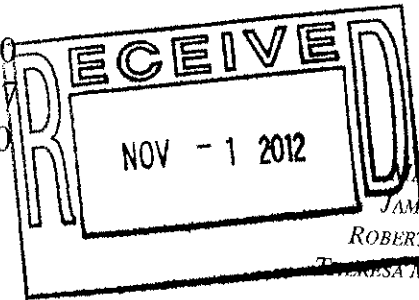


The Law Offices of Thomas J. Popovich P.C.

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

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



October 30, 2012

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

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

Dear Mr. Accardo:

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

Very truly yours,

**COPY**

HANS A. MAST

smq  
Enclosure

c: Ronald A. Barch ✓

AUTHORIZATION TO FURNISH MEDICAL/EMPLOYMENT INFORMATION

I authorize

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

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

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

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

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

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

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

D Sek, 4601 W Rt 120 McHenry, IL

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

E AMS Screw Products High View Spring Grove, IL

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

INFORMATION TO BE FURNISHED

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

SOURCES OF INFORMATION

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

**USE OF PROVIDED INFORMATION**

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

**TIME PERIOD OF THIS AUTHORIZATION**

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

**COPIES OF THIS AUTHORIZATION**

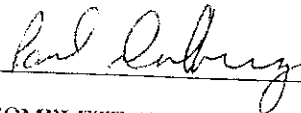
I can request a copy of this signed authorization at any time from The Law Office of M. Gerard Gregoire.

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

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

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

Signature



Date

10/29/12

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

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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

CHANTEL R. BIELSKIS  
ANDREW T. SMITH

October 24, 2012

TEL: (815) 226-7700

FAX: (815) 226-7701

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

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

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

Dear Counsel:

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

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

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

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

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

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

Very truly yours,

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

RONALD A. BARCH

RB:mj\14ltr.OC

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

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

**A Professional Corporation  
Attorneys at Law**

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

**FACSIMILE TRANSMISSION**

**DATE:** October 24, 2012

**TIME:**

**RECEIVING LOCATION:**

Attorney Hans A. Mast  
815/344-5280

Attorney Perry A. Accardo  
312/558-9357

**FROM:**

**RONALD A. BARCH**

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

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

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

**TO THE RECIPIENT:**

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

**THANK YOU.**

TRANSMISSION VERIFICATION REPORT

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

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DURATION	00:00:55
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RESULT	OK
MODE	STANDARD

TRANSMISSION VERIFICATION REPORT

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

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

October 24, 2012

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

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

COPY

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

Dear Medical Records Custodian:

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

Very truly yours,

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



RONALD A. BARCH

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

cc: Attorney Hans A. Mast  
Attorney Perry Accardo

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

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

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

Dear Medical Records Custodian:

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

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

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

Very truly yours,

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



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc: Attorney Hans A. Mast

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

PAUL DULBERG,  
Plaintiff,

vs.

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

)  
) Case No. 12 LA 178  
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**SUBPOENA FOR DEPOSITION**  
**(for Records Only)**

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

YOU ARE COMMANDED to appear to give your deposition before a notary public at  
6323 East Riverside Blvd., Rockford, Illinois 61114, on September 19, 2012, at 9:00 A.M.

YOU ARE COMMANDED ALSO to produce the following: The complete medical  
records file and medical statements for services pertaining to the care and treatment of **PAUL  
DULBERG (B/D: 3/19/70)** from January 1, 2006 to the present date, exclusive of x-ray films, in  
your possession or control.

**YOUR APPEARANCE IS NOT MANDATORY IF SAID DOCUMENTS ARE  
PROVIDED TO ATTORNEY RONALD A. BARCH ON OR BEFORE SEPTEMBER 18,  
2012, AT 5:00 P.M. YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA  
WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**

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

CICERO, FRANCE, BARCH & ALEXANDER, PC.

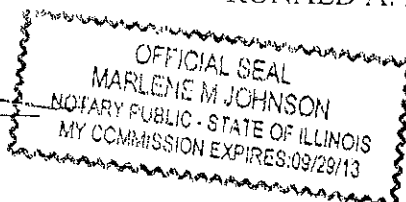
BY: RR  
RONALD A. BARCH (6209572)

I served the subpoena by mailing a copy to the Medical Records Custodian c/o Mid America  
Hand to Shoulder Clinic on September 4, 2012. I paid the witness \$20.00 for witness fees.

Signed and sworn to before  
me on September 4, 2012.

RR  
RONALD A. BARCH

Marlene M. Johnson  
(Notary Public)



### HIPAA RECORDS RELEASE AUTHORIZATION

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

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

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

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

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

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

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

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

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

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

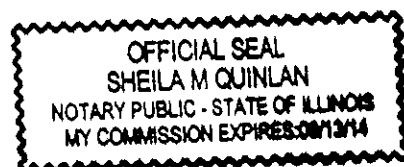
It is my earnest desire to move forward with the prosecution of the lawsuit as expeditiously as possible and I do not want to have to sign multiple authorizations as additional medical providers to myself are identified. Therefore, I specifically request that all of my medical providers honor this authorization,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

Paul Dulberg  
PAUL DULBERG, Plaintiff

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

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

Sheila M. Quinlan  
Notary Public



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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

JOHN W. FRANCE

RONALD A. BARCH

CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

October 24, 2012

TEL: (815) 226-7700

FAX: (815) 226-7701

COPY

Release of Information/Medical Records Custodian

c/o Dr. Frank Sek

4606 West Elm Street

McHenry, IL 60050

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

Dear Medical Records Custodian:

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

Very truly yours,

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



RONALD A. BARCH

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

encls.

cc: Attorney Hans A. Mast  
Attorney Perry Accardo

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO  
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ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

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

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

Dear Medical Records Custodian:


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

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

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

Very truly yours,

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



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc: Attorney Hans A. Mast





### HIPAA RECORDS RELEASE AUTHORIZATION

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

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

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

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

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

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

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

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

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

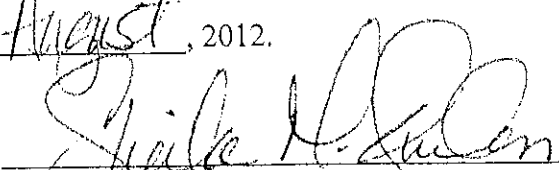
I understand that a photocopy of this Authorization shall have the same force and effect as the original.

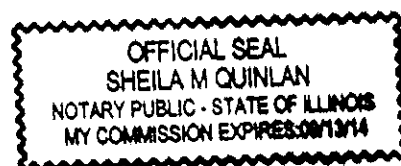
It is my earnest desire to move forward with the prosecution of the lawsuit as expeditiously as possible and I do not want to have to sign multiple authorizations as additional medical providers to myself are identified. Therefore, I specifically request that all of my medical providers honor this authorization,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

  
PAUL DULBERG, Plaintiff

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

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

  
Notary Public



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

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

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

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

October 8, 2012

COPY

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

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

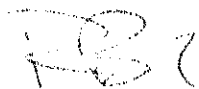
Dear Mr. Accardo:

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

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

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

Very truly yours,

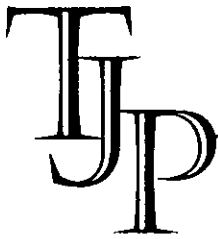


RONALD A. BARCH

RB:mj\12ltr.PAA

Encl.

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



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

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

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

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

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

October 4, 2012

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

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

Dear Mr. Barch:

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

Very truly yours,

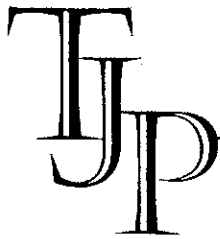


HANS A. MAST

smq

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

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



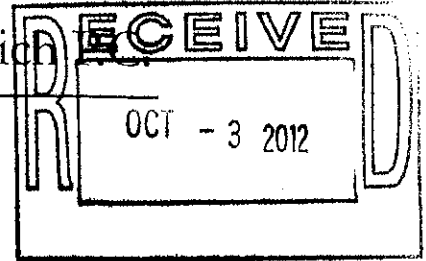
The Law Offices of Thomas J. Popovich

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

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

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

October 1, 2012



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

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

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

Dear Mr. Accardo:

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

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

Very truly yours,

**COPY**  
HANS A. MAST

smq  
Enclosures

c: Ronald A. Barch

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

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

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

October 3, 2012

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

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

Dear Medical Records Custodian:

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

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

Very truly yours,

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

RONALD A. BARCH

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

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

October 3, 2012

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

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

Dear Clerk:

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

Thank you for your assistance.

Very truly yours,

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

RONALD A. BARCH

RB:mj/mcc,ltr  
encls.

October 3, 2012

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

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

Dear Medical Records Custodian:

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

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

Very truly yours,

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

RONALD A. BARCH

RB:mj/subltr,records,ams.screw

encls.

cc: Attorney Hans A. Mast



September 28, 2012

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

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

Dear Clerk:

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

Thank you for your assistance.

Very truly yours,

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

RONALD A. BARCH

RB:mj/mcc.ltr  
encls.

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

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

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

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

September 27, 2012

COPY

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

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

Dear Mr. Mast:

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

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

Very truly yours,



RONALD A. BARCH

RB:mj\10ltr.HAM  
cc Tom Malatia (Claim No. 13-2779-11)

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

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September 27, 2012

TEL: (815) 226-7700

FAX: (815) 226-7701

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

COPY

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

Dear Mr. Accardo:

**Written Discovery**

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

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

**Deposition Notices**

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

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

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

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

Very truly yours,

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

RONALD A. BARCH

RB:mj08ltr.PAA

Encl.

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



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

3416 W. ELM STREET  
MCHENRY, ILLINOIS 60050  
TELEPHONE: 815.344.3797  
FACSIMILE: 815.344.5280  
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THOMAS J. POPOVICH  
HANS A. MAST  
JOHN A. KORNAK\*  
DIANA M. REITER

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

September 21, 2012

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

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

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

Dear Mr. Barch:

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

Very truly yours,

HANS A. MAST

smq  
Enclosure

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



ASSOCIATED NEUROLOGY, S.C.

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

September 7, 2012

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

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

To Whom It May Concern:

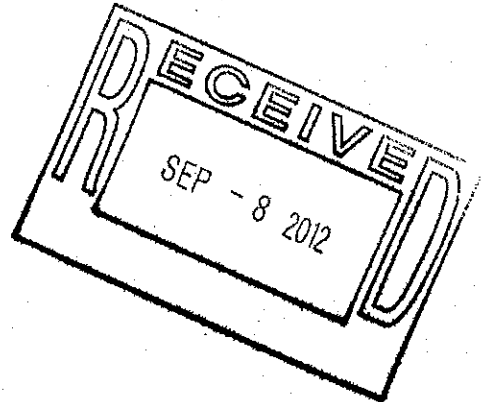
We are in receipt of your written request for medical records relative to the above patient. Our total fee for copies based on the 2012 Illinois Comptroller's annual adjustment of copying fees is \$38.37 (under 735 ILCS 5/8-2006). We received your check in the amount of \$20.00, **leaving a balance due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

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

Sincerely,

Cheryl Johnson  
Associated Neurology, S.C.

Tax ID # 36-3949782



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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

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CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

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

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

Dear Medical Records Custodian:

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

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

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

Very truly yours,

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



RONALD A. BARCH

RB:mj/sublir.records

encls.

cc: Attorney Hans A. Mast

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

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

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

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Very truly yours,

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



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc: Attorney Hans A. Mast



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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

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CHANTEL R. BIELSKIS  
ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

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

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

Dear Medical Records Custodian:

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Very truly yours,

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



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc: Attorney Hans A. Mast

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

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ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

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

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

Dear Medical Records Custodian:

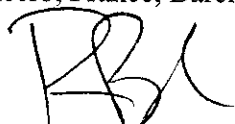
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Very truly yours,

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



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc: Attorney Hans A. Mast

(

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD

ROCKFORD, ILLINOIS 61114

PAUL R. CICERO

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RONALD A. BARCH

CHARLES P. ALEXANDER

CHANTEL R. BIELSKIS

ANDREW T. SMITH

TEL: (815) 226-7700

FAX: (815) 226-7701

September 4, 2012

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

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

Dear Medical Records Custodian:

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

Very truly yours,

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



RONALD A. BARCH

RB:mj/subltr.records

encls.

cc:   Attorney Hans A. Mast

### HIPAA RECORDS RELEASE AUTHORIZATION

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

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

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

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

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

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

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

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

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


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

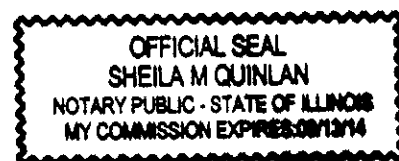
It is my earnest desire to move forward with the prosecution of the lawsuit as expeditiously as possible and I do not want to have to sign multiple authorizations as additional medical providers to myself are identified. Therefore, I specifically request that all of my medical providers honor this authorization,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

  
PAUL DULBERG, Plaintiff

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

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

  
Notary Public



September 4, 2012

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

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

Dear Clerk:

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

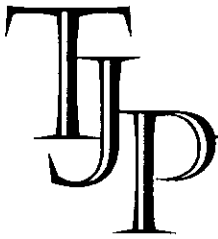
Thank you for your assistance.

Very truly yours,

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

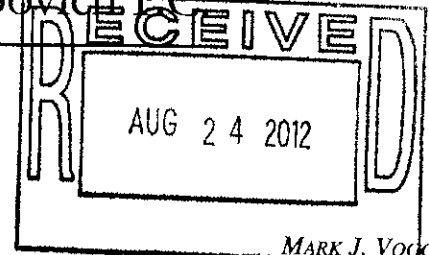
RONALD A. BARCH

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The Law Offices of Thomas J. Popovich, PC

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

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

August 22, 2012

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

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

Dear Mr. Barch:

Please be advised that to my knowledge, David Gagnon has been served in the suit. I do not believe he has appeared yet in the case.

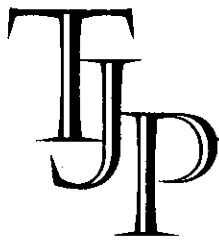
Please advise.

Very truly yours,

HANS A. MAST

smq

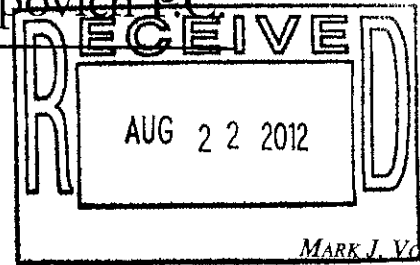
S:\Main\DULBERG, PAUL\Letters\Letter to Atty Barch 8-22-12.wpd



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

3416 W. ELM STREET  
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August 20, 2012


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

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

Dear Mr. Barch:

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

Very truly yours,



HANS A. MAST

smq  
Enclosure

S:\Main\DULBERG, PAUL\Letters\Letter to Atty Barch re Auth 8-20-12.wpd



August 6, 2012

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

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

Dear Clerk:

Please find enclosed Defendant's Notice of Serving Discovery with regard to the above-captioned lawsuit. Please file said document.

Thank you for your assistance.

Very truly yours,

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

RONALD A. BARCH

RB:mj/mcc.ltr  
encl.

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

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August 6, 2012

COPY

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

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

Dear Mr. Mast:

Enclosed herewith you will find my clients' response to Mr. Dulberg's written discovery.

This letter will further confirm that I am in receipt of Plaintiff's response to the written interrogatories and request to produce that I propounded on July 10, 2012. However, I do not have Plaintiff's answer to the Supplemental Interrogatories (Medicare) or an executed original of the HIPAA Records Release Authorization that was served contemporaneously with the written interrogatories and request to produce.

With the above in mind, please check your file and provide a response to the supplemental interrogatories and an executed original of the HIPAA Records Release Authorization at your earliest convenience. Thank you.

Very truly yours,



RONALD A. BARCH

RB:mj07ltr.HAM

Encl.

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

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

A Professional Corporation

Attorneys at Law

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July 30, 2012

COPY

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

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

Dear Mr. Mast:

Thanks for calling me back last Friday. As we discussed, I was able to confirm through my clients (Bill and Carolyn McGuire) that the chain saw still exists. They also believe they have the manual and will be searching for same.

We also discussed moving the Motion for Protective Order from Tuesday, July 31, 2012, at 9:00 a.m. to Wednesday, August 1, 2012, at 9:00 a.m. You indicated that somebody from your office would appear on Tuesday and simply set the matter over. Attorney Chantel Bielskis from my office will be there on Wednesday. Thank you for the accommodation.

As to your desire for an inspection and photo shoot of the chain saw and related manual, I have no problem making the arrangements but would prefer to do so only once. Accordingly, it is my understanding that the inspection will be deferred until such time that the co-defendant is of record and ready to proceed as well.

Lastly, upon return to my office this morning I noted that Judge Michael Caldwell has issued a notice recusing himself from the *Dulberg* case. The matter has apparently been re-assigned to Judge Thomas A. Meyer and is currently scheduled for status on August 8, 2012 at 9:00 a.m. If possible, it probably makes sense to move the status date out 60 days when the case is called on Wednesday morning. We can then avoid another trip to court next week.

Very truly yours,



RONALD A. BARCH

RB:mj05ltr.HAM

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

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

**A Professional Corporation**

**Attorneys at Law**

**6323 RIVERSIDE BLVD.**

**ROCKFORD, IL 61114**

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

**FACSIMILE TRANSMISSION**

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**TIME:** 9:15 a.m.

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**ATTENTION:**

**Attorney Hans A. Mast**

**FROM:**

**RONALD A. BARCH**

**TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 2**

**COMMENTS AND/OR SPECIAL INSTRUCTIONS: SEE ATTACHED**

**IF PROBLEMS OCCUR DURING TRANSMISSION,  
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**TO THE RECIPIENT:**

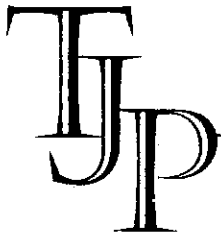
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THANK YOU.

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TEL :  
SER.# : G9N312399

DATE, TIME	07/30 08:24
FAX NO./NAME	8153445280
DURATION	00:00:45
PAGE(S)	02
RESULT	OK
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The Law Offices of Thomas J. Popovich P.C.

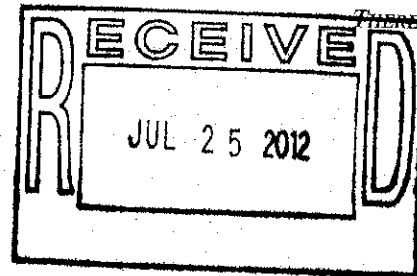
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DIANA M. REYTER

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

July 24, 2012



Honorable Michael T. Caldwell  
Circuit Court of McHenry County  
2200 N. Seminary Avenue  
Woodstock, IL 60098

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

Dear Judge Caldwell:

Please find enclosed a courtesy copy of Plaintiff's Motion for Protective Order in the above-referenced matter. The hearing set before you on July 31, 2012 at 9:00 a.m.

Very truly yours,

**COPY**  
HANS A. MAST

smq  
Enclosure

S:\Main\DULBERG, PAUL\Letters\Letter to Judge Caldwell 7-24-12.wpd

July 10, 2012

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

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

Dear Clerk:

Please find enclosed our Answer To Complaint, Demand For Jury and Notice Of Serving Discovery on behalf of the Defendants, Bill McGuire and Caroline McGuire. Please file said documents. My check in the amount of \$212.50 is also enclosed to cover the jury demand fee.

Thank you for your assistance.

Very truly yours,

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

RONALD A. BARCH

RB:mj/mcc2.ltr  
encls.

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

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July 10, 2012

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COPY

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

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

Dear Mr. Mast:

Enclosed you will find a Jury Demand and Answer by Defendants Bill McGuire and Carolyn McGuire. At this time my office will not be appearing or pleading for David Gagnon. It is my understanding that the lawsuit has been tendered to a different carrier.

If you have information indicating that the suit has not been (or will not be) tendered to Mr. Gagnon's own carrier, please advise immediately. I also ask that you forward service information and copies of any pleadings filed by any attorney on behalf of Mr. Gagnon.

Please call me if you have any questions concerning the above. I otherwise thank you again for the pleading extension you granted. I am working on a response to the discovery you issued and anticipate issuing written discovery for a response by your client in short order.

Very truly yours,



RONALD A. BARCH

RB:mj04ltr.HAM

Encl.

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



June 12, 2012

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

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

Dear Clerk:

Please find enclosed my law firm's Appearance to be filed on behalf of Caroline McGuire and Bill McGuire with regard to the above-captioned lawsuit. Also enclosed is my check in the amount of \$136 to cover the appearance fee.

Thank you for your assistance.

Very truly yours,

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

RONALD A. BARCH

RB:mj/mcc1.ltr  
encls.

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

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June 11, 2012

Attorney Thomas J. Popovich  
3416 West Elm Street  
McHenry, IL 60050

COPY

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

Dear Mr. Popovich:

Please be advised that Mr. and Mrs. McGuire's insurance carrier (Auto-Owners Insurance Company) has asked our office to appear and defend Mr. and Mrs. McGuire in connection with the above-captioned matter. To that end, you will find enclosed herewith my Appearance for both Mr. and Mrs. McGuire.

At this time I am uncertain whether I will be appearing as counsel for Mr. Gagnon as well. I first need to meet with Mr. and Mrs. McGuire and then report to their insurance carrier. I cannot do that, however, until I return from a small vacation that runs from June 13 through June 19, 2012.

Given the above, I am requesting 21 days from today's date (through July 2, 2012) within which to file a responsive pleading on behalf of Mr. and Mrs. McGuire. I am also asking for a similar extension of time to sort out whether Mr. Gagnon will be furnished a defense by Mr. and Mrs. McGuire's carrier.

Please call me if you have any opposition to my request for an extension. I otherwise thank you in advance for your consideration and look forward to working with you on this matter.

Very truly yours,



RONALD A. BARCH

RB:mj03ltr.TJP  
Encl.