

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

JOHN W. FRANCE

RONALD A. BARCH

CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

April 17, 2014

TEL: (815) 226-7700

FAX: (815) 226-7701

COPY

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

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

Dear Mr. Accardo:

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

Very truly yours,



RONALD A. BARCH

RB:mj:47ltr.PAA

Encl.

April 4, 2014

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

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

Dear Clerk:

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

Please file said documents. Thank you for your assistance.

Very truly yours,

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

RONALD A. BARCH

RB:mj/mcc10.ltr
encls.

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ROCKFORD, ILLINOIS 61114

PAUL R. CICERO
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RONALD A. BARCH
CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS
ANDREW T. SMITH

February 12, 2014

COPY

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

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

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

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

Dear Counsel:

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

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

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

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

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

Very truly yours,

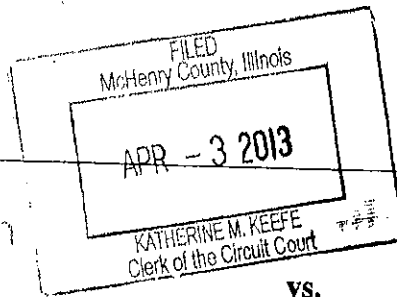
A handwritten signature in black ink, appearing to be 'RAB' with a stylized flourish at the end.

RONALD A. BARCH

RB:mj\44ltr.OC

Encl.

CC Tom Malatia (13-2779-11)

STATE OF ILLINOIS
COUNTY OF MCHENRY } SS

GEN. NO. 12LA178

☐ Jury ☐ Non-Jury

PAUL DUBOIS

VS.

DAVID GAGNON, et al.

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

ORDER

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

It is ORDERED:

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

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

Prepared by: _____

Attorney for: _____

Attorney Registration No.: _____ Judge _____

G. M.

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

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Attorney Hans A. Mast

Law Offices of Thomas J. Popovich, PC

3416 West Elm Street

McHenry, IL 60050

February 12, 2014

TEL: (815) 226-7700

FAX: (815) 226-7701

COPY

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

Dear Mr. Mast:

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

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

Very truly yours,



RONALD A. BARCH

RB:mj\42ltr.HAM

Encl.

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

GENERAL RELEASE AND SETTLEMENT AGREEMENT

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

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

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

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

IT IS FURTHER AGREED AND UNDERSTOOD:

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

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

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

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

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

Dated: 1-29-2014

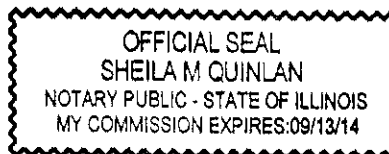
Paul Dulberg
PAUL DULBERG

STATE OF ILLINOIS)
) SS.
COUNTY OF MCHENRY)

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

Dated this 29th day of January, 2014.

Sheila M. Quinlan
Notary Public



ORD 1

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 22ND 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.)

FILED
McHenry County, Illinois
JAN 22 2014

GOOD FAITH FINDING AND ORDER OF DISMISSAL

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

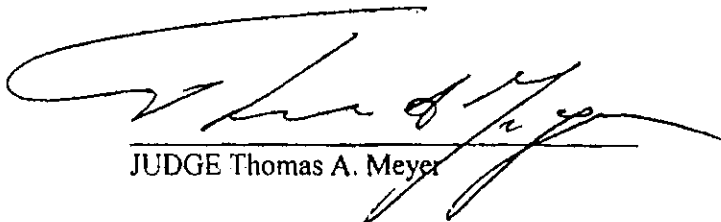
IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

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

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

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

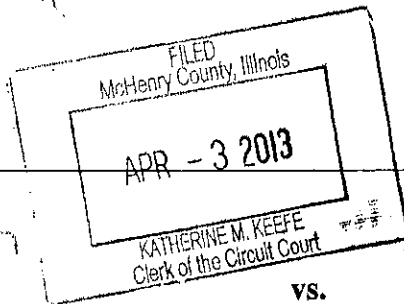
DATED: _____


JUDGE Thomas A. Meyer

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

CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

STATE OF ILLINOIS }
COUNTY OF MCHENRY } SS



GEN. NO. 12LA178
☐ Jury ☐ Non-Jury

PAUL DULBERG

VS.

DAVID GAGNON, et al.

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

ORDER

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

It is ordered:

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

The owner of said chain saw and associated parts, accessories, manual and paperwork are free to use same in the ordinary course; provided, however, that owner shall not sell or otherwise dispose of ^{parts, accessories, manual or} ~~chain saw~~ without further order of the Court.

Prepared by: _____

Attorney for: _____

Attorney Registration No.: _____ Judge _____

G. AM

CLAIM PAYMENT

353319777

ELGIN CLAIM BRANCH
PO BOX 39
DUNDEE IL 60118-0039



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

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

ON BEHALF OF:
PAUL DULBERG

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

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

DETACH HERE AND KEEP FOR YOUR RECORDS

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

Auto-Owners Insurance

Life Home Car Business
The No Problem People

OWNERS INSURANCE CO. - CLAIM PAYMENT CHECK

353319777

BANK OF AMERICA, NA
CHICAGO IL 60610

70-2328
719 IL

02/10/2014

FIVE THOUSAND AND 00/100 DOLLARS

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

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

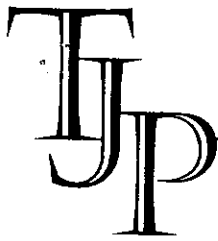
IN PAYMENT OF:
PAYMENT ON BEHALF OF PAUL DULBERG
FULL AND FINAL SETTLEMENT

Jeffrey J. Hunsaker

SIGNATURE HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

0353319777 071923284 8765818149

11085 (06-10)



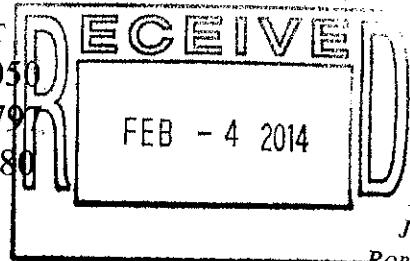
The Law Offices of Thomas J. Popovich P.C.

3416 W. ELM STREET
McHENRY, ILLINOIS 60050

TELEPHONE: 815.344.3797

FACSIMILE: 815.344.5280

www.popovichlaw.com



THOMAS J. POPOVICH

HANS A. MAST

JOHN A. KORNAK

January 31, 2014

MARK J. VOGG

JAMES P. TUTAJ

ROBERT J. LUMBER

THERESA M. FREEMAN

VIA FACSIMILE: 815/226-7701

& FIRST CLASS MAIL:

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

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

Dear Mr. Barch:

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

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

Thank you for your cooperation.

Very truly yours,



HANS A. MAST

smq
Enclosure

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

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

3416 West Elm Street

McHenry, IL 60050

Telephone: 815-344-3797

Facsimile: 815-344-5280

PERSONAL & CONFIDENTIAL
TELECOPY COVER SHEET

DATE:

2.4.14

TO:

Marleen

FACSIMILE:

815/226-7701

FROM:

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

3416 West Elm Street

McHenry, IL 60050

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

NUMBER OF PAGES:

2

(INCLUDING COVER SHEET)

MESSAGE:

Dulberg

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

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

Request for Taxpayer Identification Number and Certification

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

Print or type
See Specific Instructions on page 2.

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

Business name/disregarded entity name, if different from above

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

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

City, state, and ZIP code
McHenry, IL 60050

Requester's name and address (optional)

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

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

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

Social security number

Employer identification number

3 6 - 4 2 7 5 0 8 5

Part II Certification

Under penalties of perjury, I certify that:

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

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

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

General Instructions

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

Purpose of Form

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

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

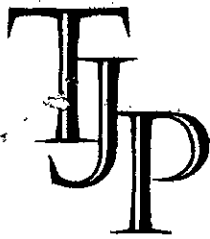
1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your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

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

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

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

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



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January 31, 2014

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

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

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

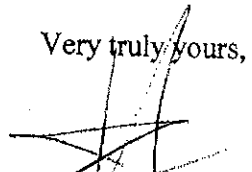
Dear Mr. Barch:

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

Thank you for your cooperation.

Very truly yours,



HANS A. MAST

smq
Enclosure

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

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

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

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- ☒ I was not receiving SSI or SSDI on the date of the occurrence.
- ☐ I am not eligible to receive SSI or SSDI.
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- a. That any subrogated claims or liens for medical expenses paid by or on behalf of PAUL DULBERG shall be the responsibility PAUL DULBERG, including, but not limited to, any Medicare liens. Any and all reimbursements of medical expenses to subrogated parties, including Medicare's rights of reimbursement, if any, shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released herein.
- b. That any outstanding medical expenses are PAUL DULBERG's responsibility and all payment of medical expenses hereafter shall be PAUL DULBERG's responsibility, and not the responsibility of the parties released

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

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

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

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

Dated: 1-29-2014

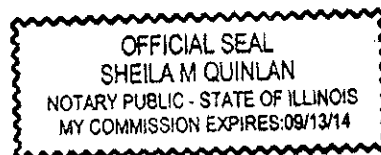
Paul Dulberg
PAUL DULBERG

STATE OF ILLINOIS)
) SS.
COUNTY OF MCHENRY)

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

Dated this 29th day of January, 2014.

Sheila M. Quinlan
Notary Public



February 4, 2014

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

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

Dear Clerk:

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

Thank you for your assistance.

Very truly yours,

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

RONALD A. BARCH

RB:mj/mcc9.ltr
encls.

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

JOHN W. FRANCE

RONALD A. BARCH

CHARLES P. ALEXANDER

TEL: (815) 226-7700

FAX: (815) 226-7701

January 22, 2014

CHANTEL R. BIELSKIS

ANDREW T. SMITH

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

COPY

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

Dear Mr. Mast:

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

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

Very truly yours,



RONALD A. BARCH

RB:mj\40ltr.HAM

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

Attorney Perry Accardo

January 9, 2014

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

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

Dear Clerk:

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

Thank you for your assistance.

Very truly yours,

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

RONALD A. BARCH

RB:mj/mcc8.ltr
encls.

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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

CHANTEL R. BIELSKIS
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

January 9, 2014

COPY

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

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

Dear Mr. Mast:

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

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

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

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

Very truly yours,



RONALD A. BARCH

RB:mj\39ltr.HAM

Encl.

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

GENERAL RELEASE AND SETTLEMENT AGREEMENT

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

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

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

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

IT IS FURTHER AGREED AND UNDERSTOOD:

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

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

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

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

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

Dated: _____

PAUL DULBERG

STATE OF ILLINOIS)
) SS.
COUNTY OF MCHENRY)

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

Dated this _____ day of January, 2014.

Notary Public

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

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

Defendants.

Case No. 12 LA 178

GOOD FAITH FINDING AND ORDER OF DISMISSAL

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That settlement between Plaintiff Paul Dulberg and Defendants Bill McGuire and Carolyn McGuire (improperly named Caroline) constitutes a fair and reasonable and good faith settlement within the meaning of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 0.01 et seq.

2. That the good faith settlement shall henceforth constitute a bar to any and all claims that Plaintiff Paul Dulberg and Defendant David Gagnon and other known or unknown tortfeasors may have against Defendants Bill McGuire and Carolyn McGuire on account of or arising out of the injuries, if any, sustained by Plaintiff Paul Dulberg as a result of the alleged chain saw accident that occurred on June 28, 2011, whether by way of original action, third party claim, cross-claim, counterclaim, claim for contribution or otherwise.

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

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

DATED: _____

JUDGE Thomas A. Meyer

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

Request for Taxpayer Identification Number and Certification

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

Name (as shown on your income tax return)

Business name/disregarded entity name, if different from above

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

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

☐ Other (see Instructions) ▶

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

City, state, and ZIP code

List account number(s) here (optional)

Requester's name and address (optional)

Exempt payee ☐

Part I Taxpayer Identification Number (TIN)

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

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

Social security number								

Employer identification number								

Part II Certification

Under penalties of perjury, I certify that:

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

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

Sign Here Signature of U.S. person ▶

Date ▶

General Instructions

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

Purpose of Form

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Payments you receive will be subject to backup withholding if:

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

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

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

Updating Your Information

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

Penalties

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

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

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

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

Specific Instructions

Name

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

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

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

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

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

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

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

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

Exempt Payee

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

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

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

The following payees are exempt from backup withholding:

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

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

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

¹ See Form 1099-MISC, Miscellaneous Income, and its Instructions.

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

Part I. Taxpayer Identification Number (TIN)

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

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

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

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

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

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

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

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

Part II. Certification

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

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

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

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

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

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

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

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

What Name and Number To Give the Requester

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

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

² Circle the minor's name and furnish the minor's SSN.

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

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

⁵ Note. Grantor also must provide a Form W-9 to trustee of trust.

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

Secure Your Tax Records from Identity Theft

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

To reduce your risk:

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

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

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

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

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

Protect yourself from suspicious emails or phishing schemes.

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

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

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

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

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

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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

CHANTEL R. BIELSKIS
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

January 9, 2014

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

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

Dear Mr. Mast:

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

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

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

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

Very truly yours,



RONALD A. BARCH

RB:mj\39ltr.HAM

Encl.

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

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

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

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

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

January 8, 2014

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

COPY

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

Dear Mr. Thomas:

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

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

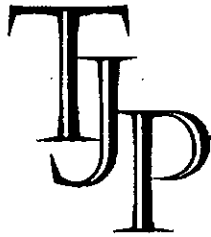
If you have any questions, please do not hesitate to call. I otherwise thank you in advance for the prompt return of the \$41.00 witness fee.

Very truly yours,



RONALD A. BARCH

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



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

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

www.popovichlaw.com

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

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

December 26, 2013

VIA FACSIMILE: 815/226-7701

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

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

Dear Mr. Barch:

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

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

Thank you for your cooperation.

Very truly yours,



HANS A. MAST

smq

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

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

TEL: (815) 226-7700

FAX: (815) 226-7701

PAUL R. CICERO

JOHN W. FRANCE

RONALD A. BARCH

CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

November 18, 2013

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

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

Issued For Settlement Purposes Only

Dear Mr. Mast:

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

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

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

Very truly yours,

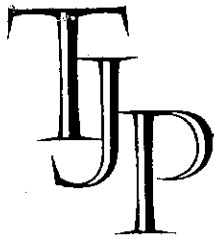


RONALD A. BARCH

RB:mj\37ltr.HAM

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

Encl.



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

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

THOMAS J. POPOVICH

HANS A. MAST
JOHN A. KORNAK[†]
DIANA M. REITER

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

December 5, 2011

VIA CERTIFIED MAIL:

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

DEC - 7 2011

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

Dear Mr. Malatia:

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

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

Very truly yours,

HANS A. MAST

smq
Enclosure

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

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

3416 WEST ELM STREET

MC HENRY, IL 60050

PHONE: 815-344-3797

FAX: 815-344-5280

NOTICE OF ATTORNEY'S LIEN

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

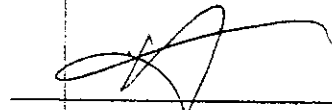
RE: Claimant: Paul Dulberg
Your Insured: Caroline and Bill McGuire
Claim No.: 13-2779-11
DOA: 06/28/11

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



Hans A. Mast

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



Hans A. Mast

LAW OFFICES OF THOMAS J. POPOVICH

3416 West Elm Street

McHenry, IL 60050

815-344-3797

TRANSMISSION VERIFICATION REPORT

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

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

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

A Professional Corporation

Attorneys at Law

6323 RIVERSIDE BLVD.

ROCKFORD, IL 61114

TELEPHONE: (815) 226-7700

FACSIMILE: (815) 226-7701

FACSIMILE TRANSMISSION

DATE: November 18, 2013

TIME: 11:45 a.m.

RECEIVING LOCATION:

Law Offices of Thomas J. Popovich, PC

RECEIVER'S FACSIMILE NUMBER:

815/344-5280

ATTENTION:

Attorney Hans A. Mast

FROM:

RONALD A. BARCH

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 4

COMMENTS AND/OR SPECIAL INSTRUCTIONS: SEE ATTACHED

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

TO THE RECIPIENT:

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

THANK YOU.

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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

TEL: (815) 226-7700

FAX: (815) 226-7701

November 4, 2013

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

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

Dear Mr. Thomas:

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

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

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

Very truly yours,

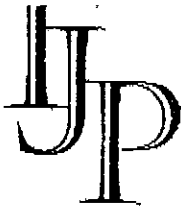


RONALD A. BARCH

RB:mj:34ltr.MT

Encl.

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



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

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

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

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

October 22, 2013

VIA FACSIMILE: 815/226-7701

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

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

Dear Mr. Barch:

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

Thank you for your cooperation.

Very truly yours,

HANS A. MAST

smq

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

November 4, 2013

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

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

Dear Clerk:

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

Thank you for your assistance.

Very truly yours,

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

RONALD A. BARCH

RB:mj/mcc,ltr
encls.

Ron Barch

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

Perry:

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

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

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

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

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

Perry A. Accardo
Mary Jo Bonamino
Joseph P. Callahan
Christine Chrobak-Wastyn
Adam J. Coombe
Valerie E. Davis
Tammy S. Doran
Martin D. Kennelly
David Kihen
Stephen G. Loverde
M.A. Christine Lyons

Law Office of Steven A. Lihosit
200 North LaSalle Street, Suite 2550
Chicago, Illinois 60601-1014

Fax (877) 715-9317

STAFF COUNSEL

Allstate Insurance Company
Encompass Insurance

Esurance Insurance Company
All Attorneys are Employees of
Allstate Insurance Company

This Office is not a Partnership or a Corporation

Attorney
(312) 558-9821

Administrative Assistant
(312) 558-9849

Shannon M. McCabe
Lucia Montaño
Terry A. Mueller
John H. Mullen
Shoshan E. Reddington
James J. Rosemeyer
Mark A. Sukacz
Sol C. Tramontana
Stacy B. Walker

Paralegal
(312) 558-9845

October 15, 2013

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

815 344-5280 Attention Sheila

Cicero, France, Barch & Alexander PC
6323 East Riverside Blvd
Rockford, IL 61114

815 226-7701 Attention Marlene

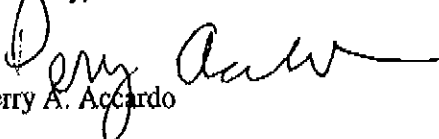
Re: Dulberg vs. Gagnon, et al.
Court Number: 12LA000178
Date of Loss: June 28, 2011
Our File Number: 0245281968.1 SKO

Dear Counsel:

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

Thank you for your cooperation.

Sincerely,


Perry A. Accardo

Drp



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

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

www.popovichlaw.com
September 25, 2013



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

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

VIA FACSIMILE: 815/226-7701

VIA FACSIMILE: 312/558-9357

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

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

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

Dear Counselors:

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

Very truly yours,


HANS A. MAST

smq

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

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Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2013

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

COPY

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

Dear Mr. Mast:

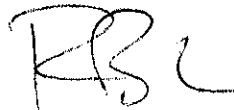
Back in early July we discussed my desire to depose Mike Thomas. You advised that you would reach out to your client for contact information on Mr. Thomas. Shortly thereafter (July 15, 2013), you issued a letter advising that you would make arrangements for Mr. Thomas' deposition. Your letter requested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

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

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

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

Very truly yours,



RONALD A. BARCH

RB:mj33ltr.HAM

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

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

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

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

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

August 15, 2013

COPY

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

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

Dear Mr. Accardo:

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

Very truly yours,



RONALD A. BARCH

RB:mj:31ltr.PAA
Encl.

Perry A. Accardo
Mary Jo Bonamino
Joseph P. Callahan
Christine Chrobak-Wasyly
Adam J. Coombe
Valerie E. Davis
Tammy S. Doran
Martin D. Kennelly
David Killen
Stephen G. Loverde
M.A. Christine Lyons

Law Office of Steven A. Lihosit
200 North LaSalle Street, Suite 2550
Chicago, Illinois 60601-1014

Fax (877) 715-9317

STAFF COUNSEL

Allstate Insurance Company

Encompass Insurance

Esurance Insurance Company

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Allstate Insurance Company

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Administrative Assistant

(312) 558-9849

Shannon M. McCabe
Lucia Montaño
Terry A. Mueller
John H. Mullen
Shoshan E. Reddington
James J. Rosemeyer
Mark A. Sukacz
Sal C. Tramontana
Stacy B. Walker
Stewart M. Zelmar

Attorney
(312) 558-9821

Paralegal
(312) 558-9812

August 9, 2013

VIA FACSIMILE

Ronald A. Barch
Cicero, France, Barch & Alexander, P.C.
6323 East Riverside Blvd
Rockford, IL 61114

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

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

Dear Mr. Barch and Mr. Mast:

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

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

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

Sincerely,


Perry A. Accardo



Allstate.
You're in good hands.

FAX

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

Number of Pages 03
(Including Cover Sheet)

To Ronald Barch

Company _____

Phone _____ **Fax** 8152267701

From Accardo, Perry

Department _____

Phone _____ **Fax** _____

Notes: Dulberg v Gagnon 12 LA 178

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Allstate Insurance Company

Facsimile From The Desk Of

Perry A. Accardo

Law Office of Steven A. Lihosit

Staff Counsel Allstate, Encompass & Esurance

200 N LaSalle St Ste 2550

Chicago, IL 60601

312-558-9821 (phone)

847-345-5016 (cell)

877- 715-9317 (fax)

Perry.Accardo@Allstate.com

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

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

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

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

July 25, 2013

COPY

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

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

Dear Mr. Mast:

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

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

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

Very truly yours,



RONALD A. BARCH

RB:mj30ltr.HAM

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

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

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

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

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

July 25, 2013

COPY

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

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

Dear Mr. Accardo:

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

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

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

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

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

Very truly yours,

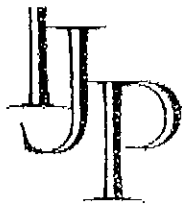
A handwritten signature in black ink, appearing to read 'RBA', with a stylized flourish at the end.

RONALD A. BARCH

RB:mj29ltr.PAA

Encl.

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



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

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

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

July 15, 2013

VIA FACSIMILE: 815/226-7701

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

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

Dear Mr. Barch:

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

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

Thank you for your cooperation.

Very truly yours,

HANS A. MAST

smq

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

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

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

**A Professional Corporation
Attorneys at Law**

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

FACSIMILE TRANSMISSION

DATE: July 25, 2013

TIME: 3:15 p.m.

RECEIVING LOCATION:

**Attorney Perry A. Accardo
312/558-9357**

FROM:

RONALD A. BARCH

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 4

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

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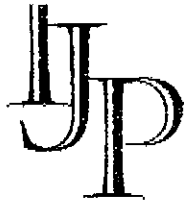
THANK YOU.

TRANSMISSION VERIFICATION REPORT

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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

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

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

July 15, 2013

VIA FACSIMILE: 815/226-7701

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

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

Dear Mr. Barch:

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

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

Thank you for your cooperation.

Very truly yours,

HANS A. MAST

smq

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

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

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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

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

July 11, 2013

COPY

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

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

Dear Mr. Mast:

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

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

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

Very truly yours,



RONALD A. BARCH

RB:mj\26ltr.HAM

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

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

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

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

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

CHANTEL R. BIELSKIS
ANDREW T. SMITH

July 11, 2013

COPY

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

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

Dear Mr. Accardo:

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

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

Very truly yours,



RONALD A. BARCH

RB:mj\28ltr.PAA

Encl.

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

5/28/13

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

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

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

Dear Counsel:

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

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

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

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

Very truly yours,

RONALD A. BARCH

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

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

JOHN W. FRANCE

RONALD A. BARCH

CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

March 5, 2013

Copy

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

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

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

Dear Counsel:

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

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

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

Very truly yours,



RONALD A. BARCH

RB:mj\23ltr.OC

CC Tom Malatia (13-2779-11)

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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

CHANTEL R. BIELSKIS
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

March 5, 2013

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

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

Dear Mr. Mast:

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

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

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

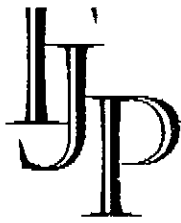
Very truly yours,



RONALD A. BARCH

RB:mj\21ltr.HAM

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



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

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TELEPHONE: 815.344.3797
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THOMAS J. POPOVICH
HANS A. MAST
JOHN A. KORNAK

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

February 7, 2013

VIA FACSIMILE: 312/558-9357

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

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

Dear Mr. Accardo:

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

Very truly yours,



HANS A. MAST

smq
Enclosure

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

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

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

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

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

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

CHANTEL R. BIELSKIS
ANDREW T. SMITH

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

January 30, 2013

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

COPY

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

Dear Clerk:

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

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

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

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

Very truly yours,



RONALD A. BARCH

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

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

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

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

PAUL R. CICERO
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RONALD A. BARCH
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January 25, 2013

COPY

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

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

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

Dear Counsel:

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

Very truly yours,



RONALD A. BARCH

RB:mj\18ltr.OC
Encl.

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

January 25, 2013

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

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

Dear Clerk:

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

Very truly yours,



RONALD A. BARCH

RB:mj\mcc.ltr
Encl.

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

JOHN W. FRANCE

RONALD A. BARCH

CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

January 25, 2013

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

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

Dear Clerk:

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

Very truly yours,



RONALD A. BARCH

RB:mj/mcc.ltr
Encl.

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

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January 25, 2013

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

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

Dear Clerk:

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

Very truly yours,



RONALD A. BARCH

RB:mj/mcc.ltr
Encl.

Ron Barch

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

Karen:

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

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

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

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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

CHANTEL R. BIELSKIS
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

January 24, 2013

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

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

VIA HAND-DELIVERY on January 24, 2013.

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

Dear Counsel:

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

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

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

Very truly yours,



RONALD A. BARCH

RB:mj\17ltr.OC

Encl.

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

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

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

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CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS
ANDREW T. SMITH

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

January 15, 2013

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

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

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

Dear Counsel:

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

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

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

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

Very truly yours,

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


RONALD A. BARCH

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

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

**A Professional Corporation
Attorneys at Law**

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

FACSIMILE TRANSMISSION

DATE: January 15, 2013

TIME: 5:05 PM

RECEIVING LOCATION:

Attorney Hans A. Mast
815/344-5280

Attorney Perry A. Accardo
312/558-9357

FROM:

RONALD A. BARCH

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 3

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

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

TO THE RECIPIENT:

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THANK YOU.

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01/15 17:25
13125589357
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DURATION	00:00:59
PAGE(S)	03
RESULT	OK
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CICERO, FRANCE, BARCH & ALEXANDER, P.C.

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

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

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

January 15, 2013

CHANTEL R. BIELSKIS
ANDREW T. SMITH

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

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

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

Dear Counsel:

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

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

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

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

Very truly yours,

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



RONALD A. BARCH

RB:mj\16ltr.oo\encl

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

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
COUNTY OF McHENRY

PAUL DULBERG,

Plaintiff,

vs.

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

Defendants.

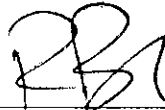
Case No. 12 LA 178

**AMENDED NOTICE OF
DISCOVERY DEPOSITION**

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

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

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



RONALD A. BARCH (6209572)

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

CERTIFICATE OF SERVICE

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



cc: Deb Fisher Reporting

depn02.plf (mj)

January 15, 2013

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

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

Dear Clerk:

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

Thank you for your assistance.

Very truly yours,

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

RONALD A. BARCH

RB:mj/mcc.ltr
encl.

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

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

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

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

January 15, 2013

VIA FACSIMILE: 815/226-7701

VIA FACSIMILE: 312/558-9357

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

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

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

Dear Counselors:

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

Thank you for your cooperation.

Very truly yours,



HANS A. MAST

smq

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

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

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

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

November 20, 2012

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

COPY

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

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

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

Dear Counsel:

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

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

Very truly yours,



RONALD A. BARCH

RB:mj\15ltr.OC

Encl.

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

November 20, 2012

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

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

Dear Clerk:

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

Thank you for your assistance.

Very truly yours,

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

RONALD A. BARCH

RB:mj/mcc.ltr
encl.