 this action and that I am not a relative or employee  
4 of any counsel employed by the parties hereto or  
5 financially interested in the action.  
6  
7 \_\_\_\_\_  
8  
9 Paula Ann Erickson  
10 Certified Shorthand Reporter  
11 Registered Professional Reporter  
12 License No. 084-003899  
13 Notary Public  
14  
15  
16 Dated this \_\_\_\_ day  
17  
18 of \_\_\_\_\_, 2013.  
19  
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UNSIGNED = ROUGH DRAFT.  
NOT SUITABLE AS EVIDENCE.

Correct year  
PROOF SOMEONE DID A BETTER JOB AT FORGING THIS ROUGH DRAFT TO LOOK LIKE IT DID IN 2013 AND GOT SLOPPY ON THE OTHER  
ROUGH DRAFTS BY LEAVING 2019 IN THE TEXT.  
SEE: DAVID GAGNON, CAROLYN MCGUIRE AND WILLIAM MCGUIRE ROUGH DRAFTS, THEY ALL HAVE 2019 AS THE YEAR.

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\*\*\*Any reference to URBANSKI REPORTING COMPANY is MISSING\*\*\*

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