

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   
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  
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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**

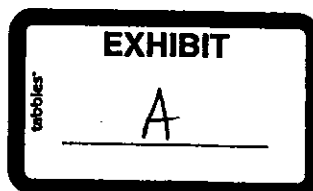
**ANSWER TO COUNT I**

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.,

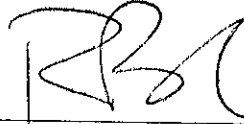
By   
RONALD A. BARCH (6209572)

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.



---

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

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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

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)

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McHenry, IL 60050

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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

**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:

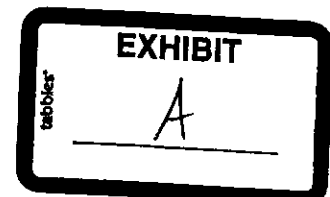
1. Plaintiff PAUL DULBERG has filed a two-count complaint against Defendants David Gagnon, Bill McGuire and Carolyn McGuire seeking damages for injuries he attributes to a chainsaw incident that purportedly occurred on June 28, 2011 in the County of McHenry, State of Illinois.

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  
815/226-7700  
815/226-7701 (fax)

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Chicago, IL 60601-1092

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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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815/226-7700  
815/226-7701 (fax)

# 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 \_\_\_\_\_

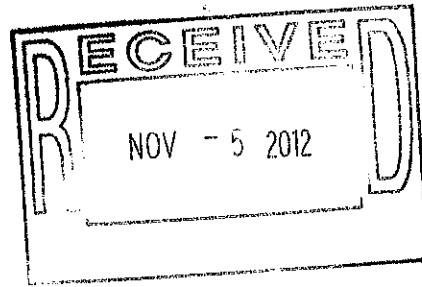
Your signature below confirms that you are ordering these records and agree to the terms and conditions(attached)

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 COMPEX 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:		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>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

☒ 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-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.

No. 12LA000178

GAGNON, ET AL.

Defendant/Respondent

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).

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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-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).

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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).

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- ☐ 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:		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>		<b>(312) 558-9800</b>	
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:		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>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.

No. 12LA000178

GAGNON, ET AL.

Defendant/Respondent

## 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.

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- ☒ 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

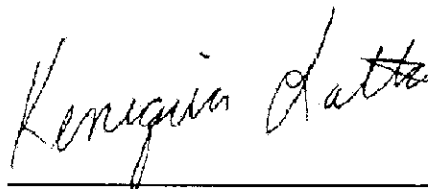
On 10/30/12, I gave notice to: SEE SERVICE LIST BELOW

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.

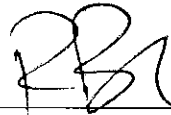
Case No. 12 LA 178

**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.

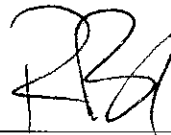


RONALD A. BARCH (6209572)

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

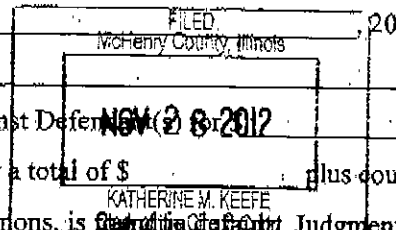
ORDDWP

vs

DAVID GAGNER et al  
DefendantCase Number 12 CA 178

## ORDER

- ☒ Plaintiff(s) appear in person/by attorney R. Gagnier - Plaintiff
- ☐ 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.**

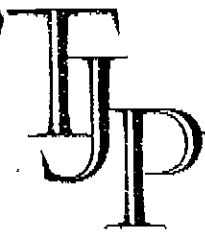
- ☐ Defendant(s) shall file an answer or other pleading within \_\_\_\_\_ days of today's date.
- ☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☒ By Agreement; ☐ Court; to 1/30, 2013 at 9:00 a.m. for STATE OF ILLINOIS P
- ☐ Case called, Plaintiff(s) fail to appear. Case dismissed for 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

  
depnnot.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

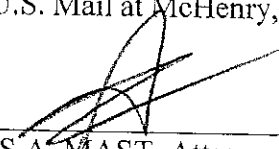
**BILL MCGUIRE at 12:00 P.M.; and  
CAROLINE MCGUIRE at 1:00 P.M.**

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

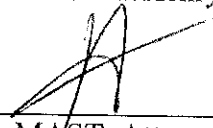
Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**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

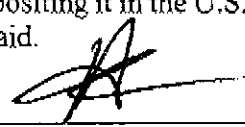
Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092  
Fax: 312/558-9357

**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

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: Personnel Records Keeper  
c/o AMS SCREW PRODUCTS  
2418 Highview  
Spring Grove, IL 60081

YOU ARE COMMANDED to appear to give your deposition before a notary public at 6323 East Riverside Blvd., Rockford, IL 61114, on October 18, 2012, at 9:00 A.M.

YOU ARE COMMANDED ALSO to produce the following: The complete personnel record of **PAUL DULBERG (DOB: 3/19/70)**, including, without limitation, job applications, resume, curriculum vitae, job offers, employment contracts, time records, attendance records, payroll records and any and all records regarding time missed due to illness and/or injury. Also produce any doctors' orders/records directing Mr. Dulberg to remain off work due to injury and/or illness and/or any doctors' orders/records allowing Mr. Dulberg to work subject to limitations (such as light duty, weight limitations, positional restrictions and the like), which are in your possession or control.

**YOUR APPEARANCE IS NOT MANDATORY IF SAID DOCUMENTS ARE PROVIDED TO ATTORNEY RONALD A. BARCH ON OR BEFORE OCTOBER 17, 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.**

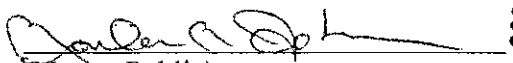
ATTORNEY RONALD A. BARCH  
6323 East Riverside Blvd.  
Rockford, IL 61114  
815/226-7700 815/226-7701 (fax)

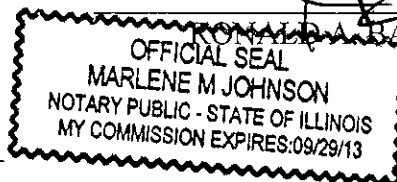
CICERO, FRANCE, BARCH & ALEXANDER, PC.

BY:   
RONALD A. BARCH (6209572)

I served the subpoena by mailing a copy to the Records Keeper c/o AMS Screw Products on October 3, 2012. I paid the witness \$20.00 for witness fees.

Signed and sworn to before  
me on October 3, 2012.

  
(Notary Public)



Ronald A. Baul

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

PAUL DULBERG,

Plaintiff,

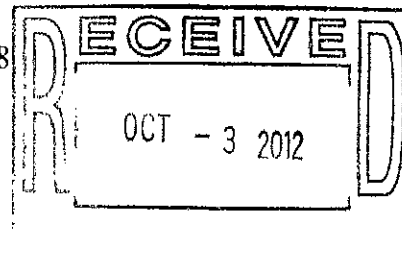
vs.

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



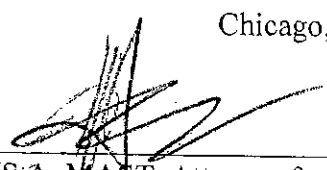
**PROOF OF SERVICE**

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

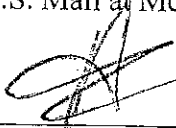
Perry Accardo  
Law Office of M. Gerard Gregoire  
200 N. LaSalle Street, Suite 2650  
Chicago, IL 60601-1092

**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.

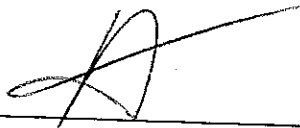
No. 12 LA 178

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**

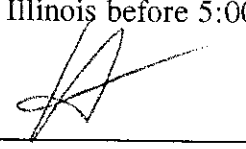
TO: Ronald A. Barch  
Cicero, France, Barch & Alexander, PC  
6323 E. Riverside Blvd.  
Rockford, IL 61114

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, )

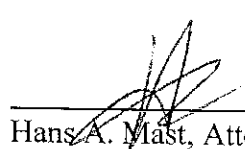
Defendants. )

**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**

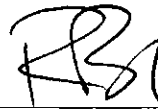
TO: McHenry County Circuit Clerk  
McHenry County Government Center  
2200 North Seminary Avenue  
Woodstock, IL 60098

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)

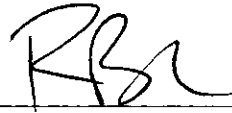
**CERTIFICATE OF SERVICE**

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)

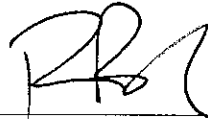
**CERTIFICATE OF SERVICE**

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 Dabney  
Plaintiff

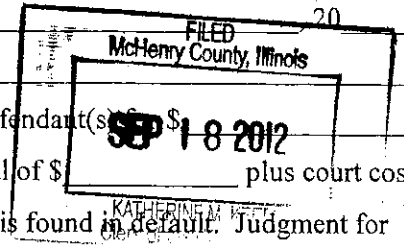
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VS  
DAVID BAGNON et al.  
Defendant

Case Number 12 LA 178

**ORDER**

- ☒ Plaintiff(s) appear in person/by attorney R. Lambert - Law Office T. Reynolds
- ☒ 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	
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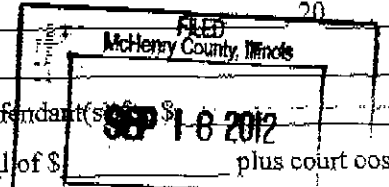
vs

DAVID BAGNON et al  
Defendant

Case Number

12 LA 178**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

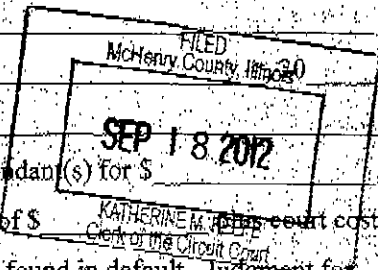
*David Gagnon et al.*

Defendant

Case Number *14 LA 08*

## ORDER

- ☒ Plaintiff(s) appear in person/by attorney *R. Lumbra 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 ☐ Plaintiff; ☐ Defendant; ☒ By Agreement; ☐ Court; to *Nov 21*, 2012 at *9:00 A* m. for *Status - Reason & q*
- ☐ 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

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: 

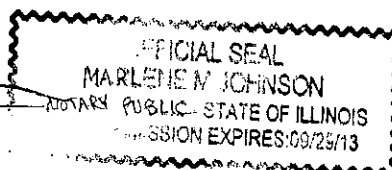
RONALD A. BARCH (6209572)

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.

  
RONALD A. BARCH

  
(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.

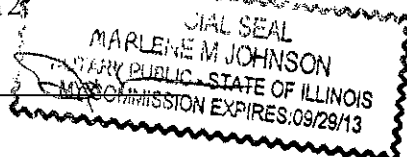
BY: RB1  
RONALD A. BARCH (6209572)

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.

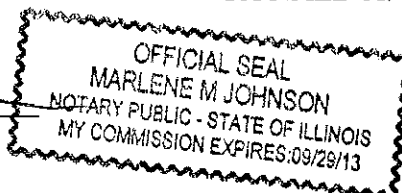
BY: RB  
RONALD A. BARCH (6209572)

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 Ron 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 black ink, appearing to be 'H. Mast', 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. )

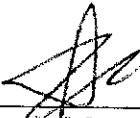
**NOTICE OF MOTION**

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,

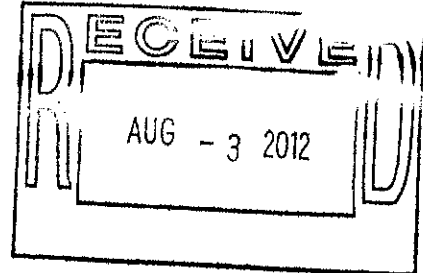
Plaintiff,

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.



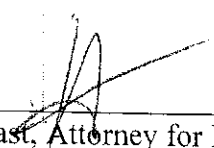
**RE-NOTICE OF MOTION**

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.

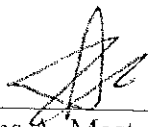
**NOTICE OF MOTION**

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,

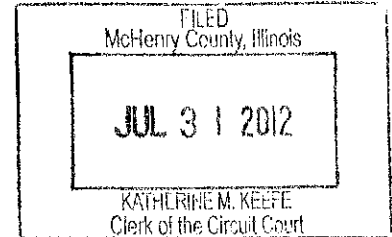
Plaintiff,

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

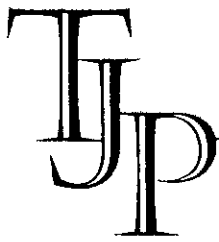
**LAW OFFICES OF THOMAS J. POPOVICH, P.C.**

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

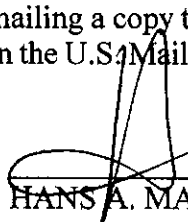
**Bill McGuire at 12:00 P.M.; and  
Caroline McGuire at 1:00 P.M.**

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,

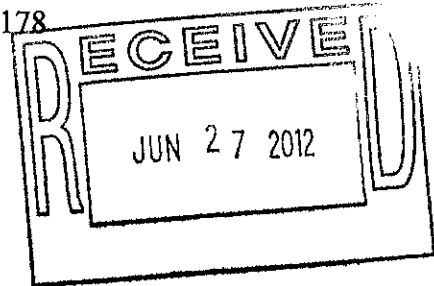
vs.

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**

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.

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

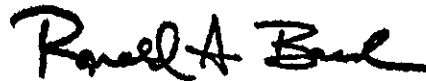


CERTIFICATE OF SERVICE

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 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

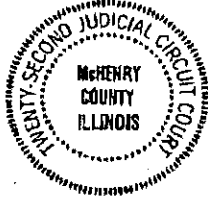
*Rec'd Same 3-12  
 30 days would be  
 July 3 is  
 30 days*

**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

Clerk of the Circuit Court

*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

*6-08-12  
 MS*

**COPY**  
MAY 5 2012  
KATHARINE M. KLEBE  
MCHENRY CTY, ILL, CLK

No.:

NOTICE  
BY LOCAL RULE 3.10  
THIS CASE IS HEREBY SET FOR SCHEDULING  
CONFERENCE IN COURTROOM 208 ON  
9/15 2012, AT 7 (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.



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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.	)	

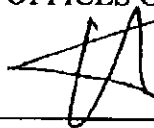
AFFIDAVIT

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 andDefendant(s)BILL MCGUIRE, IndividuallyCase 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  
MC HENRY 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.

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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.



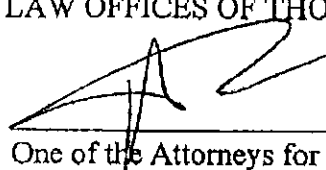
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- a. Failed to control operation of the chainsaw;
- b. Failed to take precaution not to allow the chainsaw to move toward the Plaintiff, PAUL DULBERG, so as to cause injury;
- c. Failed to warn the Plaintiff, PAUL DULBERG, of the dangers existing from 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.	)	

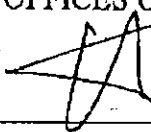
AFFIDAVIT

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

## 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