

STATE OF ILLINOIS)
)SS
COUNTY OF McHENRY)

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

PAUL DULBERG,

Plaintiff,

vs.

No.:

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

Defendants.

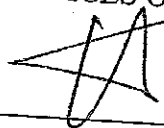
AFFIDAVIT

I, HANS A. MAST, being first duly sworn on oath, depose and state as follows:

1. That I am one of the attorneys responsible for the prosecution of the above-entitled case.
2. That on behalf Plaintiff, PAUL DULBERG, I am hereby requesting money damages in an amount not to exceed \$50,000.00, together with the costs of this action, against each of the above-named Defendants.

FURTHER, Affiant sayeth naught.

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



Hans A. Mast
LAW OFFICES OF THOMAS J. POPOVICH, P.C.
3416 West Elm Street
McHenry, Illinois 60050
(815) 344-3797
ARDC No. 06203684

Allstate Insurance Company - Claims Payment Processing
P.O. Box 650048 , Dallas, TX 75265 , United States



THE BAUDIN LAW GROUP
PO BOX 1678
CRYSTAL LAKE IL 60039-1678



09/28/2016

THE BAUDIN LAW GROUP,

ENCLOSED PLEASE FIND PAYMENT IN THE AMOUNT OF \$60.00 FOR YOUR GOODS OR SERVICES RENDERED
ON BEHALF OF PAUL DULBERG .

PLEASE REFERENCE CLAIM DETAILS BELOW.

CLAIM NUMBER: 0245281968

DATE OF LOSS: 06/28/2011

INSURED: DAVID A GAGNON

In payment for goods or services rendered on behalf of PAUL DULBERG .

FOR TRAVEL
TO I ME

ALLSTATE PROPERTY AND CASUALTY INSURANCE COMPANY
1-800-255-7828

0000020160928000500ZCT03001001000514



STATE OF ILLINOIS)
) SS.
COUNTY OF MCHENRY)

FILED
MCHENRY COUNTY, ILLINOIS

AUG 19 1986

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

Kenneth W. Lutz Jr.
Clerk of the Circuit Court

PEOPLE OF THE STATE OF ILLINOIS)

-vs-)

GAGNON, Carolyn, Alan & David)

No. 86 CF 484
485
487

ANSWER TO DEFENDANT'S MOTION FOR DISCOVERY

To: Mohr, Reilly, Prather, McNerney & Graham
Attorneys at Law
138 Cass Street
Woodstock, IL 60098

1. The following is a list of persons who may or may not be
called as witnesses at the trial of the above captioned matter:

Detective Pandre	)	
Detective Hay	)	
Deputy Salgado	)	McHenry County Sheriffs Dept.
Detective B. Hendle	)	Government Center
Detective Page	)	2200 North Seminary Avenue
Detective Monday	)	Woodstock, IL 60098
Sgt. Macheroux	)	
Detective Shirey	)	
Deputy Eisele	)	

Officer Anton Cundiff
Harvard Police Department
201 W. Front Street
Harvard, IL 60033

A copy of the police reports relative to the above captioned
matter are attached hereto and made a part of this Answer.

2. The State is unaware of any written statements made by the
defendant. The substance of any oral statements made by the
defendant are contained in the attached, witnessed by persons listed

above.

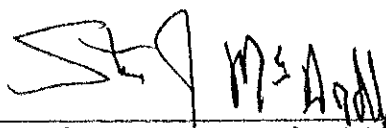
3. There are no Grand Jury minutes.

4. A copy of a laboratory reports will be forwarded upon receipt.

5. Any physical or tangible evidence may be examined by arranging a mutually convenient time for such inspection with the Office of The State's Attorney.

6. The State is unaware of any prior criminal convictions of any of the persons whom the State intends to call as witnesses.

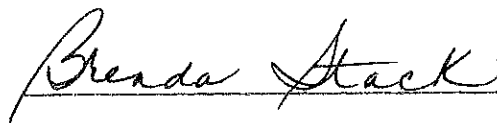
7. The State has no material or information within its possession or control, other than that contained in the attached, which would tend to negate the guilt of the accused or reduce his punishment therefore.



Assistant State's Attorney

STATE OF ILLINOIS)
) SS.
COUNTY OF McHENRY)

The undersigned states that she mailed a copy of the foregoing Answer to the attorney for the defendant in the United States Mail at Woodstock, Illinois, this 18th day of August, 1986.



Brenda Stack

CLEARED

McHenry County Sheriff's Dept.

DATE AND TIME PHONED TO RECORDING CENTER		GENERAL CASE REPORT (Field)		3. DIST.		5. R.D. NUMBER	
1. OFFENSE		2. CLASSIFICATION		8. DATE & TIME POLICE ARRIVED		86-05776	
Unlawful Delivery of Cannabis		840		05/14/86 @ 2054 hours			
8. LOCATION		7. DATE & TIME OCCURRED		11. RESIDENCE PHONE		12. BUSINESS PHONE	
1016 W. Elder, McHenry		Wed 05/14/86 @ 2054 hours		N/A		N/A	
3. VICTIM'S NAME (FIRM NAME IF BUSINESS)		10. RESIDENCE ADDRESS		15. RESIDENCE PHONE		16. BUSINESS PHONE	
State of Illinois		N/A		N/A		N/A	
13. PERSON REPORTING CRIME TO POLICE		14. RESIDENCE ADDRESS		19. RESIDENCE PHONE		20. BUSINESS PHONE	
On view reporting officer (CONTROLLED BUY)		6-11-86		N/A		N/A	
17. PERSON WHO DISCOVERED CRIME		18. RESIDENCE ADDRESS		23. RESIDENCE PHONE		24. BUSINESS PHONE	
R/O and confidential informant		BULEIN		N/A		N/A	
21. WITNESSES: NAME		22. RESIDENCE ADDRESS		27. EXACT LOCATION OF VICTIM OR PROPERTY			
(a) See narrative		N/A		Kitchen area of residence			
(b)		25. VICTIM'S OCCUPATION		30. OBJECT OF ATTACK OR PROPERTY TAKEN			
NCSP controlled narcotics buy		SEX: RACE: DOB		\$125.00 for Cannabis			
28. TOOL, WEAPON OR MEANS USED		SEX: RACE: DOB					
Unlawful delivery of Cannabis		SEX: RACE: DOB					
31. VALUE OF PROPERTY		32. TRADE MARK OR UNUSUAL EVENT					
\$ 125.00		Offender sold forty (40) grams of Cannabis to C.I. at offender's residence, 1016 W. Elder, McHenry					
33. VEHICLE FROM WHICH THEFT OCCURRED		34. NUMBER OF OFFENDERS					
N/A		#1					
35. VEHICLE USED BY OFFENDERS:		36. EXACTLY WHAT DID OFFENDERS SAY:					
MAKE		COLORS		LICENSE		OTHER IDENTIFYING MARKS	
N/A		BODY STYLE				F/W/11-26-46	
37. KIND OF PROPERTY RECOVERED		38. VALUE		39. PROPERTY INVENTORY NUMBERS		40. NAME IN D.O. NOTIFIED	
Forty (40) grams of CANNABIS		\$ 125.00		listed under RD #86-05776		R/O	
41. Narrative:		42. RECONSTRUCT CRIME, IDENTIFY AND DESCRIBE PHYSICAL EVIDENCE, SHOW EXACTLY WHERE FOUND AND HOW DISPOSED OF, INCLUDE STATEMENTS OF VICTIM, WITNESSES AND SUSPECTS, IF SUSPECT ARRESTED		43. GIVE NAME, SEX, RACE, AGE AND STATE "IN CUSTODY", INDICATE SOBRIETY OF VICTIM IF POSSIBLE, AND SOBRIETY OF WITNESSES AND SUSPECTS, STATE EXACT LOCATION OF WITNESSES AT TIME OF CRIME AND DISTANCE FROM SCENE. GIVE COMPLETE DESCRIPTION OF SUSPECTS, INCLUDING NAME IF KNOWN, NICK NAME, SEX, RACE, AGE, HEIGHT, WEIGHT, COMPLEXION, SCARS, MARKS, ETC.			
This case involves the use of CONFIDENTIAL INFORMANT number three (3) and the narrative of report will							
refer to him as C.I. including any subsequent supplementary reports. Assisting in this ongoing narcotics investigation							
is Harvard Police Officer A. Cundiff, #306.							
On Wed 05/14/86 @ 2005 hours R/O and officer Cundiff arrived at the C.I.'s residence. After a brief							
conversation about his knowledge of suspect offender's residence, the C.I. was thoroughly searched by R/O to determine							
REPORTING OFFICER		STAR		SUPERVISOR APPROVING		STAR	
Chris Cundiff		DST		see reverse		DST	

that he had no contraband or U.S.C. on his person, this occurring at approx 2020 hours this date. A specific amount of U.S.C. was then turned over to the C.I. (with officer Cumdiff) for the purpose of purchasing CANNABIS from the suspect offender(s) located at 1016 W.Elder, McHenry. R/O at this time lost eye contact with the C.I.; but officer Cumdiff was with the C.I. at all times, including the drive to and back from the suspect(s) residence.

At approx 2125 hours this date, R/O met the C.I. & officers Cumdiff across from Johnsbury High School where the suspect CANNABIS was recovered and secured by R/O. The C.I. paid \$125.00 for forty (40) grams of CANNABIS packaged in a clear plastic bag. It should be noted that initially the C.I. stated that he bought the CANNABIS from Dave Gagnon but subsequently related that he in fact bought it from Dave's mom, referring to Carolyn Gagnon. When asked why he did not tell the truth initially, he stated that he likes Mrs Gagnon and she trusts him but he knew that he would have to tell the truth about the person who sold it.

Officer Cumdiff related that he and the C.I. arrived at 1016 W.Elder at approx 2045 hours this date where the C.I. entered but returned moments later. He asked officer Cumdiff if the brown stuff was O.K. (2046 hours) and returned to the same residence where the purchase was made and he returned to the auto at 2054 hours. They then met R/O at 2125 hours. As noted above, after the suspect CANNABIS was secured by R/O the C.I. again was checked for additional contraband or U.S.C. (except for change from controlled buy). The C.I. returned to his residence at approx 2135 hours, with R/O and officer Cumdiff proceeding to the MCSP detective division. The suspect CANNABIS was field tested using the NIK, Narcotics Identification System and tested positive for the presence of CANNABIS at 2200 hours. The total weight, including the clear plastic bag container is forty and half (40½) grams.

Offender : Gagnon, Carolyn J. F/W/11-26-46, 1016 W.Elder, McHenry

Witness : Officer A. Cumdiff #306, Harvard Police Department

Evidence : All property recovered in this case will be inventoried under RD #86-05776

INVESTIGATION TO CONTINUE

CLEARED
INDEXED

6-4-80

McHenry County Sheriff's Dept.

DATE AND TIME PHONED TO RECORDING CENTER		SUPPLEMENTARY REPORT (Field)	
1. OFFENSE OR INCIDENT	2. CLASSIFICATION	3. DIST.	5. R.O. NUMBER
Narcotics Investigation		8-H-2	86-5776
6. ORIGINALLY CLASSIFIED AS	7. VICTIM'S NAME	8. ADDRESS	
COPIES TO	Gagnon, David, Alan, Carolyn	1016 W. Elder, McHenry	
9. Record here all developments in the case subsequent to the submission of the last report. Describe and record value of any property recovered, names and arrest numbers of any persons arrested. If offense classification is changed explain why. Indicate clearly disposition of property recovered and show property inventory number if in police possession.			
Narrative:			
05-30-86 @ 1905 hrs. R/O arrived at 1016 W. Elder, McHenry, pursuant to a search warrant.			
05-30-86 @ 1913 hrs. R/O and Det. Hay interviewed Donna J. Gagnon, age 15, in David Gagnon's room at 1016 W. Elder, McHenry. R/O read Donna her rights under Miranda and she stated that she understood and would talk with us. Donna said that she did not know anything about what was going on in the house and that she was not directly involved with anything to do with narcotics or marijuana and she assumed that her brother David was the only one with any knowledge of that. She said that those types of things were hidden from her and she assumed that was because he might be afraid that she would use them if she knew where they were. Donna said that she is going to go to work with her 20 year old sister, Diane Gagnon, at the Bucket Brigade, McHenry, part-time doing cleaning, etc., this summer.			
At 1935 hrs. Donna was searched in the bathroom of the residence prior to her using the facilities. She was returned to another part of the house pending disposition and at 2145 hrs. she was released with her mother's permission into Diane Gagnon's custody and left the house. Prior to her leaving the house, R/O checked her purse and found a clear plastic bag containing green leafy plant material, a small pipe, and a driver's license belonging to Wendy L. Carter, DOB 11-30-63. She said that the things were hers but refused to say where she got them and that the driver's license was found. She			
10. STATUS (CHECK ONE)	CLEARED BY ARREST ☒	NOT CLEARED ☐	UNFOUNDED ☐
11. FURTHER POLICE ACTION AND REPORT REQUIRED (CHECK ONE)			
REPORTING OFFICER	STAR	REPORTING OFFICER	STAR
Det. Beverly S. Penelle	1 No was	T. Hay. Det.	Det. Penelle

then left the house with Diane Gagnon. The contraband was taken into custody.

05-30-86 @ 1940 hrs. R/O and Det. Hay interviewed Carolyn J. Gagnon in David Gagnon's room at 1016 Elder, McHenry. R/O read Carolyn her rights under Miranda and she stated that she understood and would talk with us. Carolyn said that she is employed at Baxter-Travenol in Round Lake and has been employed there for about 8 years and earns eight dollars and something an hour working as a technician.

She said that they have had marijuana in the house on and off and that her son, David, is the one who mostly sells it. She said that she and her ex-husband, Alan, have also sold it on occasion but she was mainly selling it to people that had been at the house before and thought she was doing her son, David, a favor when he wasn't home. She said that Alan has been living out of state for quite a while since they have been divorced and that Alan and David went somewhere the other night and got some marijuana and brought it back to the house. When there is marijuana in the house, it is mainly kept in the basement near the work bench. She stated that as far as she knows, there has never been anything but marijuana in the house and has never been any narcotics of any other type. Carolyn said that Alan has sold some marijuana, also, but that none of the three ever went out selling it and that people came to them.

At 2010 hrs. R/O searched Carolyn and she then wrote out a brief statement.

05-30-86 @ 2045 hrs. R/O and Det. Hay interviewed Alan A. Gagnon in David Gagnon's room at 1016 Elder, McHenry. R/O read him his rights under Miranda and he stated that he understood and would talk with us. Alan said that he is unemployed at the present time and is an engineer. Alan said that there has not been anything in the Gagnon house but marijuana and that he has been out of state for a while and since he's been back in the last month or two, he has been trying to get David to quit having anything to do with selling marijuana because of the likely consequences. He took David on a trip to California recently and he believes that he has David convinced to get

CONTINUATION SHEET (Field)

McHenry County Sheriff's Dept.

PAGE NUMBER 2	KIND OF REPORT CONTINUED Supplement	OFFENSE - CHARGE OR INCIDENT Narcotics Investigation	NAME OF VICTIM OR ARRESTEE Gagnon	ARREST OR R.O. NUMBER 86-5776
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out of the business of dealing with marijuana. Alan said that he had rarely sold anyone marijuana but that he had on occasion done so but had not gone out on the street to sell it to anyone and that people had come to the house. He said that he knew that Carolyn had also done so in the past but that it was mainly David who sold the marijuana. He also said that he used marijuana sometimes. Alan said that the marijuana that was most recently purchased was bought by David and brought into the house the night before last.

Alan said that the charge on the criminal complaint was not true and that he had not sold anything to anyone on May 29, 1986. Alan said that he wanted to talk to someone to get out of jail tonight and that if allowed to do so, he could do something with a supplier from Rockford. Alan said that the marijuana he had in his pocket earlier in the evening was for his personal use and not intended to sell.

He said that he told David that something like this would happen if he didn't quit and he said that the marijuana David had now was going to be the last. Alan said the only stuff in the house was in David's closet and Det. Hay looked and saw a brown paper bag containing several clear plastic bags with green leafy material and some U.S.C. and Alan said that was all that was in the house.

05-30-86 @ 2120 hrs. R/O and Det. Hay interviewed Diane Gagnon in David Gagnon's room at 1016 Elder, McHenry. R/O had earlier searched Diane after she had been found on the street in possession of contraband. R/O read Diane her rights under Miranda and she stated that she understood and would talk with us. Diane said that she did not have anything to do with any of the marijuana in the house and did not use or sell any of it. She said that her mother, father, and brother David were the ones who handled it. Diane also said that she thought the last time there was any marijuana in the house was about a month ago.

Diane said that people who purchase marijuana from her brother are Joe Choyinski, Peter Dubin, Dante Garcia, Tim Kinsland, and Glenn Sabaj. Diane and Donna Gagnon left the residence at 2145 hrs.

05-30-86 @ 2150 hrs. R/O and Det. Hay interviewed David Gagnon in his room at 1016 Elder, McHenry.

R/O read David his rights under Miranda and he stated that he understood and would talk with us.

David said that he attends the College of Lake County and works at the Lakeland Auto Body shop in Volo, earning five or six dollars an hour. He works on weekends and works about 20 hours a week. He also is supposed to be graduating from high school this year.

David said that he has been selling marijuana since he was about 17 years old and that he only dealt in marijuana and nothing else. He said that a guy was at his house earlier tonight and he sold him ~~koz.~~ of marijuana and he doesn't know the guy's name but he drives a Monza with no hood.

David said that his mother, Carolyn Gagnon, has sold marijuana a few times and he told her not to do it and he thinks that she hasn't done it in about six months. At 2210 hrs. David reached into his headboard of his bed and brought out a plastic bag containing green leafy plant material. David said that he would like to talk with somebody about helping with information that would help himself and his mother.

05-30-86 @ 2230 hrs. R/O and Det. Hay talked with Martin W. Siddons, Jr., in R/O's squad car parked outside of the Gagnon residence at 1016 Elder, McHenry. R/O read Martin his rights under Miranda and he stated that he understood and would talk with us. Martin said that he is a friend of Diane Gagnon and that he has heard that Joe Choyinski, John Flura (sp.?) and Peter Dubin buy marijuana from David Gagnon. He had earlier been brought to the Gagnon residence by Diane and at 2240 hrs. he walked home.

05-30-86 @ 2250 hrs. R/O and Det. Hay talked with Joseph H. Choyinski in David Gagnon's room at

CONTINUATION SHEET (Field)

McHenry County Sheriff's Dept.

PAGE NUMBER	KIND OF REPORT CONTINUED	OFFENSE - CHARGE OR INCIDENT	NAME OF VICTIM OR ARRESTEE	ARREST OR R.O. NUMBER
3	Supplement	Narcotics Investigation	Gagnon	86-5776
1016 Elder, McHenry. R/O read Joe Choyinski his rights under Miranda and he stated that he understood and would talk with us. Joe said that he is at the Gagnon residence a lot since he just lives a short distance away. He at first denied buying any marijuana from David Gagnon but then said that he had bought from David in the past but that he hasn't done so since about the last six months. He said that the last marijuana he bought from David was purchased in gram quantity. R/O called his mother, Carlie Choyinski, by telephone and requested that she come to the Gagnon residence and pick up Joseph. At 2315 hrs. Joseph was turned over to his parents and told the possibility of criminal charges. 05-30-86 @ 2315 hrs. R/O and Det. Hay talked with Steven A. Heide, age 18, in David Gagnon's room at 1016 Elder, McHenry. R/O read Steven his rights under Miranda and he stated that he understood and would talk with us. Steven said that he lived over in Mineral Springs and had not been to the Gagnon house in a long time and came over tonight to play pool. He denied coming over to purchase any marijuana and said that he knew nothing about the activities in the Gagnon house. 05-30-86 @ 2325 hrs. R/O and Det. Hay met with Timothy P. Kinsland in David Gagnon's room at 1016 Elder, McHenry, and after R/O read Timothy his rights under Miranda, he stated that he understood and would talk with us. Timothy said that he purchased marijuana from David Gagnon about 2 months ago and bought 1/8 oz. for \$15.00. He said that he did not come over to the Gagnon residence tonight to buy marijuana, however. 05-30-86 @ 2335 hrs. R/O and Det. Hay met with Peter W. Dubin in David Gagnon's room at 1016 Elder, McHenry, and after R/O read Timothy his rights under Miranda, he stated that he understood and would talk with us. Peter said that he bought 1/8 oz. of marijuana from David Gagnon about 6 weeks ago for \$15.00 but that he didn't come over to the Gagnon residence tonight to buy anything.				

Heide, Dubin and Kinsland were also told of the possibility of criminal charges.

The following list is the people interviewed:

GAGNON, DONNA J. F/W

GAGNON, CAROLYN J. F/W

DOB 07-25-70

DOB 11-26-46

1016 W. Elder

1016 W. Elder

McHenry, Ill. 60050

McHenry, Ill. 60050

815-344-4274

815-344-4274

10th grade, Johnsburg H.S.

Employed Baxter-Travenol, Round Lake

Parents: Alan & Carolyn Gagnon

312-546-6311

GAGNON, ALAN A. M/W

GAGNON, DIANE D. F/W

DOB 05-09-46

DOB 03-31-66

1016 W. Elder

1016 W. Elder

McHenry, Ill. 60050

McHenry, Ill. 60050

815-344-4274

815-344-4274

Unemployed

Employed Bucket Brigade, McHenry, 815-344-0443

McHenry County Sheriff's Dept.

PAGE NUMBER	KIND OF REPORT CONTINUED	OFFENSE - CHARGE OR INCIDENT	NAME OF VICTIM OR ARRESTEE	ARREST OR R.D. NUMBER
4	Supplement	Narcotics Investigation	Gagnon	86-5776
GAGNON, DAVID A. M/W				
DOB 04-03-67				
1016 W. Elder				
McHenry, Ill. 60050				
815-344-4274				
Attends College of Lake Co.				
Employed Lakeland Auto Body, Volo				
815-344-1787				
CHOYINSKI, JOSEPH H. M/W				
DOB 03-07-70				
4502 N. Riverdale Dr.				
McHenry, Ill. 60050				
815-385-8483				
10th grade, Johnsburg High School				
Parents: John & Carlisle Choyinski				
Work phone for parents: 312-526-7250				

KINSLAND, TIMOTHY P. M/W

DOB 10-11-65

1015 Ringwood Rd.

McHenry, Ill. 60050

312-497-4122

Employed Premagnetics Corp., Johnsbury

DUBIN, PETER W. M/W

DOB 04-27-68

4508 N. Hickory Nut Dr.

McHenry, Ill. 60050

12th grade, Johnsbury High School

815-385-8010

DATE AND TIME PHONED TO RECORDING CENTER

SUPPLEMENTARY REPORT (Field)

McHenry County Sheriff's Dept.

1. OFFENSE OR INCIDENT

EXECUTION OF SEARCH AND ARREST WARRANT

6. ORIGINALLY CLASSIFIED AS

SAME

2. CLASSIFICATION

3. DIST.

8-4-2

5. R.D. NUMBER

86-005776

7. VICTIM'S NAME

STATE OF ILLINOIS

DESP. WARRANT HOLDERS

9. Record here all developments in the case subsequent to the submission of the last report. Describe and record value of any property recovered, names and arrest numbers of any persons arrested. If offense classification is changed explain why. Indicate clearly disposition of property recovered and show property inventory number if in police possession.

Narrative:

ON FRIDAY 05/30/86 AT APPROXIMATELY 1900 HOURS, 16 AND OTHER MEMBERS OF THE MCHEMERY COUNTY SHERIFF'S OFFICE EXECUTED SEARCH AND ARREST WARRANTS AT 1016 ELMER STREET, BLOOMINGTON. THE SUBJECTS TO BE ARRESTED WERE DAVID CHURCHMAN AND ALAN CAGNON, AND TWO ITEMS TO BE SEIZED INCLUDED SUSPECT CANNABIS, CONTROLLED SUBSTANCE, AND ALL DRUG PARAPHERNALIA.

WHEN PRESENT AT THE ABOVE MENTIONED THE THREE WARRANT SUBJECTS, DAVID CHURCHMAN, ALAN CAGNON, WERE MENTIONED AND ARRESTED, AND A SYSTEMATIC SEARCH OF THE PARAPHERNALIA WAS STARTED. EXAMINATION OF THE SEARCH WARRANT CONCLUDED AT APPROXIMATELY 2200 HOURS ON 05/31/86, WITH A COPY OF THE SEARCH WARRANT LEFT IN A CONSPICUOUS LOCATION OF THE TOWN, (ATTACHED TO A WINDOW DOOR), AND ALL DOORS AND WINDOWS WERE LOCKED AND SECURED.

THE ARRESTED SUBJECTS WERE TRANSPORTED TO THE MCHEMERY COUNTY JAIL FACILITY FOR BOOKING OR CONFINEMENT WITH A COURT DATE OF 06/06/86. ALL SEIZED ITEMS WERE PROVIDED AND SUMMED BY DETECTIVE HAY, SEE DETECTIVE TOWN HAY'S SUPPLEMENT REPORT FOR THE INDICATED EVIDENCE (86-005776)

SEE BUREAU

10. STATUS (CHECK ONE)

Cleared by Arrest ☒NOT CLEARED ☐UNFOUNDED ☐

11. FURTHER POLICE ACTION AND REPORT REQUIRED

(CHECK ONE)

YES ☐NO ☐

REPORTING OFFICER

STAR

REPORTING OFFICER

STAR

SUPERVISOR APPROVING

STAR

STAR

ARRESTED SUBJECTS AND CHARGES

NO. 1: GAGNON, DAVID A. CHARGES: UNLAWFUL DELIVERY OF CANNABIS
1016 ALVINE CHARGE 56 1/2 SECTION 705 (D) \$20,000 BOND

PRINCEY, ILL 60050

UNLAWFUL DELIVERY OF CANNABIS

DOB - 04-03-62 CHARGE 56 1/2 SECTION 705 (D) \$20,000 BOND

TX - 344-4274

NO. 2: GAGNON, CHARLIE T.

UNLAWFUL DELIVERY OF CANNABIS

1016 ALVINE

CHARGE 56 1/2 SECTION 705 (D) \$20,000 BOND

PRINCEY, ILL 60050

UNLAWFUL DELIVERY OF CANNABIS

DOB 11-26-46 CHARGE 56 1/2 SECTION 707 (D) \$50,000 BOND

TX - 344-4274

NO. 3: GAGNON, RAYMOND A.

UNLAWFUL DELIVERY OF CANNABIS

1016 ALVINE

CHARGE 56 1/2 SECTION 705 (D) \$20,000 BOND

PRINCEY, ILL 60050

DOB 05-09-46

TX 344-4274

NOTED 6-10-86

JULIEN

JUVENILE

CLEARED

McHenry County Sheriff's Dept.

DATE AND TIME PHONED TO RECORDING CENTER

SUPPLEMENTARY REPORT (Field)

1. OFFENSE OR INCIDENT	2. CLASSIFICATION	3. DIST.	5. R.D. NUMBER
Narcotics Investigation		8-H-2	86-5776
6. ORIGINALLY CLASSIFIED AS	7. VICTIM'S NAME	8. ADDRESS	
	Gagnon, David, Alan, Carolyn	1016 W. Elder, McHenry	

3. Record here all developments in the case subsequent to the submission of the last report. Describe and record value of any property recovered, names and arrest numbers of any persons arrested. If offense classification is changed explain why. Indicate clearly disposition of property recovered and show property inventory number if in police possession.

06-04-86 @ 1630 hrs. R/O met with Donna J. Gagnon and her mother, Carolyn Gagnon, in the Detective's room of the McHenry County Courthouse. R/O read Donna her rights under Miranda and she stated that she understood and would talk with R/O.

Donna said that she believed it was two or three months ago that a girl she knows as Lisa Pienschke met Donna at a friend's house and gave Donna a driver's license and told Donna she could use it for identification as Donna generally fit the physical of Wendy Carter. Donna did not wish to give the name of the friend's house that this conversation took place. Donna said that she did not attempt to use this driver's license as identification but she made no attempt to return it to the owner. See R.D. 86-6789.

With reference to the pipe and marijuana found in her purse on 05-30-86 at 2145 hrs., Donna said that she found the pipe by the beach near her house but that the marijuana was hers and she got it from a person she didn't want to name.

Donna was processed and released to her mother at 1700 hrs.

OFFENDER: GAGNON, DONNA J. F/W
DOB 07-25-70
Employed: Bucket Brigade, 815-344-0443
Mother: Carolyn Gagnon, same add. & phone
1016 W. Elder, McHenry, Ill. 60050
815-344-4272
see reverse

10. STATUS (CHECK ONE)	CLEARED BY ARREST ☒	NOT CLEARED ☐	UNFOUNDED ☐
11. FURTHER POLICE ACTION AND REPORT REQUIRED (CHECK ONE)			
REPORTING OFFICER	STAR	REPORTING OFFICER	NO ☒
Det. Beverly D. Hendley	Det.		
SUPERVISOR APPROVING			STAR
Det. [Signature]			STAR

Charge: Unlawful Possession of Cannabis, Ch. 56½, 704 (b)

Also see R.D. 86-6789 and Fox Lake Police Department report #86-01525

DATE AND TIME PHONED TO RECORDING CENTER

SUPPLEMENTARY REPORT (Field)

McHenry County Sheriff's Dept.

1. OFFENSE OR INCIDENT

Unlawful Delivery Of Cannabis
6. ORIGINALLY CLASSIFIED AS

2. CLASSIFICATION

7. VICTIM'S NAME

State Of Illinois

3. DIST.

8-H-1

5. ADDRESS

MCSP, Woodstock, IL

5. R.D. NUMBER

86-05776

9. Record here all developments in the case subsequent to the submission of the last report. Describe and record value of any property recovered, names and arrest numbers of any persons arrested, if offense classification is changed explain why. Indicate clearly disposition of property recovered and show property inventory number if in police possession.

Narrative:

This case report involved the second Narcotics Controlled buy at 1016 W. Elder, McHenry. The same C.I. and officer Cundiff participated in this Unlawful Delivery Of Cannabis this date, 05/29/86.

R/O and officer Cundiff picked up the C.I. at his residence Thursday 05/29/85 @ 1820 hours. From the residence we proceeded to the parking lot of the Johnsbury Jr High School where the C.I. was thoroughly searched by R/O for contraband or U.S.C. on his person. After the search, approx 1830 hours, the C.I. (with officer Cundiff) was given U.S.C. for the purpose of purchasing CANNABIS from the residence located at 1016 W. Elder, McHenry. Officer Cundiff and the C.I. arrived at the said residence approx 1850 hours. The suspect, David Gagnon, met both the C.I. & Cundiff in the front yard of residence and stated that if they could front \$200.00, he could buy a pound of Cannabis because he already had \$900.00 saved up. The conversation continued in the residence where David's father, Alan Gagnon asked officer Cundiff if he wanted to play some pool. He further stated to officer Cundiff that he usually drives Dave to get the Cannabis but not tonight. The \$200.00 U.S.C. was given to David Gagnon inside the residence with an agreement that the two (2) lids of Cannabis (56 grams) could be picked up at about 2030 hours.

During the approx 90 minute wait for delivery, R/O, officer Cundiff and the C.I. went to a McHenry restaurant where the C.I. was kept under constant eye contact until the controlled buy was completed. The actual delivery of the

see reverse -----

10. STATUS
(CHECK ONE)

CLEARED BY ARREST ☐

NOT CLEARED ☐

UNFOUNDED ☐

11. FURTHER POLICE ACTION AND REPORT REQUIRED

(CHECK ONE)

YES ☐

NO ☐

REPORTING OFFICER

STAR

REPORTING OFFICER

STAR

SUPERVISOR APPROVING

STAR

Cannabis took place at approx 2210 hours in the basement, 1016 W.Elder, McHenry. Both the C.I. and officer Cundiff went to the basement area where Dave Gagnon and Alan Gagnon stood next to the work bench in the S/E section of basement. The two (2) clear plastic bags, containing the Cannabis, were on top of the work bench. The C.I. took the Cannabis and Mr Alan Gagnon stated would you like to weigh it. The C.I.'s response was, "No, thats O.K., we trust You". The C.I. and Cundiff left the residence and proceeded to R/O's location across from Johnsbury High School where the Cannabis was turned over to R/O as evidence. Dave Gagnon and Alan Gagnon claimed that Cannabis purchased this date was the better quality green stuff and was two (2) lids, #56 grams total. The C.I. was checked for any additional contraband or U.S.C. (except change from controlled buy). Suspect Cannabis secured at 2220 hours this date by R/O, controlled buy completed. The CI returned to his residence, R/O & officer Cundiff returning to the MCSF detective division office. The suspect Cannabis was field tested using the NIK, Narcotics Identification System and tested positive for the presence of Cannabis. Total weight including the clear plastic bags, #56 grams. Amount paid by the C.I., \$200.00. Field test performed 2345 hours this date.

Offenders : #1 Gagnon, David A. M/W/ 04-03-67 1016 W.Elder, McHenry

#2 Gagnon, Alan A. M/W/ 05-09-46 1016 W.Elder, McHenry

Witness : Officer A.Cundiff #306, Harvard Police Department

Evidence : All property recovered in this case will be inventoried under RD #86-05776

INVESTIGATION TO CONTINUE

CLEARED JUVENILE

McHenry County Sheriff's Dept.

SUPPLEMENTARY REPORT (Field)

DATE AND TIME PHONED TO RECORDING CENTER
INDEXED
1. OFFENSE OR INCIDENT
Unlawful Delivery of Cannabis
2. ORIGINALLY CLASSIFIED AS
Unlawful Delivery of Cannabis
3. Record here all developments in the case subsequent to the submission of the last report. Describe and record value of any property recovered, names and arrest numbers of any persons arrested. If offense classification is changed explain why. Indicate clearly disposition of property recovered and show property inventory number if in police possession.

2. CLASSIFICATION
3. DIST.
8-H-1
8. ADDRESS
M.C.S.P.
7. VICTIM'S NAME
State of Illinois

On 05-30-86 @ 1905 hours R/O arrived at 1016 W. Elder Street in McHenry pursuant to a search warrant.

At 1913 hours R/O and Detective Beverly Hendle began interviewing those individuals who were found in the residence at the time of the execution of the search warrant. For details of these interviews, see Detective Beverly Hendle's supplement to this R.D.

At 2315 hours, a search of the residence was started with the following officers involved in the search, Detective Ronald Page, Detective Beverly Hendle, Detective Thomas Monday, Detective George Shirey, Deputy Ron Salgado and additional searchers which joined later were Sergeant Larry Macheroux, Detective Chris Pandre, Detective Keith Grabowski and Deputy Joe Eisele.

The following is a list of the items recovered during the search warrant, the location they were found, the officer who found them and the time that officer turned those items over to R/O:

- Item #1 found in Alan Gagnon's rear pocket by Sergeant Glen Olson and turned over to R/O at 2330 hours.
- Item #2 found on the person of a female subject at the residence by Sergeant Olson and turned over to R/O at 2330 hours.
- Item #3 found in Donna Gagnon's purse by Detective Beverly Hendle and turned over to R/O

10. STATUS (CHECK ONE)
CLEARED BY ARREST ☒ NOT CLEARED ☐ UNFOUNDED ☐
11. FURTHER POLICE ACTION AND REPORT REQUIRED (CHECK ONE) YES ☐ NO ☒

REPORTING OFFICER
Det. Thomas T. Hay
STAR
SUPERVISOR APPROVING
STAR

at 2350 hours.

Item #4 found in Donna Gagnon's purse by Detective Beverly Hendle and turned over to R/O at 2350 hours.

Item #5 found in Donna Gagnon's purse by Detective Beverly Hendle and turned over to R/O at 2350 hours.

Item #6 found in David Gagnon's headboard given to Detective Beverly Hendle by David Gagnon and turned over to R/O at 2355 hours.

Item #7 found in David's closet on the floor previously pointed out to R/O and Detective Beverly Hendle by Alan Gagnon and David Gagnon during the interviews and turned over to R/O by Detective Beverly Hendle at 2355 hours.

Item #8 found in David Gagnon's closet shelf by Detective Ronald Page and turned over to R/O at 2400 hours.

Item #9 found in David Gagnon's closet by Detective Ronald Page and turned over to R/O at 0005 hours.

Item #10 found in David Gagnon's room in the second drawer of a jewelry type box by

Detective Beverly Hendle and turned over to R/O at 0005 hours.

Item #11 found in the David Gagnon's bedroom in the second drawer of a jewelry type box by Detective Beverly Hendle and turned over to R/O at 0005 hours.

Item #12 found in David Gagnon's room in a second drawer of a jewelry type box by Detective Beverly Hendle and turned over to R/O at 0005 hours.

Item #13 found in David Gagnon's room in the third drawer of a jewelry type box by

Detective Beverly Hendle and turned over to R/O at 0005 hours.

Item #14 found in David Gagnon's room in a third drawer to a jewelry type box by Detective

at 0005 hours.

CONTINUATION SHEET (Field)

GE NUMBER	KIND OF REPORT CONTINUED	OFFENSE - CHARGE OR INCIDENT	NAME OF VICTIM OR ARRESTEE	ARREST OR R.O. NUMBER
2	Supplementary Report	Unlawful Delivery	State of Illinois	86-05776
Item #15 found in the northwest corner bedroom, Donna Gagnon's room, by Detective George Shirey and turned over to R/O at 0015 hours.				
Item #16 found in David Gagnon's closet by Detective Ron Page and turned over to R/O at 0015 hours.				
Item #17 found in Carolyn Gagnon's bedroom underneath the bed by Deputy Ron Salgado and turned over to R/O at 0020 hours.				
Item #18 found in Donna Gagnon's bedroom in a box by Detective George Shirey and turned over to R/O at 0030 hours.				
Item #19 found in David Gagnon's headboard by Detective Ron Page and turned over to R/O at 0030 hours.				
Item #20 found in a tool box on the work bench in the basement by Deputy Joe Eisele and turned over to R/O at 0040 hours.				
Item #21 found in a tool box on the work bench by Deputy Joe Eisele and turned over to R/O at 0040 hours.				
Item #22 found in a tool box on the work bench in the basement by Deputy Joe Eisele and turned over to R/O at 0045 hours.				
Item #23, there is no item #23 due to R/O itemizing numbers from 22 to 24 and forgetting to list one as 23, no item was ever cataloged as item #23.				
Item #24 found on the tool bench in the basement by Deputy Joe Eisele and turned over to R/O at 0050 hours.				
Item #25 found in the drawers underneath David Gagnon's bed by Detective Ronald Page and				

Item #26 found in the drawers under David Gagnon's bed by Detective Ronald Page and turned over to R/O at 0055 hours.

Item #27 found in Carolyn Gagnon's right middle dresser drawer by Deputy Ron Salgado and turned over to R/O at 0055 hours.

Item #28 found in Carolyn Gagnon's bedroom right middle dresser drawer by Deputy Ron Salgado and turned over to R/O at 0055 hours.

Item #29 found on the work bench in the basement by Detective Chris Pandre and turned over to R/O at 0055 hours.

Item #30 found in the basement on a shelf in the southeast corner by Deputy Joe Eisele and turned over to R/O at 0100 hours.

Item #31 found under the work bench in the basement by Deputy Joe Eisele and turned over to R/O at 0100 hours.

Item #32 found on the work bench in the basement by Detective Chris Pandre and turned over to R/O at 0105 hours.

Item #33 found in the living room closet by Detective Ronald Page and turned over to R/O at 0110 hours.

Item #34 found under the kitchen sink by Detective George Shirey and turned over to R/O at 0115 hours.

Item #35 found on the living room coffee table by Deputy Ron Salgado and turned over to R/O at 0130 hours.

Additional items were recovered by Detective Chris Pandre at a later date, that being U.S.C. found on the person of David Gagnon, Alan Gagnon, and Carolyn Gagnon. These items were inventoried by Detective Pandre.

(OVER)

CONTINUATION SHEET (Field)

McHenry County Sheriff's Dept.

PAGE NUMBER 3	KIND OF REPORT CONTINUED Supplementary Report	OFFENSE - CHARGE OR INCIDENT Unlawful Delivery	NAME OF VICTIM OR ARRESTEE State of Illinois	ARREST OR R.O. NUMBER 86-05776
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The above items were then packaged and sealed and initialed by R/O with the name of the officer who turned them over to R/O-listed on the sticker on the bag. These items were then placed into evidence by R/O.

Item #7 in the initial discovery had contained \$25 in U.S.C. This \$25.00 was later removed from Item #7 and placed with other U.S.C. in Item #39. So that Item #7 could be sent to the Illinois State Crime Lab for analysis.

Item #7 had been field tested by Detective Pandre on 05-31-86 @ 0300 hours and proved positive for containing cannabis. Detective Pandre also weighed the substance in Item #7 and its weight came to be 230 grams.

This case had been previously cleared by arrest.....

DATE AND TIME PHONED TO RECORDING CENTER

SUPPLEMENTARY REPORT (Field)

McHenry County Sheriff's Dept.

1. OFFENSE OR INCIDENT	2. CLASSIFICATION	3. DIST.	5. R.D. NUMBER
Narcotics Violation		8-H-2	86-005776
6. ORIGINALLY CLASSIFIED AS	7. VICTIM'S NAME	8. ADDRESS	
Narcotics Violation	Gagnon, David	1016 Elder	McHenry
9. Record here all developments in the case subsequent to the submission of the last report. Describe and record value of any property recovered, names and arrest numbers of any persons arrested. If offense classification is changed explain why. Indicate clearly disposition of property recovered and show property inventory number if in police possession.			

On May 30, 1986 @ approximately 1915 hours, while executing a search warrant at the Gagnon residence, 1016 Elder, McHenry. I was requested by Under Sheriff Hendle to interview a subject later identified as Jeffery A. Callahan (M/W, DOB 08-10-69). I was advised by Under Sheriff Hendle that this subject had come to the residence looking for a subject taken into custody David A. Gagnon.

I then took Callahan to a bedroom located at the northwest corner of the home and interviewed him. Prior to the interview, I conducted a pat down search of Callahan and located a silver colored pipe containing a small amount of residue in Callahan's right front jean pocket. I removed the pipe from the pocket then questioned Callahan as to the reason he was at the Gagnon residence. Callahan stated that he had come to the residence to visit David Gagnon as they had been friends for a long time. It was also learned that Callahan has purchased small quantities of marijuana from Gagnon in the past. Callahan stated that approximately one month ago he purchased one gram of marijuana from Gagnon for an unknown amount of money. I advised Callahan that I would be seizing the pipe found in his pocket and entering it in evidence. Callahan was then released.

At approximately 2027 hours, Detective Lockhart requested I assist him with a black over gold older model Chevrolet Nova (IL 86 RYJ 758) which he had stopped on the roadway approximately two houses east of the Gagnon residence. Detective Lockhart advised me that he had questioned these

10. STATUS (CHECK ONE)	CLEARED ☒	NOT CLEARED ☐	UNFOUNDED ☐
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11. FURTHER POLICE ACTION AND REPORT REQUIRED (CHECK ONE)		STAR	SUPERVISOR APPROVING
YES ☐ NO ☒		STAR	
REPORTING OFFICER	STAR	REPORTING OFFICER	
Det.	Det.		

subjects, then searched their vehicle obtaining several items which could be used for "snorting" cocaine. Upon arrival, I was advised by Detective Lockhart that he had located a mirror, partially smoked hand rolled cigarette, a "Stanley knife" knife blade, a piece of white rolled plastic, a wire clip and a package of Zig Zag Kutcorners rolling papers. These items were sitting on top of the right side of the roof of the vehicle. I then questioned the driver of the vehicle, a David K. Hopp (M/W, DOB 09-11-69) and learned the following: On the evening of May 29, another subject in the vehicle a Rob Ridge had purchased a quarter gram of cocaine from the Wright residence on Coolidge Drive, McHenry for \$25.00. Prior to being stopped, Hopp, his cousin Michael S. Hopp (M/W, DOB 05-22-69) and Rich had taken the cocaine to a beach somewhere along the river in the Sunnyside area and snorted the cocaine. Through further questioning, it was learned that at the time of the stop, they were enroute to the Gagnon residence to purchase marijuana. I then requested and Hopp agreed to make a written statement reference the incident. Copy of statement attached to this supplement.

At approximately 2050 hours, I interviewed Michael S. Hopp (M/W, DOB 05-22-69) reference the incident. It was learned that Michael Hopp was a passenger in the vehicle and Hopp agreed to make a statement reference the incident. Hopp stated that he has been dealing with David Gagnon but not for the past four or five months. He stated that on May 29, he bought a quarter gram of cocaine from Gagnon and that the week before on what he believed to be Thursday, May 22, he bought a gram of marijuana from Gagnon. Hopp stated that he has purchased marijuana from Gagnon on nine or ten occasions and that they were enroute to Gagnon's residence to purchase marijuana when they were stopped by Detective Lockhart. Michael Hopp stated that he has purchased marijuana from Gagnon in his bedroom where Gagnon normally keeps it in his roll top desk and another time it was sold to him by David Gagnon in the kitchen of the home. Michael Hopp also agreed to make a written statement reference the incident which was completed at 2058 hours. Copy of statement attached to this report.

Investigation conducted by Detective Lockhart within David Hopp's vehicle was seized

CONTINUATION SHEET (Field)

McHenry County Sheriff's Dept.

PAGE NUMBER	KIND OF REPORT CONTINUED	OFFENSE - CHARGE OR INCIDENT	NAME OF VICTIM OR ARRESTEE	ARREST OR R.D. NUMBER
2	Supplementary Report	Narcotics Violation	Gagnon, David	86-005776

by me and entered into evidence for destruction only as was the silver colored pipe with black residue which was seized from Callahan.

No further action taken at this time. For further information see supplements by Detectives Hay and Pandre.

Subjects Interviewed: #1 Callahan, Jeffery A. DOB 08-10-69

4403 Maple Leaf, McHenry

TX: 815-385-0866

#2 Hopp, David K. DOB 09-11-69

3602 N. Fairview, McHenry

TX: 815-385-4464

Work TX: 815-385-1430

#3 Hopp, Michael S. DOB 05-22-69

2013 Sunnyside Beach Drive, McHenry

TX: 815-385-8258

PROPERTY INVENTORY

1. Offense <u>Pos Controlled Substance</u>	2. Date and Time <u>5/30/86 10:45PM</u>	3. R.D. Number <u>86-005776</u>
4. Location <u></u>	5. Found ☐ Recovered ☐ Evidence ☐ Confiscated ☐ Safekeeping ☒ Confiscated For Destruction Only ☐	6. Where Property Secured <u>EVIDENCE VAULT</u>
7. Received From <u>DAVID GAGNON, 1016 ELDER, McHENRY, IL</u>	TX No.: <u></u>	9. Location in Property Room <u>Large Safe #5</u>
8. Subject Arrested <u></u>	Address <u></u>	

10. Item	11. Quantity	12. Description (Size, Make, Color, Model No., Serial No. etc.)
1	1	\$2.00 BILL S# A46939506A 1953-A
2	1	\$20.00 BILL S# G22205764A
3	1	\$1.00 BILL S# H63222515A
4	2	PEACE DOLLARS (1922 1922)
5	1	1922 PROOF SET
6	1	1935 WALKING LIBERTY .504
7	1	KENNEDY 1964 .504
8	1	1959 B. FRANKLIN .504
9	1	1962 QUARTER 1 1966 PENNY
10	1	COIN BOOK CONT 1946 THRU 1955D + 1956 THRU 1969D + 1970D, 1974, 1994D
		TOTAL: 57 DIMES -
11	1	Plastic Bag containing 4 Dime Dollars + 150¢

Received From _____ as shown on Property Inv. _____
DEPT. RECEIPT
Items No. _____
Date _____
Sig. _____

13. Reporting Officer <u>H. B. Smith</u>	14. Supervisor <u>H. B. Smith</u>	15. Property Officer <u>H. B. Smith</u>	Date/Time <u>5/30/86</u>	Locker <u>2300</u>
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CLEARED

DATE AND TIME PHONED TO RECORDING CENTER

1. OFFENSE OR INCIDENT

Unlawful Delivery of Cannabis
Unlawful Delivery of Cannabis

3. Record here all developments in the case subsequent to the submission of the last report. Describe and record value of any property recovered, names and arrest numbers of any persons arrested. If offense classification is changed explain why. Indicate clearly disposition of property recovered and show property inventory number if in police possession.

Narrative:

SUPPLEMENTARY REPORT (Field)

2. CLASSIFICATION

7. VICTIM'S NAME

State of Illinois

3. DIST.

5. ADDRESS

MCSO

5. R.O. NUMBER

86905776

McHenry County Sheriff's Dept.

06/16/86 it was noticed that there were two evidence inventory numbers 1-13. One issued by

Det. ctive Donald Lockhart and one issued by R/O.

Items 1-13 by Det. Lockhart were items taken for safe keeping at the Defendant, David Gagnon's request. These items are not considered evidence and have no involvement in the above case. These items will be returned to David Gagnon upon his request.

Items 1-13 by R/O are evidence in the above case and have been seized through a search warrant.

To clarify the identification of these items it should be noted that they will be referred to as "items 1-13=Lockhart" and "items 1-13=Hay".

This case previously cleared.

10. STATUS
(CHECK ONE)

CLEARED BY ARREST ☒

NOT CLEARED ☐

UNFOUNDED ☐

11. FURTHER POLICE ACTION AND REPORT REQUIRED

(CHECK ONE)

YES ☐

NO ☒

REPORTING OFFICER

STAR

REPORTING OFFICER

STAR

SUPERVISOR-APPROVING

STAR

A F F I D A V I T

Chris Pandre, being first duly sworn on oath, deposes and says:

1. That he is employed by the McHenry County Sheriff's Department, having been so employed for the past 8 1/2 years, being currently assigned as a Detective;

2. That during the course of duty, your affiant was assigned to investigate the unlawful sale of illegal drugs at the premises located at 1016 W. Elder, McHenry County, Illinois, being a one story ranch frame house, beige in color, with an east side driveway;

3. That on May 14, 1986, your affiant had a conversation with a confidential informant in which said confidential informant has purchased, approximately 12 times, drugs from David Gagnon and his mother, Carolyn Gagnon, at the above captioned location, and that said confidential informant purchased mostly brown and green cannabis, but he can obtain cocaine and blotter acid from said subjects at said location;

4. That your affiant further states that over an eight month period, he has received numerous complaints from area residents surrounding 1016 N. Elder, McHenry County, Illinois, of heavy vehicular traffic, mostly teenagers, arriving at said address, stopping for a short while, and then leaving immediately thereafter;

5. That your affiant further states that said heavy vehicular traffic occurs mostly late afternoon and throughout the evening seven days a week;

6. That your affiant had a conversation with Detective George Shirey of the McHenry County Sheriff's Police in mid to late April, 1986, and he related to your affiant that a juvenile in custody for possession of cannabis has informed Detective George Shirey that he has purchased cannabis from one David Gagnon at the residence located at 1016 W. Elder, McHenry County, Illinois, and at Johnsonburg High School, Johnsonburg, McHenry County, Illinois, but that said juvenile does not want to get involved, and that said David Gagnon can get any type of drug you want;

7. That your affiant had a conversation with Deputy Ron Salgado of the McHenry County Sheriff's Police some time during mid to late April, in which Deputy Salgado stated that he had the premises located at 1016 E. Elder, McHenry County, Illinois, under surveillance for a total of 14 hours on April 7, 8, 11, and 12, 1986, and that during said surveillance he observed 41 different motor vehicles arrive at said location containing a total

of 65 people, all of them appearing to be teenagers, and that they would proceed directly to a back door of said residence, even though the front door to said residence was closer and more convenient, would stay for approximately five minutes at said location and then leave;

8. That your affiant had a subsequent conversation with Deputy Ron Salgado on May 23, 1986 in which Deputy Salgado informed your affiant that he again had the above stated premises under surveillance for between the hours of 6:00 p.m. and 9:00 p.m. on May 23, 1986, during which time he observed five different motor vehicles arrive at said location, and observed approximately 12 different people walk inside the house, and leave shortly thereafter;

9. That on May 14, 1986, your affiant had a conversation with the confidential informant in which he stated that he went to 1016 W. Elder, McHenry County, Illinois, on May 14, 1986, and purchased a 40 grams of cannabis from David Gagnon's mother, Carolyn Gagnon, said 40 grams of cannabis being weighed and packaged from a larger quantity of cannabis located in the kitchen area of said residence;

10. That immediately prior to the above transaction on May 14, 1986, your affiant searched the confidential informant and did not find any contraband or United States Currency on his person, and your affiant gave the confidential informant United States Currency for the purchase of cannabis at said residence, and that said confidential informant was entered the above premises, and that said confidential informant was found to have in his possession 40 grams of cannabis, and had no United States Currency in his possession, which cannabis he turned over to an undercover police officer at the scene and which was subsequently tested positive for the presence of cannabis, and weighed at 40 1/2 grams;

11. That on May 29, 1986, your affiant had a conversation with the confidential informant in which said confidential informant advised your affiant that he was going to go to the above premises and attempt to purchase additional quantities of cannabis from David Gagnon;

12. That in a subsequent conversation on May 29, 1986, the confidential informant informed your affiant that he went to the above premises and spoke with David Gagnon, and David Gagnon had \$900.00 and needed the confidential informant to front him \$200.00 so that David Gagnon could purchase one pound of cannabis for \$1,100.00, and that your confidential informant did give David Gagnon \$200.00 and an agreement was made to pick up the cannabis at 8:30 p.m. the same evening, May 29, 1986, at the above described location;

SUBSCRIBED & SWORN before me this 30th day of May, 1986.

AFFIANT

FURTHER AFFIANT SAYETH NOT.

WHEREFORE, your affiant believes that based upon the above information, that there is still a quantity of cannabis in the residence located at 1016 W. Elder, McHenry County, Illinois.

16. That on May 29, 1986 at 10:20 p.m., your affiant had a conversation with the undercover police officer who accompanied the confidential informant to the above described residence for the purchase of cannabis on May 29, 1986, and that the undercover police officer informed your affiant that he was present during the initial conversation about the \$200.00 being needed by David Gagnon to purchase one pound of cannabis, and was also present during the actual delivery and purchase of the 56 grams of cannabis in the basement of the above described residence.

15. That your affiant obtained the purchased cannabis from the confidential informant and that your affiant tested and weighed said cannabis, said cannabis testing positive for the presence of cannabis and weighing 56 grams;

14. That prior to the confidential informant's first entry to the residence aforementioned, your affiant searched the confidential informant and he did not possess any contraband or United States currency, and that your affiant gave the confidential informant United States currency for the sole purpose of purchasing cannabis from David Gagnon at the above premises, and that the confidential informant was under constant surveillance by the undercover police officer until the time that the purchased cannabis was turned over to your affiant;

13. That the confidential informant further advised your affiant that in the evening on May 29, 1986, the confidential informant and an undercover police officer returned to the residence at 1016 W. Elder, McHenry County, Illinois, and did then purchase 56 grams of cannabis from David Gagnon in the basement of said residence;

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHenry COUNTY

COMPLAINT FOR SEARCH WARRANT

DETECTIVE CHRIS PANDRE

complainant now appears before the undersigned

Judge of the Circuit Court of said County and requests the issuance of a search warrant to search (the person of single family one story ranch frame house, beige in color, with an east side gravel driveway, with ~~and~~ detached shed, commonly known as 1016 W. Elder, McHenry, McHenry County, Illinois ^(premises) DAVID GAGNON, CAROLYN GAGNON, ALAN GAGNON and seize the following instruments, articles and things which have been used in the commission of, or which

constitute evidence of, the offense of Unlawful Possession of Cannabis; Unlawful Delivery of Cannabis; Unlawful Possession of Controlled Substance; Unlawful Delivery of Controlled Substance

Cannabis; Any and all drugs and/or drug paraphernalia; Any and all illegal drugs, controlled substance

Complainant says that he has probable cause to believe, based upon the following facts, that the above listed things to be seized are now located upon the (person and) premises set forth above:

(See attached Affidavit)

(Complainant)

Signed and sworn to before me

May 30

, 19 86

(Judge)

No Carbon Required

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT

McHenry COUNTY

The People of the State of Illinois

vs.

single family one story ranch frame house, beige in color, with an
east side gravel driveway, with detached shed, commonly known as
1016 W. Elder, McHenry, McHenry County, Illinois, DAVID GAGNON,
CAROLYN GAGNON Defendant
ALAN GAGNON

SEARCH WARRANT

TO ALL PEACE OFFICERS OF THE STATE OF ILLINOIS or _____:

ON THIS DAY DETECTIVE CHRIS PANDRE, COMPLAINANT, HAS SUBSCRIBED

and sworn to a complaint for search warrant before me. Upon examination of the complaint I find that

it states facts sufficient to show probable cause and I therefore command that (the person of _____

DAVID GAGNON, CAROLYN GAGNON, ALAN GAGNON _____ and)

single family one story ranch frame house, beige in color, with an
east side gravel driveway, with detached shed, commonly known as

1016 W. Elder, McHenry, McHenry (premises) County, Illinois

be searched and the following instrument, articles and things which have been used in the commission

UNLAWFUL POSSESSION/DELIVERY OF CANNABIS
of, or which constitute evidence of, the offense of UNLAWFUL POSSESSION/DELIVERY be seized
OF CONTROLLED SUBSTANCE

therefrom:

Any and all illegal drugs

IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

-vs-

CAROLYN GAGNON
DAVID GAGNON
ALAN GAGNON

No. 86 CF 485
86 CF 486
86 CF 487
86 CF 500

FILED
McHENRY COUNTY, ILLINOIS

NOTICE OF MOTION

Mr. Gary Pack
To McHenry County State's Attorney's Office
McHenry County Courthouse
2200 N. Seminary Avenue
Woodstock, IL 60098

OCT 10 1986

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

On October 10, 1986, at 9:00 a. m., or as soon thereafter as
counsel may be heard, I shall appear before the Honorable judge presiding or any judge sitting in
his stead, in the courtroom usually occupied by him in Court House, 2200 N. Seminary Avenue
(Route 47), Woodstock, Illinois and then and there ask that a Motion to
Continue be heard, a copy of which is attached hereto.

Michael J. McNerney
Michael J. McNerney

Name Ellis & McNerney

Attorney for Defendant

Address 138 Cass Street, P.O. Box 703

City Woodstock, IL 60098

Telephone 815/338-0060

Copy received _____, 19____, at _____, ____ m.

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, McHENRY COUNTY, ILL.

PEOPLE OF THE STATE OF ILLINOIS)

-VS-

FILED
McHENRY COUNTY, ILLINOIS)

CAROLYN GAGNON
DAVID GAGNON
ALAN GAGNON

OCT 10 1986)

VERNON W. KAYS, JR.)
CLERK OF THE CIRCUIT COURT

No. 86 CF 485
86 CF 486
86 CF 487
86 CF 500

MOTION TO CONTINUE

Now come CAROLYN, DAVID, and ALAN GAGNON, by their
attorney, Michael J. McNerney, and states as follows:

1. The court has previously entered an order granting
the above-named defendants the right of discovery.

2. The State has filed an Answer to Discovery and
a Supplemental Answer to Discovery, wherein, they have indicated
that a confidential informant was utilized and that his name
is William Wijas.

3. The State has informed attorney Michael J. McNerney
that sentence concessions were made to William Wijas to get
him to cooperate in the undercover investigation. The charges
pertaining to those discussions have not been supplied to the
defense and they are necessary for the defense to be prepared
in this matter.

WHEREFORE, attorney Michael J. McNerney respectfully
requests this Honorable Court to enter an order continuing

LAW OFFICES

MR. REILLY, PRATHER,

MCNERNEY & GRAHAM

120 N. FRONT STREET

McHENRY, ILLINOIS 60050

(815) 385-1313

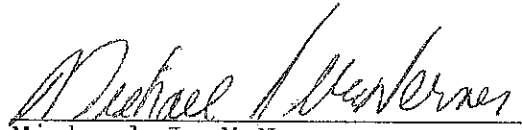
138 CASS STREET

P.O. BOX 703

WYDSTOCK, ILLINOIS 60098

(815) 338-0060

this matter for trial.


Michael J. McNerney

LAW OFFICES
MR. REILLY, PRATHER,
MCNERNEY & GRAHAM
120 N. FRONT STREET
SPRINGFIELD, ILLINOIS 60050
(815) 385-1313

138 CASS STREET
P.O. BOX 703
SPRINGFIELD, ILLINOIS 60098
(815) 338-0060

STATE OF ILLINOIS)
) SS.
COUNTY OF MCHENRY)

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
)
 - vs -)
)
DAVID A. GAGNON)

No. 86 CF 484

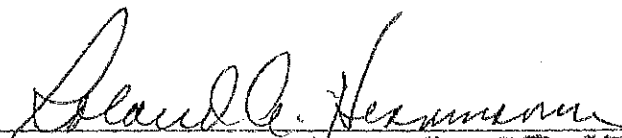
A G R E E D O R D E R

THIS MATTER coming before the Court by agreement of the parties, it being stipulated by the parties that \$10,000.00 (Ten Thousand Dollars) be declared proceeds from illegal drug activity conducted inside the dwelling located at 1016 W. Elder, McHenry, McHenry County, Illinois;

WHEREFORE, by agreement of the parties and as part of the negotiated plea entered in the above captioned matter;

IT IS HEREBY ORDERED that the defendant will consent to a stipulated forfeiture of \$10,000.00 (Ten Thousand Dollars) pursuant to a forfeiture complaint to be filed by the United States Attorneys Office under the laws of the United States against the said dwelling and property, and will not contest such forfeiture;

IT IS FURTHER ORDERED that the State will not seek to have any further amounts of United States Currency or any of the property seized or forfeitued whether under the laws of the United States or the State of Illinois.

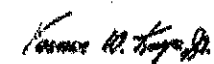

JUDGE

FILED
MCHENRY COUNTY, ILLINOIS

ENTERED: 2-17-87

STIPULATED TO: David A. Gagnon
DAVID A. GAGNON

FEB 17 1987


Clerk of the Circuit Court

CIRCUIT COURT FOR THE 19th JUDICIAL CIRCUIT

STATE OF ILLINOIS }
COUNTY OF McHENRY } SS

86CF 484-5-7

GEN. NO. _____

☐ Jury ☐ Non-Jury

People

vs.

DAVID, ALAN and CAROLAN
BARNER

Date

2/17/87

Plaintiff's
Attorney

McArdle

Defendant's
Attorney

McKewen

ORDER

ON motion and Stipulation

The Court orders that the Balance
of the Bond shall be paid to Attorney
Michael J. McKewen

FILED
McHENRY COUNTY, ILLINOIS

FEB 17 1987

James W. Hayes Jr.

Clerk of the Circuit Court

Judge

Richard G. Henneman

CIRCUIT COURT FOR THE 19th JUDICIAL CIRCUIT

STATE OF ILLINOIS
COUNTY OF McHENRY

SS

GEN. NO.

86 CF 484

86 CF 485

86 CF 487

☐ Jury ☐ Non-Jury

People

vs.

ALAN, DAVID AND Carolyn
Sagon

Date

2/17/87

Plaintiff's
Attorney

Defendant's
Attorney

ORDER

The Court orders:

- 1) ALAN SAGON may live in the
State of Wisconsin
- 2) The bonds may be released
with out a bond receipt

FILED
McHENRY COUNTY, ILLINOIS

FEB 17 1987

Kenneth W. Hayes Jr.

Clerk of the Circuit Court

Judge

Robert A. Henderson

STATE OF ILLINOIS)
) SS IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT,
COUNTY OF McHenry) McHenry COUNTY, ILLINOIS
PEOPLE OF THE STATE OF ILLINOIS) GEN. NO. 86 of 484
)
vs.)
DAVID A BAGNON)

ORDER AND CERTIFICATE OF FELONY PROBATION/CONDITIONAL DISCHARGE

This cause comes on to be heard for sentencing. Defendant is present in person and by counsel. The above named Defendant has been heretofore adjudicated guilty of the Crime(s) of

Unlawful Delivery of Cannabis 2 Count

The Court, pursuant to Illinois Revised Statutes, Chapter 38, Sec. 1005-4-1, has:

- a. Considered all the evidence, if any, received upon the trial or the stipulation of facts or the factual basis for the adjudication of guilt;
- b. Considered the presentence investigation report, if any;
- c. Considered the evidence and information offered, if any, by the parties in aggravation and mitigation;
- d. Heard arguments as to sentencing alternatives;
- e. Considered the agreement, if any, of the parties to imposition of a specific sentence;
- f. Afforded the Defendant an opportunity to make a statement in his/her own behalf; and based upon an independent assessment of all of the above,

THE COURT FINDS as follows:

1. In accordance with Illinois Revised Statutes, Chapter 38, Sec. 1005-5-3.1, the following factors of MITIGATION are present:
 - ☐ The Defendant's criminal conduct neither caused nor threatened serious physical harm to another person.
 - ☐ The Defendant did not contemplate that his/her criminal conduct would cause or threaten serious physical harm to another.
 - ☐ The Defendant acted under a strong provocation.
 - ☐ There were substantial grounds tending to excuse or justify the Defendant's conduct, though failing to establish a defense.
 - ☐ The commission of the offense was induced or facilitated by someone other than the Defendant.
 - ☐ The Defendant has compensated or will compensate the victim for the damage or injury.
 - ☐ The Defendant has no history of prior delinquency or criminal activity or he/she has led a law abiding life for a substantial period before the commission of the present crime.
 - ☐ The Defendant's conduct was a result of circumstances unlikely to recur.
 - ☒ The Defendant's character and attitudes indicate he/she is unlikely to commit another crime.
 - ☒ The Defendant is likely to comply with the terms of a period of probation.
 - ☐ The imprisonment of the Defendant would entail excessive hardship on his/her dependents.
 - ☐ The imprisonment of the Defendant would endanger his/her medical condition.
 - ☐ Other mitigating factors, if any, considered by the Court: _____
2. In accordance with Illinois Revised Statutes, Chapter 38, Sec. 1005-5-3.2(a), the following factors of AGGRAVATION are present:
 - ☐ The Defendant inflicted or attempted to inflict serious bodily injury to another person.
 - ☐ The Defendant received compensation for committing the offense.
 - ☐ The Defendant has a history of prior delinquency or criminal activity.
 - ☐ The Defendant, by the duties of his/her office or by his position, was obligated to prevent the particular offense committed or bring the offenders committing it to justice.
 - ☐ The Defendant held public office at the time of the offense and the offense related to the conduct of that office.
 - ☐ The Defendant utilized his/her professional reputation in the community to commit the offense or to afford him/her an easier means of committing it.
 - ☒ The sentence is necessary to deter others from committing the same crime.
 - ☐ Other aggravating factors, if any, considered by the Court: _____

IT IS THEREFORE ORDERED as follows:

Having regard to the nature and circumstances of the offense and to the history, character, and conditions of the offender;

- ☒ 1. The Defendant is sentenced to a term of 24 months [probation] ~~[conditional discharge]~~ commencing this date and the conditions of said [probation] ~~[conditional discharge]~~ shall be as follows:
1. The Defendant shall not violate any criminal statute of any jurisdiction.
 2. The Defendant shall not leave the State of Illinois temporarily or permanently without the consent of the Court or the permission of the Adult Probation Division.
 3. The Defendant shall refrain from possessing a firearm or other dangerous weapon.
 4. The Defendant shall report immediately to the Adult Probation Division and at such other times as directed by the Probation Officer.
 - ☒ 5. The Defendant shall pay through the office of the Circuit Clerk a fine of \$_____ as follows: _____ and a court costs of \$_____ as follows: within one year.
 - ☐ 6. The Defendant shall make restitution to _____ in the amount of \$_____, which amount does not exceed actual out of the pocket expenses or loss proximately caused by the conduct of the Defendant with said restitution paid through the office of the Circuit Clerk.
 - ☐ 7. The Defendant shall perform _____ hours of Public Service work at the time and place as directed by the Public Service Unit of the Department of Court Services as follows: _____ and/or
[] at the rate of 20 hours per week unless engaged in full time employment or educational training.
 - ☐ 8. The Defendant shall undergo [] medical treatment, [] psychiatric treatment, [] treatment for drug addiction/alcoholism
[] as follows: _____ and/or
[] as directed by the Probation Officer.
 - ☐ 9. The Defendant shall attend or reside in a facility established for the instruction or residence of defendants on probation or conditional discharge as follows: _____
 - ☒ 10. The Defendant shall permit the Probation Officer to visit him/her at home or elsewhere to the extent necessary to discharge the officer's duties and shall advise the Probation Officer of his/her residence, employment, conduct and shall furnish any other information relating to the conditions of his/her probation as may be required by the Probation Officer and cooperate with programs outlined for his/her welfare by the Probation Officer under whose charge he/she has been placed.
 - ☐ 11. The Defendant shall support his/her dependants.
 - ☒ 12. The Defendant is sentenced to the following term of imprisonment as a condition of the sentence and shall abide by the rules and regulations of said facility to which he/she is ordered:
☒ A determinate term of 120 days in the custody of the County Sheriff,
[] A periodic determinate term of _____ weekends in the custody of the County Sheriff commencing _____ and/or serve _____ weekend(s) of the month for the _____ months of _____
[] Other periodic imprisonment term of: _____
[] The Defendant is hereby given credit for the time spent in custody as a result of offense for which the sentence is imposed

- ☒ 13. Other conditions: Defendant shall get 9 days credit for time served while awaiting release on bond. The full sentence shall start March 3 1987 at 9:00 A.M. Probation to terminate on

A true copy of this order shall be furnished to Defendant as a Certificate of Probation or Conditional Discharge, setting forth the terms hereof.

ENTERED at Woodstock **FILED** McHENRY COUNTY, ILLINOIS day of FEBRUARY, 1987.

FEB 17 1987

JUDGE

I, the above-named Defendant, acknowledge the receipt of this document.

NAME

DATE

FILED
McHENRY COUNTY, ILLINOIS

MAY 5 - 1987

in 3-3-87

out 4-27-87

JAIL MITTIMUS-Circuit Court.

PLEAS,

Before the Hon. ROLAND A. HERRMANN one of the Judges of the Nineteenth Judicial Circuit of the State of Illinois, and presiding Judge of the McHenry County Court.

PRESENT - Hon. ROLAND A. HERRMANN Judge aforesaid.
THOMAS F. BAKER State's Attorney
GEORGE HENDLE Sheriff of Said County
Attest. VERNON W. KAYS, JR. Clerk of said Court.

BE IT REMEMBERED, To-wit: On the _____ day of _____ in the year last aforesaid, the following among the proceedings were had and entered of record in said Court, which proceedings were in the words and figures following, to-wit:

The People of the State of Illinois,

No. 86 CF 484 vs. David A. Gagnon

} Information _____ for
2 counts Unlawful Delivery of Cannabis

This day come the said People by THOMAS F. BAKER State's Attorney and the said Defendant David A. Gagnon as well in his own proper person as by his Counsel he also come, and now neither the said Defendant nor his Counsel for him saying anything further why the judgement of the Court should not now be pronounced against him on the plea of guilty heretofore rendered in this cause. Therefore, it is ordered and adjudged by the Court that the said Defendant David A. Gagnon

be taken from the bar of this Court to the common jail of McHenry County, from whence he came, and the jailor of said County is hereby required and commanded to take the body of said Defendant David A. Gagnon

and confine him in said County Jail in safe and secure custody for and during the term of 120 days in McHenry County Jail with and that he credit for time served. Mittimus stayed to March 3, 1987 at 9:00 A.M. be thereafter discharged.

It is further ordered, that the said defendant pay all the costs of these proceedings and that execution issue therefor.

STATE OF ILLINOIS

McHenry County,

} ss.

I, VERNON W. KAYS, JR. Clerk of the

Circuit Court of the County of McHenry in the State aforesaid, do hereby certify that the above and foregoing is a true copy of the final judgement and sentence, entered of record of said Court in the case of the People of the State of Illinois versus David A. Gagnon

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said Court, at Woodstock this 17th day of February A.D. 1987

Vernon W. Kays, Jr. Clerk.

To the Sheriff of McHenry County to Execute.

03-03-87

at 0900

STATE OF ILLINOIS)
) SS I. THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT,
COUNTY OF McHenry) McHenry COUNTY, ILLINOIS
PEOPLE OF THE STATE OF ILLINOIS) GEN. NO. 86 of 487
)
vs.)
DAVID A. BAGNON)

ORDER AND CERTIFICATE OF FELONY PROBATION/CONDITIONAL DISCHARGE

This cause comes on to be heard for sentencing. Defendant is present in person and by counsel. The above named Defendant has been heretofore adjudicated guilty of the Crime(s) of

UNLAWFUL DELIVERY OF CANNABIS 2 COUNTS

The Court, pursuant to Illinois Revised Statutes, Chapter 38, Sec. 1005-4-1, has:

- a. Considered all the evidence, if any, received upon the trial or the stipulation of facts or the factual basis for the adjudication of guilt;
- b. Considered the presentence investigation report, if any;
- c. Considered the evidence and information offered, if any, by the parties in aggravation and mitigation;
- d. Heard arguments as to sentencing alternatives;
- e. Considered the agreement, if any, of the parties to imposition of a specific sentence;
- f. Afforded the Defendant an opportunity to make a statement in his/her own behalf; and based upon an independent assessment of all of the above,

THE COURT FINDS as follows:

1. In accordance with Illinois Revised Statutes, Chapter 38, Sec. 1005-5-3.1, the following factors of MITIGATION are present:

- ☐ The Defendant's criminal conduct neither caused nor threatened serious physical harm to another person.
- ☐ The Defendant did not contemplate that his/her criminal conduct would cause or threaten serious physical harm to another.
- ☐ The Defendant acted under a strong provocation.
- ☐ There were substantial grounds tending to excuse or justify the Defendant's conduct, though failing to establish a defense.
- ☐ The commission of the offense was induced or facilitated by someone other than the Defendant.
- ☐ The Defendant has compensated or will compensate the victim for the damage or injury.
- ☐ The Defendant has no history of prior delinquency or criminal activity or he/she has led a law abiding life for a substantial period before the commission of the present crime.
- ☐ The Defendant's conduct was a result of circumstances unlikely to recur.
- ☒ The Defendant's character and attitudes indicate he/she is unlikely to commit another crime.
- ☒ The Defendant is likely to comply with the terms of a period of probation.
- ☐ The imprisonment of the Defendant would entail excessive hardship on his/her dependents.
- ☐ The imprisonment of the Defendant would endanger his/her medical condition.
- ☐ Other mitigating factors, if any, considered by the Court: _____

2. In accordance with Illinois Revised Statutes, Chapter 38, Sec. 1005-5-3.2(a), the following factors of AGGRAVATION are present:

- ☐ The Defendant inflicted or attempted to inflict serious bodily injury to another person.
- ☐ The Defendant received compensation for committing the offense.
- ☐ The Defendant has a history of prior delinquency or criminal activity.
- ☐ The Defendant, by the duties of his/her office or by his position, was obligated to prevent the particular offense committed or bring the offenders committing it to justice.
- ☐ The Defendant held public office at the time of the offense and the offense related to the conduct of that office.
- ☐ The Defendant utilized his/her professional reputation in the community to commit the offense or to afford him/her an easier means of committing it.
- ☒ The sentence is necessary to deter others from committing the same crime.
- ☐ Other aggravating factors, if any, considered by the Court: _____

IT IS THEREFORE ORDERED as foll

Having regard to the nature and circumstances of the offense and to the history, character, and conditions of the offender;

- ☒ 1. The Defendant is sentenced to a term of 24 months [probation] ~~[conditional discharge]~~ commencing this date and the conditions of said [probation] ~~[conditional discharge]~~ shall be as follows:
1. The Defendant shall not violate any criminal statute of any jurisdiction.
 2. The Defendant shall not leave the State of Illinois temporarily or permanently without the consent of the Court or the permission of the Adult Probation Division.
 3. The Defendant shall refrain from possessing a firearm or other dangerous weapon.
 4. The Defendant shall report immediately to the Adult Probation Division and at such other times as directed by the Probation Officer.
- ☒ 5. The Defendant shall pay through the office of the Circuit Clerk a fine of \$_____ as follows: _____ and a court costs of \$_____ as follows: with in one day
- ☐ 6. The Defendant shall make restitution to _____ in the amount of \$_____, which amount does not exceed actual out of the pocket expenses or loss proximately caused by the conduct of the Defendant with said restitution paid through the office of the Circuit Clerk.
- ☐ 7. The Defendant shall perform _____ hours of Public Service work at the time and place as directed by the Public Service Unit of the Department of Court Services as follows: _____ and/or _____ at the rate of 20 hours per week unless engaged in full time employment or educational training.
- ☐ 8. The Defendant shall undergo ☐ medical treatment, ☐ psychiatric treatment, ☐ treatment for drug addiction/alcoholism ☐ as follows: _____ and/or _____ as directed by the Probation Officer.
- ☐ 9. The Defendant shall attend or reside in a facility established for the instruction or residence of defendants on probation or conditional discharge as follows: _____
- ☒ 10. The Defendant shall permit the Probation Officer to visit him/her at home or elsewhere to the extent necessary to discharge the officer's duties and shall advise the Probation Officer of his/her residence, employment, conduct and shall furnish any other information relating to the conditions of his/her probation as may be required by the Probation Officer and cooperate with programs outlined for his/her welfare by the Probation Officer under whose charge he/she has been placed.
- ☐ 11. The Defendant shall support his/her dependants.
- ☒ 12. The Defendant is sentenced to the following term of imprisonment as a condition of the sentence and shall abide by the rules and regulations of said facility to which he/she is ordered:
- ☒ A determinate term of 120 days in the custody of the County Sheriff,
- ☐ A periodic determinate term of _____ weekends in the custody of the County Sheriff commencing _____ and/or serve _____ weekend(s) of the month for the months of _____
- ☐ Other periodic imprisonment term of: _____
- ☐ The Defendant is hereby given credit for the time spent in custody as a result of offense for which the sentence is imposed

☒ 13. Other conditions: Defendant shall get 1/2 day credit for time served while awaiting release on bond. The Probation Officer shall start March 3 1987 at 9:00 A.M. PROBATION TO TERMINATE ON

A true copy of this order shall be furnished to Defendant as a Certificate of Probation or Conditional Discharge, setting forth the terms hereof.

FILED
ENTERED at Woodstock, McHENRY COUNTY, ILLINOIS of FEBRUARY, 1987.
2/19/89
David G. Hexman
JUDGE

I, the above-named Defendant, acknowledge the contents of this document.
David T. Sagon Clerk of the Circuit Court
NAME
DATE 2/17, 1987.
Page 2 of 2
174-96 3/85

STATE OF ILLINOIS)

) IN THE CIRCUIT COURT, 19TH JUDICIAL CIRCUIT
COUNTY OF McHENRY)

PEOPLE

GEN. NO. 86-CF-484

V.

DAVID A. GAGNON

APPLICATION OF THE PROBATION OFFICER

The undersigned probation officer of this Court applies to the Court and the State's Attorney for a Court Order discharging the defendant from further probation supervision; and in support thereof states the facts to be:

Defendant was convicted of unlawful delivery of cannabis.

Defendant was sentenced February 17, 1987 to twenty-four months probation.

Defendant has complied with the terms of the sentence.

The undersigned recommends an order be entered discharging the defendant from further probation supervision.

February 17, 1989

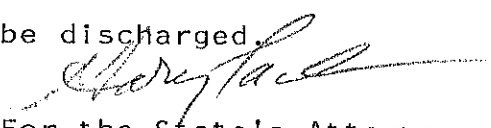

Lori J. Kallestad

Fine *none*
Court costs *pd 2/17/87*
Restitution *none*
Public Service Employment *none*

MOTION OF THE STATE'S ATTORNEY

Based upon the foregoing premises:

The State moves that the defendant be discharged.

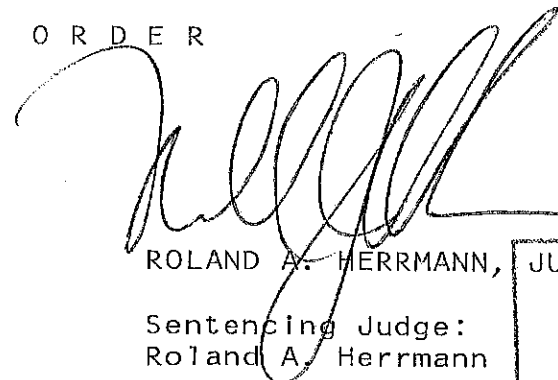

For the State's Attorney

O R D E R

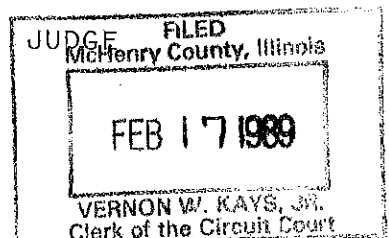
IT IS ORDERED:

Defendant is discharged.

Entered: *2/17/89*


ROLAND A. HERRMANN,

Sentencing Judge:
Roland A. Herrmann



FEE AGREEMENT

I, Paul Dulberg, hereby agree to retain and employ BAUDIN & BAUDIN, an association of attorneys, to prosecute and/or settle all suits and claims for damages, which may include personal injuries and property damage, against responsible parties, including their insurance companies and my insurance companies, or any other responsible insurance companies, arising out of events which occurred on or about the 28th day of June, 2011, at or near 1016 W. Elder Avenue, McHenry, Illinois.

I agree to pay BAUDIN & BAUDIN as compensation for services (1) a non-refundable retainer fee of \$3,333.33; AND (2) a sum of money equal to one-third (1/3) of the gross amount realized from this claim by settlement prior to trial of this matter, OR, if this matter proceeds to trial, which is defined as any time after the final pre-trial conference with the Court has concluded, I agree to pay BAUDIN & BAUDIN as compensation for its services a sum of money equal to forty percent (40%) of the gross amount realized from such action. Should this matter conclude by way of settlement, negotiations, trial, arbitration or judgment in my favor, BAUDIN & BAUDIN agrees to reduce its percentage fee by an amount of \$3,333.33 as an offset for the non-refundable retainer fee; however, in no event will the \$3,333.33 be refunded to me once this agreement has been executed.

I realize, understand and agree that all expenses and costs related to my claim, such as medical expenses for my/our care and treatment and related costs such as costs for obtaining medical records and bills, as well as court costs, including filing fees, costs of depositions, costs of experts, etc. are my obligation and responsibility and shall be paid as those bills become due from time to time.

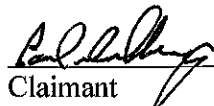
It is further agreed and understood that there will be no further charges for legal services over and above the \$3,333.33 non-refundable retainer fee by BAUDIN & BAUDIN (with the exception of the aforesaid expenses and costs referred to in paragraph 3) unless recovery is made in this claim, and that no settlement will be made without the consent of the claimant(s).

I hereby authorize and direct that BAUDIN & BAUDIN is authorized to endorse and deposit any proceeds received in regard to the aforesaid claim herein, and to disburse those funds for purposes of client payments, resolution of liens, reimbursement of costs advanced, and attorney's fees.

This cause was not solicited either directly or indirectly from me/us by anyone. This agreement is being executed with duplicate originals.

Signed this 22nd day of September, 2015, and copy received by claimant(s) or claimant(s)'s representative.

Claimant



Claimant

~~BAUDIN & BAUDIN~~
2100 N. Huntington Drive, Suite C
Algonquin, IL 60102
847.658.5295 FAX: 847.658.5015

Revised 9/2015

BRAD J. BALKE

Counselors and Attorneys at Law

BRAD J. BALKE, P.C.

550 West Woodstock Street
Crystal Lake, IL 60014

TELEPHONE

(847) 856-9605

brad@balkelaw.com
www.balkelaw.com

CASH RECEIPT

Date: 8/21/2015

Medical Facility:

Centegra Health

Centegra Hospital - McHenry

Medical Records Request for:

Patient: PAUL DULBERG

Request #: 11207629

Tracking #: CTGH9J9A739KS

Paid by: PAUL DULBERG

Amount received by facility: \$30.95

Pages delivered by facility: 0

Rev'd. by _____

BRAD J. BALKE, P.C. / IOLTA ACCOUNT

2545

PAUL DULBERG
606 · CLIENT SETTLEMENT EXPENSE

7/22/2015

3,333.34

Client Iolta Trust Account Full and final settlement of all claims vs the McGuires

3,333.34

BRAD J. BALKE, P.C. / IOLTA ACCOUNT

2545

PAUL DULBERG
606 · CLIENT SETTLEMENT EXPENSE

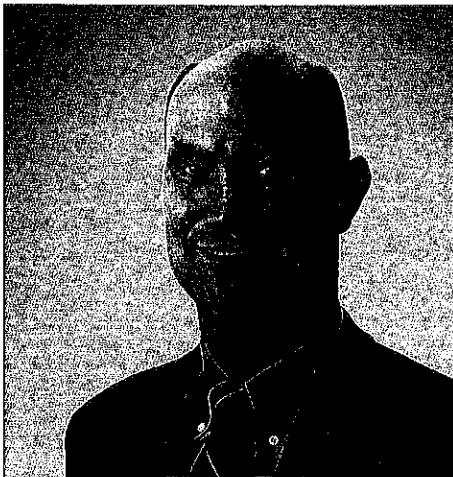
7/22/2015

3,333.34

*Given To
Baudins!*

Client Iolta Trust Account Full and final settlement of all claims vs the McGuires

3,333.34



IME

Craig Phillips, MD

ORTHOPAEDIC SURGERY, HAND & UPPER EXTREMITY

“ I specialize in hands, wrists, elbows and shoulders because they’re an integral part of our life activities. It’s an especially intricate subspecialty of orthopaedics.”

Dr. Craig Phillips is a board-certified orthopaedic surgeon with a subspecialty certification in hand and upper extremity surgery, who specializes in treating the hand, wrist, elbow and shoulder. His practice focuses on all conditions affecting the arms with common conditions such as hand and wrist fractures, wrist arthritis, nerve problems such as carpal tunnel syndrome, rotator cuff tears, shoulder arthritis and shoulder replacements.

Dr. Phillips offers all current treatments but prefers minimally invasive surgery such as the use of the medication Xiaflex for treatment of Dupuytren’s disease.

Dr. Phillips takes a conservative approach that utilizes surgery as a last resort only after options such as braces and injections have been exhausted. In each case, he seeks to provide empathetic care and educate patients so they can take an active role in their treatment. His goal for his patients is to return them to their normal lifestyle in the most rapid time period possible while providing the least disruptive treatment.

Dr. Phillips has designed widely used implants for treating fractures including plates and screws for the wrist and elbow. He keeps informed of the latest developments in his field through his work as associate editor of the *Journal of Hand Surgery* and director of the combined hand surgery fellowship program at The University of Chicago Pritzker School of Medicine.



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STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

CAROLYN J. GAGNON

(Defendant)

11/26/46

(Date of Birth)

ADDRESS 1016 W. Elder St.McHenry, ILNo. 86 CF 485**FILED**
McHENRY COUNTY, ILLINOIS

MAY 30 1986

CRIMINAL COMPLAINTComplainant, Deputy Ronald Salgado, McHenry County Sheriff's ^{CLERK OF THE CIRCUIT COURT}
Department on oath charges:That on or about May 14, 19 86, in McHenry County,State of Illinois, Carolyn J. Gagnoncommitted the offense of UNLAWFUL DELIVERY OF CANNABIS

in that said defendant, being a person of the age of 18 years and upwards,
knowingly and unlawfully sold to John Doe, a person under 18 years of age and
3 years or more her junior, in violation of Illinois Revised Statutes,
Chapter 56½, Section 705(d), more than 30 grams, but not more than
500 grams of a substance containing Cannabis, otherwise than as authorized
in the Cannabis Control Act

in violation of chapter 56½, section 707, paragraph (a), Illinois Revised Statutes.BOND: \$ 50,000.00

CONTINUED TO:

DATE June 6, 1986TIME 9:00 A.M.McHENRY COUNTY COURT HOUSE
WOODSTOCK, ILLINOIS

RIGHTS EXPLAINED BY:

DATE _____

☐ Misdemeanor

GWP

☒ Felony

Ronald J. Salgado
 (Complainant)
 Deputy Sheriff, McHenry County Sheriff's
 Dept.

SWORN TO before me

May 30 1986
Ronald J. Salgado

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS
vs.

No. 86CF485

CAROLYN J. GAGNON DOB: 11/26/46
1016 W. Elder St. (Defendant)
McHenry, IL

WARRANT OF ARREST

FILED
McHENRY COUNTY, ILLINOIS

TO ALL PEACE OFFICERS OF THE STATE OF ILLINOIS:

JUN 2 1986

You are hereby commanded to arrest Carolyn J. Gagnon

VERNON W. KAYS, JR.

and bring said person without unnecessary delay before presiding judge Presiding CLERK OF THE CIRCUIT COURT
(Judge)

Judge of the Circuit Court of the 19th Judicial Circuit, McHenry County, in the courtroom usually occupied by him in the McHenry County Courthouse in the City of Woodstock, or if he is absent or unable to act, before the nearest or most accessible court in said County, to answer a charge made against said person for the offense of _____

UNLAWFUL DELIVERY OF CANNABIS and hold said person to bail.

The amount of bail is \$ 50,000.00

ISSUED AT WOODSTOCK, McHENRY COUNTY, ILLINOIS, this 30th day of May,
19 86.

RIGHTS EXPLAINED

BY _____
DATE _____

Judge

(Signature)

(Title of Office)

State of Illinois

County of Mc Henry

ss.

RETURN OF SERVICE

I have executed the within Warrant by arresting the within-named defendant. In accordance with the provisions of Paragraph 110-9, Chapter 38, Illinois Revised Statutes, defendant released on bail in Sum of \$ _____, with security: _____
(Description of Security)

(Surety: _____ (Name) _____ (Address)

this _____ day of _____, 19 _____, to appear in court on _____, the _____ day of _____, 19 _____ at _____ M o'clock, Central _____ Time
(Standard or Daylight)

FEES: Service and Return \$ _____; Mileage (_____ mi. @ _____ c) \$ _____; TOTAL: \$ _____.

(Signature)

(Official Capacity)

STATE OF ILLINOIS
COUNTY OF McHENRY } SS486
GEN. NO. 86CF485
☐ Jury ☐ Non-Jury

People

vs.

Carolyn Sogno

Date 6-2-86 Plaintiff's Attorney State Defendant's Attorney Grack

ORDER

This Cause coming before the Court on Defendants Motion to reduce bond and the Court being fully advised in the premises:

IT is hereby ordered that Bond in Case No 86CF485 is reduced to \$20,000.00 and Bond in Case No 86CF 846 is reduced to \$10,000.00

FILED
McHENRY COUNTY, ILLINOIS

JUN 02 1986

Katherine M. Hayes Jr.
Clerk of the Circuit Court

Judge

Thomas A. Schumacher

STATE OF ILLINOIS)
) SS
COUNTY OF McHENRY)

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, McHENRY COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)

Vs.)

Carolyn Jean Gagnon)
Defendant)

1016 W. Elder)
Address)

McHenry)
City)
Ill)
State)

No. 86 CF 485
486

FILED
McHENRY COUNTY, ILLINOIS

JUN 4 1986

TEN PER CENT CASH DEPOSIT BAIL BOND

The undersigned defendant, being charged with the offense of

Unlawful Delivery of Cannabis

VERNON W. KAYS, JR.

and now being admitted to bail in the sum of \$35,000.00, acknowledges ~~himself~~ himself to THE PEOPLE OF THE STATE OF ILLINOIS in the penal sum of \$35,000.00, to be levied upon his property, of whatever kind and wherever situated, and undertakes the following as conditions of his bail.

(1) that said defendant shall appear in the Circuit Court of The 19th Judicial Circuit, McHenry County, Illinois at Courtroom No. , Branch No. 1, on the 6th day of June, 1986, and any divisions thereof as required to answer said charge, and appear thereafter as ordered by said court until discharged or until final order of the court;

(2) that said defendant shall submit himself to the orders and process of said court.

(3) that said defendant shall not depart this state without leave of Court.

(4) that said defendant shall report any change of address to the Court.

(5) that said defendant shall not violate any federal, state or local law.

(6) that said defendant shall not contact the complainant or any of the state witnesses by telephone or otherwise nor shall the defendant direct any other person to make said contact for him.

(7)

(8)

As security for the compliance with the conditions of bail above set forth, said defendant deposits the sum of \$3,500.00 in cash with the Clerk of this Court, which sum is equal to 10% of the amount of bail set in this cause for the appearance of said defendant, in accordance with the provisions of Paragraph 110-7, Chapter 38, Illinois Revised Statutes.

If said defendant shall comply with the conditions of this bail bond above set forth, it shall upon order of Court be discharged and said defendant shall be entitled to the return of 90% of said deposit, the remaining 10% of said deposit to be retained by the Clerk of this Court as bail bond costs; provided, however, that in the event a judgement is entered against said defendant for a fine and/or court costs, the balance of such deposit, after deduction of bail bond costs, shall be applied to the payment of said fine and/or court costs. If said defendant shall fail to comply with said conditions of his bail, his bail shall remain in full force and effect and said defendant shall be liable for forfeiture thereon.

EXECUTED this 3rd day of June, 1986

TAKEN by me this 3rd day of June, 1986

By Carolyn J. Gagnon (seal)

Peace Officer or Clerk of Court

APPROVED by me this day of , 19

(Judge)

FILED
McHENRY COUNTY, ILLINOIS

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY

JUN - 6 1986

Kenneth W. Hays, Jr.
Clerk of the Circuit Court

People

vs.

Carolyn Sogner

No. 86 CF 485
486

APPEARANCE

The undersigned, as Attorney Carolyn Sogner

[Signature]

Name MARONE & C.

Attorney for Carolyn Sogner

Address 420 N. First

City McHenry, Ill

Telephone 385-1313

CIRCUIT COURT FOR THE 19th JUDICIAL CIRCUIT

STATE OF ILLINOIS }
COUNTY OF McHENRY } SS

486
GEN. NO. 86 CF 485
☐ Jury ☐ Non-Jury

People

vs.

Carolyn Gagnon

Date 6-6-86

Plaintiff's
Attorney

State

Defendant's
Attorney

People

ORDER

This Cause coming before the Court on
Motion of Defendant for refund of
excess bond posted in error
and the Court being fully advised
in the premises:

Does Find that the correct amount
of bond which should have been
posted by Defendant is \$3000.00

Therefore IT is Hereby Ordered
that the Clerk's office shall
refund \$500.00 to Defendant
Carolyn Gagnon.

FILED
McHENRY COUNTY, ILLINOIS

JUN - 6 1986

Kenneth W. Kopp
Clerk of the Circuit Court

MOHR, REILLY, PRATHER & McNERNEY
Attorneys at Law
420 North Front Street
McHenry, Illinois 60050
(815) 385-1313

Judge

Ward Small

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT

McHenry COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS

VS.

CAROLYN J. GAGNON

Defendant

No. 86 CF 485

FILED
McHENRY COUNTY, ILLINOIS

AUG 1 1986

INFORMATION

[Two Counts]

Kenneth M. Lutz Jr.
Clerk of the Circuit Court

The State's Attorney of said County charges:

That on or about May 14, 19 86, in McHenry County,
in the State of Illinois, CAROLYN J. GAGNON committed the offense of
UNLAWFUL DELIVERY OF CANNABIS

in that the said defendant, being a person of the age of 18 years and
upwards, knowingly and unlawfully sold to John Doe, a person under
18 years of age and 3 years or more her junior, in violation of Ill.
Rev. Stat., Chapter 56½, Section 705(d), more than 30 grams but
not more than 500 grams, of a substance containing cannabis,
otherwise than as authorized in the Cannabis Control Act,
in violation of Chapter 56½, Section 707, Paragraph (a), Illinois Revised Statutes.

The State's Attorney of said County also charges:

That on or about May 14, 19 86, in McHenry County,
in the State of Illinois, CAROLYN J. GAGNON committed the offense of
UNLAWFUL DELIVERY OF CANNABIS

in that the said defendant knowingly and unlawfully delivered to John
Doe more than 30 grams, but not more than 500 grams, of a substance
containing cannabis, otherwise than as authorized in the Cannabis
Control Act,

IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

-vs-

CAROLYN J. GAGNON

No. 86 CF 485
86 CF 486

FILED
McHENRY COUNTY, ILLINOIS

AUG 1 1986

Kenneth W. Kays Jr.
Clerk of the Circuit Court

NOTICE OF MOTION

To McHenry County State's Attorney
2200 N. Seminary Avenue
Woodstock, IL 60098

On August 11, 19 86, at 9:00 a. m., or as soon thereafter as
counsel may be heard, I shall appear before the Honorable H. Cowlin or any judge sitting in
his stead, in the courtroom usually occupied by him in Court House, 2200 N. Seminary Avenue
(Route 47), Woodstock, Illinois and then and there present the attached Motion
for Substitution of Judge.

Michael J. McNerney
Michael J. McNerney

Name MOHR, REILLY, PRATHER, MCNERNEY & GRAHAM

Attorney for Defendant

Address 138 Cass Street, P.O. Box 703

City Woodstock, IL 60098

Telephone 815/338-0060

Copy received _____, 19____, at _____, ____ m.

STATE OF ILLINOIS)
) SS
COUNTY OF MCHENRY)

FILED
MCHENRY COUNTY, ILLINOIS

AUG 1 1986

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, MCHENRY COUNTY, ILL.

Kenneth W. Lyle Jr.

Clerk of the Circuit Court

PEOPLE OF THE STATE OF ILLINOIS)

-VS-

CAROLYN J. GAGNON)

) No. 86 CF 485
) 86 CF 486
)

MOTION FOR SUBSTITUTION OF JUDGE

Your Petitioner, CAROLYN GAGNON, respectfully represents to this Honorable Court that she is the Defendant in the cause now pending before your Honor, one of the Judges of the Nineteenth Judicial Circuit.

Your Petitioner further represents that she fears that she will not receive a fair and impartial trial in said cause if she is tried before your Honor, because of the prejudice of your Honor against Petitioner, the cause of such prejudice being more fully set out in the affidavit of Petitioner in support of this motion which is attached hereto and incorporated herein.

WHEREFORE, Petitioner respectfully prays this Honorable Court to transfer this motion to the Chief Judge for hearing by a judge not named in this motion, and further prays for an order permitting the requested substitution of judges.

Michael J. McNerney
Michael J. McNerney

LAW OFFICES

HR, REILLY, PRATHER,
MCNERNEY & GRAHAM
420 N. FRONT STREET
MCHENRY, ILLINOIS 60050
(815) 385-1313

138 CASS STREET
P.O. BOX 703

ODSTOCK, ILLINOIS 60098
(815) 338-0060

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PEOPLE

v.

CAROLYN J. GAGNON

No. 86 CF 485
86 CF 486

CHANGE OF VENUE/SUBSTITUTION OF JUDGE

This matter coming to be heard upon motion of Atty., Michael McNerney for ~~Change of Venue~~/Substitution of Judge, pursuant to Chapter 110, Section 2-1001 and Chapter 38, Section 114-5 of the Illinois Revised Statutes, 1981, as amended, and the Court being fully advised in the premises:

FINDS:

- ☒ That the motion for ~~Change of Venue~~/Substitution of Judge should be granted.
- ☐ That the motion for Change of Venue/Substitution of Judge should be denied.

IT IS ORDERED:

- ☒ That the ~~Change of Venue~~/Substitution of Judge is hereby granted.
- ☐ That the Change of Venue/Substitution of Judge is hereby denied.

from Judge Cowlin and that this cause is transferred to Judge Henry L. Cowlin for reassignment.

ENTER:

Henry L. Cowlin
JUDGE

Dated: Aug 11, 1986

FILED
McHENRY COUNTY, ILLINOIS

AUG 11 1986

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

Rev. 9/14/82

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)

-vs-)

Carilyn GARDON)

No. 86C7485

RECIPROCAL ORDER FOR DISCLOSURE

On motion of accused;

IT IS ORDERED that the State shall disclose to defense counsel the following material and information within its possession or control:

1. The names and last known addresses of persons whom the State intends to call as witnesses, together with their relevant written or recorded statements, memoranda containing substantially verbatim reports of their oral statements, and a list of memoranda reporting or summarizing their oral statements which the State does not consider substantially verbatim. Any such memoranda which the State does not disclose to defense counsel shall be submitted to the Court for examination in camera and disclosure to defense counsel if found to be substantially verbatim reports.
2. Any written or recorded statements and the substance of any oral statements made by the accused or by a codefendant, and a list of witnesses to the making and acknowledgment of such statements.
3. A transcript of those portions of grand jury minutes containing testimony of the accused and relevant testimony of persons whom the prosecuting attorney intends to call as witnesses at the hearing or trial.
4. Any reports or statements of experts, made in connection with this case, including results of physical or mental examinations and of scientific tests, experiments or comparisons; and oral reports or statements of experts shall be reduced to writing by the said experts.
5. Any books, papers, documents, photographs or tangible objects which the State intends to use as evidence or which were obtained from or belong to the accused.
6. Any record of prior criminal convictions which may be used for impeachment of persons which the State intends to call as witnesses.
7. Any material or information which tends to negate the guilt of the accused as to the offense charged, or would tend to reduce his punishment for it.

FURTHER ORDERED that the State shall comply with this Order on or before August 25, 1986, at a time and place and

in a manner mutually agreeable to itself and defense counsel whereby the material and information may be inspected, obtained, tested, copied or photographed. If the parties cannot agree on a time, place and manner of compliance with the Order, the State will proceed under SCR 412(e) effective October 1, 1971.

FURTHER ORDERED that if the State discovers, after compliance with this Order, additional material or information subject to disclosure under this Order, it shall promptly disclose such material or information to counsel for accused and also notify the Court of it.

On motion of the State, IT IS ORDERED that defense counsel shall inform the State's Attorney of any defenses which the accused intends to make at a hearing or trial, including affirmative defenses, non-affirmative defenses, alternative and inconsistent defenses.

FURTHER ORDERED that defense counsel shall furnish the State's Attorney with the following material and information within his possession or control or within the possession or control of the accused:

1. The names and last known addresses of persons he intends to call as witnesses, together with their relevant written or recorded statements, including memoranda reporting or summarizing their oral statements and any record or prior criminal convictions of said witnesses known to the accused or his counsel.
2. Any books, documents, photographs or tangible objects he intends to use as evidence or for impeachment.
3. Any reports or statements of experts, made in connection with this case, including results of physical or mental examinations, and of scientific tests, experiments or comparisons, except that those portions of reports containing statements made by the accused may be withheld if defense counsel does not intend to use any of the material contained in the report at a hearing or trial; oral reports or statements of experts shall be reduced to writing by said experts.

FURTHER ORDERED that defense counsel shall comply with this Order on or before Sept 8, 1986 at a time and place and in a manner mutually agreeable to defense counsel and the State's Attorney, whereby said material and information may be inspected, obtained, tested, copied or photographed. If the parties cannot agree on a time, place and manner of compliance defense counsel shall notify the State's Attorney that the material and information may be inspected, obtained, tested, copied or photographed during specified reasonable times and at places reasonably accessible to the State's Attorney.

FURTHER ORDERED that if subsequent to compliance herewith, the accused or his counsel discover additional material or information which is subject to disclosure under this Order, they shall promptly disclose such information or material to the State's Attorney and also notify the Court of it.

FURTHER ORDERED that all motions, waivers and demands shall be made in open court, and above numbered cause(s) set for trial on call to commence on the October 14, 1986 Jury Trial Calendar beginning 10 AM.

FILED

MCHEMRY COUNTY, ILLINOIS

AUG 11 1986

Enter

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

Edward G. Hermann Judge

STATE OF ILLINOIS }
COUNTY OF McHENRY } SSGEN. NO. 86 CF 485
☐ Jury ☐ Non-JuryPeople of the State
of Illinois

vs.

Carolyn J. Gogson

Date 1/26/87Plaintiff's
AttorneyB. BeckDefendant's
AttorneyMcNair

ORDER

This cause came on to be heard on
status and agreement of the parties

The Court orders that Carol Gogson
shall not sell ^{or transfer} the house located
at 1016 W. Elder Street, All 6005.
Before Feb 16 1987 and the State shall
stay any forfeiture proceedings till then

FILED
McHENRY COUNTY, ILLINOIS

JAN 26 1987

James W. Hays, Jr.
Clerk of the Circuit Court

Judge

Richard A. Hermon

STATE OF ILLINOIS)
) SS.
COUNTY OF McHENRY)

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
)
 -vs-) No. 86 CF 485
) 486
CAROLYN GAGNON)

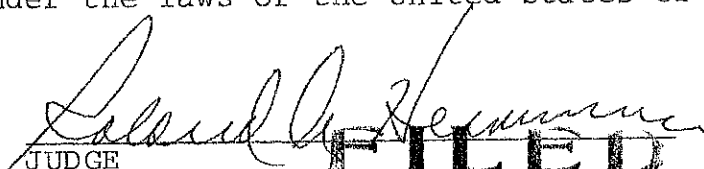
A G R E E D O R D E R

THIS MATTER coming before the Court by agreement of the parties, it being stipulated by the parties that \$10,000.00 (Ten Thousand Dollars) be declared proceeds from illegal drug activity conducted inside the dwelling located at 1016 W. Elder, McHenry, McHenry County, Illinois;

WHEREFORE, by agreement of the parties and as part of the negotiated plea entered in the above captioned matter;

IT IS HEREBY ORDERED that the defendant will consent to a stipulated forfeiture of \$10,000.00 (Ten Thousand Dollars) pursuant to a forfeiture complaint to be filed by the United States Attorneys Office under the laws of the United States against the said dwelling and property, and will not contest such forfeiture;

IT IS FURTHER ORDERED that the State will not seek to have any further amounts of United States Currency or any of the property seized or forfeitued whether under the laws of the United States or the State of Illinois.


JUDGE

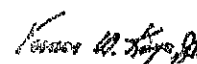
FILED
McHENRY COUNTY, ILLINOIS

ENTERED: 2-17-87

STIPULATED TO:


CAROLYN GAGNON

FEB 17 1987


Clerk of the Circuit Court

CIRCUIT COURT FOR THE 19th JUDICIAL CIRCUIT

STATE OF ILLINOIS
COUNTY OF McHENRY

SS

86CF 484-5-7

GEN. NO.

☐ Jury ☐ Non-Jury

People

vs.

DAVID, Alan and Carolyn
Sagun

Date

2/17/87

Plaintiff's
Attorney

McArdle

Defendant's
Attorney

McKervey

ORDER

ON motion and stipulation

The Court orders that the balance
of the bond shall be paid to attorney
Michael J. McNamara

FILED
McHENRY COUNTY, ILLINOIS

FEB 17 1987

Kenneth W. Lugo Jr.
Clerk of the Circuit Court

Judge

Paul A. Henneman

STATE OF ILLINOIS)
) SS IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT,
COUNTY OF McHenry) McHenry COUNTY, ILLINOIS
PEOPLE OF THE STATE OF ILLINOIS) GEN. NO. 86 of 485

vs.

Carolyn J. CRANON

ORDER AND CERTIFICATE OF FELONY PROBATION/CONDITIONAL DISCHARGE

This cause comes on to be heard for sentencing. Defendant is present in person and by counsel. The above named Defendant has been heretofore adjudicated guilty of the Crime(s) of Unauthorized Delivery

of Cannabis - G.I.
The Court, pursuant to Illinois Revised Statutes, Chapter 38, Sec. 1005-4-1, has:

- Considered all the evidence, if any, received upon the trial or the stipulation of facts or the factual basis for the adjudication of guilt;
- Considered the presentence investigation report, if any;
- Considered the evidence and information offered, if any, by the parties in aggravation and mitigation;
- Heard arguments as to sentencing alternatives;
- Considered the agreement, if any, of the parties to imposition of a specific sentence;
- Afforded the Defendant an opportunity to make a statement in his/her own behalf; and based upon an independent assessment of all of the above,

THE COURT FINDS as follows:

- In accordance with Illinois Revised Statutes, Chapter 38, Sec. 1005-5-3.1, the following factors of MITIGATION are present:
 - ☐ The Defendant's criminal conduct neither caused nor threatened serious physical harm to another person.
 - ☐ The Defendant did not contemplate that his/her criminal conduct would cause or threaten serious physical harm to another.
 - ☐ The Defendant acted under a strong provocation.
 - ☐ There were substantial grounds tending to excuse or justify the Defendant's conduct, though failing to establish a defense.
 - ☐ The commission of the offense was induced or facilitated by someone other than the Defendant.
 - ☐ The Defendant has compensated or will compensate the victim for the damage or injury.
 - ☒ The Defendant has no history of prior delinquency or criminal activity or he/she has led a law abiding life for a substantial period before the commission of the present crime.
 - ☐ The Defendant's conduct was a result of circumstances unlikely to recur.
 - ☐ The Defendant's character and attitudes indicate he/she is unlikely to commit another crime.
 - ☐ The Defendant is likely to comply with the terms of a period of probation.
 - ☐ The imprisonment of the Defendant would entail excessive hardship on his/her dependents.
 - ☐ The imprisonment of the Defendant would endanger his/her medical condition.
 - ☐ Other mitigating factors, if any, considered by the Court: _____
- In accordance with Illinois Revised Statutes, Chapter 38, Sec. 1005-5-3.2(a), the following factors of AGGRAVATION are present:
 - ☐ The Defendant inflicted or attempted to inflict serious bodily injury to another person.
 - ☐ The Defendant received compensation for committing the offense.
 - ☐ The Defendant has a history of prior delinquency or criminal activity.
 - ☐ The Defendant, by the duties of his/her office or by his position, was obligated to prevent the particular offense committed or bring the offenders committing it to justice.
 - ☐ The Defendant held public office at the time of the offense and the offense related to the conduct of that office.
 - ☐ The Defendant utilized his/her professional reputation in the community to commit the offense or to afford him/her an easier means of committing it.
 - ☒ The sentence is necessary to deter others from committing the same crime.
 - ☐ Other aggravating factors, if any, considered by the Court: _____

IT IS THEREFORE ORDERED as follows:

Having regard to the nature and circumstances of the offense and to the history, character, and conditions of the offender;

- ☒ I. The Defendant is sentenced to a term of 18 months [probation] [~~conditional discharge~~] commencing this date and the conditions of said [probation] [~~conditional discharge~~] shall be as follows:
1. The Defendant shall not violate any criminal statute of any jurisdiction.
 2. The Defendant shall not leave the State of Illinois temporarily or permanently without the consent of the Court or the permission of the Adult Probation Division.
 3. The Defendant shall refrain from possessing a firearm or other dangerous weapon.
 4. The Defendant shall report immediately to the Adult Probation Division and at such other times as directed by the Probation Officer.
 - ☒ 5. The Defendant shall pay through the office of the Circuit Clerk a fine of \$ as follows: and a court costs of \$ as follows: within one year.
 - ☐ 6. The Defendant shall make restitution to in the amount of \$, which amount does not exceed actual out of the pocket expenses or loss proximately caused by the conduct of the Defendant with said restitution paid through the office of the Circuit Clerk.
 - ☐ 7. The Defendant shall perform hours of Public Service work at the time and place as directed by the Public Service Unit of the Department of Court Services as follows: and/or at the rate of 20 hours per week unless engaged in full time employment or educational training.
 - ☐ 8. The Defendant shall undergo ☐ medical treatment, ☐ psychiatric treatment, ☐ treatment for drug addiction/alcoholism as follows: and/or as directed by the Probation Officer.
 - ☐ 9. The Defendant shall attend or reside in a facility established for the instruction or residence of defendants on probation or conditional discharge as follows: .
 - ☒ 10. The Defendant shall permit the Probation Officer to visit him/her at home or elsewhere to the extent necessary to discharge the officer's duties and shall advise the Probation Officer of his/her residence, employment, conduct and shall furnish any other information relating to the conditions of his/her probation as may be required by the Probation Officer and cooperate with programs outlined for his/her welfare by the Probation Officer under whose charge he/she has been placed.
 - ☐ 11. The Defendant shall support his/her dependants.
 - ☐ 12. The Defendant is sentenced to the following term of imprisonment as a condition of the sentence and shall abide by the rules and regulations of said facility to which he/she is ordered:
 - ☐ A determinate term of days in the custody of the County Sheriff.
 - ☐ A periodic determinate term of weekends in the custody of the County Sheriff commencing and/or serve weekend(s) of the month for the months of .
 - ☐ Other periodic imprisonment term of: .
 - ☐ The Defendant is hereby given credit for the time spent in custody as a result of offense for which the sentence is imposed.
 - ☒ 13. Other conditions: DEFENDANT'S PROBATION TO TERMINATE ON: 8/16/88

A true copy of this order shall be furnished to Defendant as a Certificate of Probation or Conditional Discharge, setting forth the terms hereof.

FILED
McHENRY COUNTY, ILLINOIS

ENTERED at Woodstock, Illinois this 217 day of FEB, 1987.
FEB 17 1987

Kenneth W. Taylor Jr.

Richard A. Hernandez
JUDGE

I, the above-named Defendant, acknowledge the receipt of this document.

Carolyn Gagnon
NAME

01/17, 1987.
DATE

CIRCUIT COURT FOR THE 19th JUDICIAL CIRCUIT

STATE OF ILLINOIS }
COUNTY OF McHENRY } SS

86 CF 484
86 CF 485
GEN. NO. 86 CF 487
☐ Jury ☐ Non-Jury

People

vs.

ALAN, DAVID and Carolyn
Sopron

Date 2/17/87 Plaintiff's Attorney Defendant's Attorney

ORDER

The Court orders:

- 1.) ALAN SOPRON may live in the State of Wisconsin
- 2.) The bonds may be released w/o a bond receipt

FILED
McHENRY COUNTY, ILLINOIS

FEB 17 1987

Thomas W. Hays Jr.
Clark of the Circuit Court

Judge

Roland A. Henderson

STATE OF ILLINOIS)
COUNTY OF McHENRY)

IN THE CIRCUIT COURT, 19TH JUDICIAL CIRCUIT

PEOPLE

GEN. NO. 86-CF-485

V.

CAROLYN J. GAGNON

APPLICATION OF THE PROBATION OFFICER

The undersigned probation officer of this Court applies to the Court and the State's Attorney for a Court Order discharging the defendant from further probation supervision; and in support thereof states the facts to be:

Defendant was convicted of unlawful delivery of cannabis.

Defendant was sentenced February 17, 1987 to eighteen months probation.

Defendant has complied with the terms of the sentence.

The undersigned recommends an order be entered discharging the defendant from further probation supervision.

August 16, 1988

Fine PD 2-17-87
Court costs PD 2-17-87
Restitution
Public Service Employment

Rosalie Newman
Rosalie Newman

MOTION OF THE STATE'S ATTORNEY

Based upon the foregoing premises:

The State moves that the defendant be discharged.

Harlan
For the State's Attorney

O R D E R

IT IS ORDERED:

Defendant is discharged.

Entered:

FILED
McHENRY COUNTY, ILLINOIS
AUG 16 1988
VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

Roland A. Herrmann
ROLAND A. HERRMANN, JUDGE
Sentencing Judge:
Roland A. Herrmann

No Carbon Required

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

David A. Gagnon
 (Defendant)

M/W/ 04-03-67
 (Date of Birth)

ADDRESS 1016 W. Elder,

McHenry, Illinois

No.

86CF484

FILED
 McHENRY COUNTY, ILLINOIS

MAY 30 1986

CRIMINAL COMPLAINT

Complainant, Deputy Ronald Salgado, McHenry Co Sheriff's Police, on oath charges:

VERNON W. KAYS, JR.
 CLERK OF THE CIRCUIT COURT

That on May 29th, 1986, in McHenry County,

David A. Gagnon

committed the offense of Unlawful Delivery Of Cannabis

in that the said defendant knowingly and unlawfully delivered to John Doe more
 than 30 grams, but not more than 500 grams, of a substance containing
 Cannabis, otherwise than as authorized in the Cannabis Control Act.

in violation of chapter 56½, section 705 (d), paragraph _____, Illinois Revised Statutes.

BOND: \$

20,000.00

CONTINUED TO:

DATE

June 6, 1986

TIME

9:00 A.M.

McHENRY COUNTY COURT HOUSE
 WOODSTOCK, ILLINOIS

RIGHTS EXPLAINED BY:

DATE

☐ Misdemeanor

#3

☒ Felony

Ronald J. Salgado
 (Complainant)

Deputy Sheriff, McHenry County Sheriff's Police

SWORN TO before me

May 30 1986
Ronald J. Salgado

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

David A. Gagnon M/W/ 04-03-67

1016 W. Elder, McHenry, Illinois

(Defendant)

No. 86 CF484

FILED
McHENRY COUNTY, ILLINOIS

JUN 2 1986

WARRANT OF ARREST

TO ALL PEACE OFFICERS OF THE STATE OF ILLINOIS:

You are hereby commanded to arrest David A. Gagnon

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

and bring said person without unnecessary delay before presiding judge presiding judge
(Judge)
Judge of the Circuit Court of the 19th Judicial Circuit, McHenry County, in the courtroom usually occupied by him in
the McHenry County Courthouse in the City of Woodstock, or if he is absent or unable to act, before the nearest or
most accessible court in said County, to answer a charge made against said person for the offense of Unlawful Delivery Of Cannabis
and hold said person to bail.

The amount of bail is \$ 20,000.00

ISSUED AT WOODSTOCK, McHENRY COUNTY, ILLINOIS, this 30 day of May,
19 86.

RIGHTS EXPLAINED

BY

DATE

Judge

(Title of Office)

State of Illinois

County of Mc Henry

ss.

RETURN OF SERVICE

I have executed the within Warrant by arresting the within-named defendant. In accordance with the provisions
of Paragraph 110-9, Chapter 38, Illinois Revised Statutes, defendant released on bail in Sum of \$ _____,
with security: _____

(Description of Security)

(Surety: _____ (Name) _____ (Address))

this _____ day of _____, 19_____, to appear in court on _____, the
_____ day of _____, 19_____, at _____ M o'clock, Central _____ Time
(Standard or Daylight)

FEES: Service and Return \$ _____; Mileage (_____ mi. @ _____ ¢) \$ _____; TOTAL: \$ _____.

(Signature)

(Official Capacity)

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
MC HENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
Plaintiff))
V.))
))
Defendant)

NO. _____

AFFIDAVIT OF ASSETS AND LIABILITIES

I, David A. Gagnon defendant in this case, on oath state that I am without adequate assets to retain counsel, and that I make the following statement in support of my request to be represented by court-appointed counsel.

1. Name David A. Gagnon Date of Birth 04/03/67
2. Address 1016 Elder Phone 349-4774
City McHenry State IL
3. Family: Marital Status (Single) (Married) (Divorced) No. of children _____

4. Name & Address of employer _____
Length of employment _____ Occupation BOAT WORK

5. Earnings and sources of income:
\$ 80 per month from employment
\$ 0 per month from pension, trusts, annuity, welfare, Workman's
Compensation, retirement or disability plan, or any similar State, Federal, local, or private benefit plan.
\$ 80 per month from other sources described herein
\$ 80 TOTAL per month from all sources.

FILED

MC HENRY COUNTY, ILLINOIS

JUN 2 1986

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

6. ASSETS:

a. Home or other dwelling \$ _____ Where situated _____
b. Other real property \$ _____ Where situated _____
c. Car (1) \$ 14000 Make HONDA Year 1985 Car (2) \$ _____ Make _____ Year _____
d. Other personal property (jewelry, household contents, furs, etc.) \$ _____
e. Bank Accounts \$ 100 f. Cash on Hand \$ 300 311
g. Other assets \$ _____ Described herein _____
h. \$ 2700 TOTAL value of assets _____

7. LIABILITIES:

a. Mortgage on home \$ _____ Monthly payment \$ -0-
b. Amount owed on car \$ _____ Monthly payment \$ -0-
c. Personal Debts \$ _____ To whom owed -0-
d. Other Debts \$ _____ To Whom owed _____
e. TOTAL liabilities and debts \$ _____ TOTAL monthly payments \$ _____

8. If released on bail, specify amount of security \$ _____ and source of payment of security (defendant's funds, borrowed cash, etc.) _____

I CERTIFY THE FOREGOING IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

David A. Gagnon
Signature of Defendant

I UNDERSTAND THAT THE COURT MAY ORDER ME TO REIMBURSE THE COUNTY OF MC HENRY BY PAYING A REASONABLE SUM TO THE CIRCUIT CLERK FOR SOME OR ALL OF THE COSTS OF A COURT APPOINTED ATTORNEY. Ill.Rev.State. (1983) Ch.38 §113-3.1.

David A. Gagnon
Signature of Defendant

Subscribed and sworn to before me

May 31, 1986
James Earl Hutchison
(Clerk) (Notary) (Judge)

PD Reed
off

10/16/85

CIRCUIT COURT FOR THE 19th JUDICIAL CIRCUIT

STATE OF ILLINOIS }
COUNTY OF McHENRY } SS

GEN. NO. 86 CF 484
☐ Jury ☐ Non-Jury

People

vs.

David Logan

Date 6-2-86 Plaintiff's Attorney State Defendant's Attorney Malin

ORDER

This cause coming before the Court on Defendant's Motion to Reduce Bond and the Court being fully advised in the premises:

IT is Hereby Ordered that Bond in the above Captioned Matter is reduced to \$10,000

FILED
McHENRY COUNTY, ILLINOIS

JUN 02 1986

James W. Taylor Jr.
Clerk of the Circuit Court

Thomas A. Carmichael
Judge

FILED
McHENRY COUNTY, ILLINOIS

JUN - 6 1986

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY

James M. Kopye, Jr.
Clerk of the Circuit Court

People

vs.

David Gagnon

No. 86 CF 484
CF 500

APPEARANCE

The undersigned, as

Attorney for David Gagnon

John Prock

Name *John Prock*
McHenry, Ill.
Attorney for *David Gagnon*

Address *420 N. Front*

City *Mt. Airy, Ill.*

Telephone *385-1313*

STATE OF ILLINOIS)
) SS
COUNTY OF McHENRY)

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, McHENRY COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)

Vs.)

David A. Gagnon)
Defendant)

1016 Elder)

Address)

McHenry)
City) State IL)

No. 86CF 484

FILED
McHENRY COUNTY ILLINOIS

JUN 9 1986

TEN PER CENT CASH DEPOSIT BAIL BOND

The undersigned defendant, being charged with the offense of

Unlawful Delivery of Narcotics

VERNON W. KAYS, JR.

CLERK OF THE CIRCUIT COURT

and now being admitted to bail in the sum of \$ 10,000 acknowledges himself to be indebted to THE PEOPLE OF THE STATE OF ILLINOIS in the penal sum of \$ 10,000 to be levied upon his property, of whatever kind and wherever situated, and undertakes the following as conditions of his bail.

- (1) that said defendant shall appear in the Circuit Court of The 19th Judicial Circuit, McHenry County, Illinois at Courtroom No. _____, Branch No. _____, on the day of June, 19 86, and any divisions thereof as required to answer said charge, and appear thereafter as ordered by said court until discharged or until final order of the court;
- (2) that said defendant shall submit himself to the orders and process of said court.
- (3) that said defendant shall not depart this state without leave of Court.
- (4) that said defendant shall report any change of address to the Court.
- (5) that said defendant shall not violate any federal, state or local law.
- (6) that said defendant shall not contact the complainant or any of the state witnesses by telephone or otherwise nor shall the defendant direct any other person to make said contact for him.
- (7) _____
- (8) _____

As security for the compliance with the conditions of bail above set forth, said defendant deposits the sum of \$ 1,000 in cash with the Clerk of this Court, which sum is equal to 10% of the amount of bail set in this cause for the appearance of said defendant, in accordance with the provisions of Paragraph 110-7, Chapter 38, Illinois Revised Statutes.

If said defendant shall comply with the conditions of this bail bond above set forth, it shall upon order of Court be discharged and said defendant shall be entitled to the return of 90% of said deposit, the remaining 10% of said deposit to be retained by the Clerk of this Court as bail bond costs; provided, however, that in the event a judgement is entered against said defendant for a fine and/or court costs, the balance of such deposit, after deduction of bail bond costs, shall be applied to the payment of said fine _____ and/or court costs. If said defendant shall fail to comply with said conditions of his bail, his bail shall remain in full force and effect and said defendant shall be liable for forfeiture thereon.

EXECUTED this 06 day of June, 19 86

TAKEN by me this _____ day of _____, 19 _____

David A. Gagnon (seal)

By Ben Esner 150
Peace Officer or Clerk of Court

APPROVED by me this _____ day of _____, 19 _____

(Judge)

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT

McHenry COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS

VS.

DAVID A. GAGNON

Defendant

No. 86 CF 484

FILED
McHENRY COUNTY, ILLINOIS

AUG 1 1986

INFORMATION

[Two Counts]

The State's Attorney of said County charges:

Karen M. Taylor
Clerk of the Circuit Court

That on or about May 29, 19 86, in McHenry County,

in the State of Illinois, DAVID A. GAGNON committed the offense of

UNLAWFUL DELIVERY OF CANNABIS

in that the said defendant knowingly and unlawfully delivered to
John Doe more than 30 grams, but not more than 500 grams, of a
substance containing cannabis, otherwise than as authorized
in the Cannabis Control Act,

in violation of Chapter 56½, Section 705, Paragraph (d), Illinois Revised Statutes.

The State's Attorney of said County also charges:

That on or about May 30, 19 86, in McHenry County,

in the State of Illinois, DAVID A. GAGNON committed the offense of

UNLAWFUL DELIVERY OF CANNABIS

in that the said defendant knowingly and unlawfully possessed with
the intent to deliver, more than 30 grams but not more than 500
grams, of a substance containing cannabis, otherwise than as
authorized in the Cannabis Control Act,

PEOPLE OF THE STATE OF ILLINOIS

-VS-

DAVID A. GAGNON

FILED
McHENRY COUNTY, ILLINOIS

AUG 1 1986

No. 86 CF 484
86 CF 500

Kenneth H. Kopy Jr.
Clerk of the Circuit Court

NOTICE OF MOTION

To McHenry County State's Attorney
2200 N. Seminary Avenue
Woodstock, IL 60098

On August 11, 1986, at 9:00 a.m., or as soon thereafter as
counsel may be heard, I shall appear before the Honorable W. Cowlin or any judge sitting in
his stead, in the courtroom usually occupied by him in Court House, 2200 N. Seminary Avenue
(Route 47), Woodstock, Illinois and then and there present the attached Motion
for Substitution of Judge.

Michael J. McNerney
Michael J. McNerney

Name MOHR, REILLY, PRATHER, MCNERNEY & GRAHAM

Attorney for Defendant

Address 138 Cass Street, P.O. Box 703

City Woodstock, IL 60098

Telephone 815/338-0060

Copy received _____, 19____, at _____, ____ m.

STATE OF ILLINOIS)
) SS
COUNTY OF McHENRY)

FILED
McHENRY COUNTY, ILLINOIS

AUG 1 1986

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, McHENRY COUNTY, ILL.

James M. Kopy Jr.
Clerk of the Circuit Court

PEOPLE OF THE STATE OF ILLINOIS)

-vs-

)
)
)
) No. 86 CF 484
) 86 CF 500
)
)

DAVID A. GAGNON)

MOTION FOR SUBSTITUTION OF JUDGE

Your Petitioner, DAVID A. GAGNON, respectfully represents to this Honorable Court that he is the Defendant in the cause now pending before your Honor, one of the Judges of the Nineteenth Judicial Circuit.

Your Petitioner further represents that he fears that he will not receive a fair and impartial trial in said cause if he is tried before your Honor, because of the prejudice of your Honor against Petitioner, the cause of such prejudice being more fully set out in the affidavit of Petitioner in support of this motion which is attached hereto and incorporated herein.

WHEREFORE, Petitioner respectfully prays this Honorable Court to transfer this motion to the Chief Judge for hearing by a judge not named in this motion, and further prays for an order permitting the requested substitution of judges.)

Michael J. McNerney
Michael J. McNerney

LAW OFFICES

HR, REILLY, PRATHER,
MCNERNEY & GRAHAM
420 N. FRONT STREET
McHENRY, ILLINOIS 60050
(815) 385-1313

136 CASS STREET
P.O. BOX 703

ODSTOCK, ILLINOIS 60098
(815) 338-0060

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PEOPLE.

DAVID A. GAGNON v.

No. 86 CF 484
86 CF 500

CHANGE OF VENUE/SUBSTITUTION OF JUDGE

This matter coming to be heard upon motion of Atty., Michael McNerney for ~~Change of Venue~~/Substitution of Judge, pursuant to Chapter 110, Section 2-1001 and Chapter 38, Section 114-5 of the Illinois Revised Statutes, 1981, as amended, and the Court being fully advised in the premises:

FINDS:

- ☒ That the motion for ~~Change of Venue~~/Substitution of Judge should be granted.
- ☐ That the motion for Change of Venue/Substitution of Judge should be denied.

IT IS ORDERED:

- ☒ That the ~~Change of Venue~~/Substitution of Judge is hereby granted.
- ☐ That the Change of Venue/Substitution of Judge is hereby denied.

from Judge Cowlin and that this cause is transferred to Judge Henry L. Cowlin for reassignment.

ENTER:

Henry L. Cowlin
JUDGE

Dated: Aug 11, 1986

FILED
McHENRY COUNTY, ILLINOIS

AUG 11 1986

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

Rev. 9/14/82

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PEOPLE

v.

DAVID A. GAGNON

)
)
)
)
)
)
)
)
)
)
)

86 CF 484
500

O R D E R

On the Court's motion;

IT IS ORDERED that the above entitled cause be and the same is
hereby assigned to the Honorable ROLAND A. HERRMANN
Judge of this circuit for all further proceedings, trial and final
disposition.

ENTER:

Henry L. Cowlin

Henry L. Cowlin
Circuit Judge

DATED: August 11, 1986

Distribution to:

FILED
McHENRY COUNTY, ILLINOIS

AUG 11 1986

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)

-vs-

DAVID GARNOW

No. 86C7484

RECIPROCAL ORDER FOR DISCLOSURE

On motion of accused;

IT IS ORDERED that the State shall disclose to defense counsel the following material and information within its possession or control:

1. The names and last known addresses of persons whom the State intends to call as witnesses, together with their relevant written or recorded statements, memoranda containing substantially verbatim reports of their oral statements, and a list of memoranda reporting or summarizing their oral statements which the State does not consider substantially verbatim. Any such memoranda which the State does not disclose to defense counsel shall be submitted to the Court for examination in camera and disclosure to defense counsel if found to be substantially verbatim reports.
2. Any written or recorded statements and the substance of any oral statements made by the accused or by a codefendant, and a list of witnesses to the making and acknowledgment of such statements.
3. A transcript of those portions of grand jury minutes containing testimony of the accused and relevant testimony of persons whom the prosecuting attorney intends to call as witnesses at the hearing or trial.
4. Any reports or statements of experts, made in connection with this case, including results of physical or mental examinations and of scientific tests, experiments or comparisons; and oral reports or statements of experts shall be reduced to writing by the said experts.
5. Any books, papers, documents, photographs or tangible objects which the State intends to use as evidence or which were obtained from or belong to the accused.
6. Any record of prior criminal convictions which may be used for impeachment of persons which the State intends to call as witnesses.
7. Any material or information which tends to negate the guilt of the accused as to the offense charged, or would tend to reduce his punishment for it.

FURTHER ORDERED that the State shall comply with this Order on or before August 25, 1986, at a time and place and

in a manner mutually agreeable to itself and defense counsel whereby the material and information may be inspected, obtained, tested, copied or photographed. If the parties cannot agree on a time, place and manner of compliance with the Order, the State will proceed under SCR 412(e) effective October 1, 1971.

FURTHER ORDERED that if the State discovers, after compliance with this Order, additional material or information subject to disclosure under this Order, it shall promptly disclose such material or information to counsel for accused and also notify the Court of it.

On motion of the State, IT IS ORDERED that defense counsel shall inform the State's Attorney of any defenses which the accused intends to make at a hearing or trial, including affirmative defenses, non-affirmative defenses, alternative and inconsistent defenses.

FURTHER ORDERED that defense counsel shall furnish the State's Attorney with the following material and information within his possession or control or within the possession or control of the accused:

1. The names and last known addresses of persons he intends to call as witnesses, together with their relevant written or recorded statements, including memoranda reporting or summarizing their oral statements and any record or prior criminal convictions of said witnesses known to the accused or his counsel.
2. Any books, documents, photographs or tangible objects he intends to use as evidence or for impeachment.
3. Any reports or statements of experts, made in connection with this case, including results of physical or mental examinations, and of scientific tests, experiments or comparisons, except that those portions of reports containing statements made by the accused may be withheld if defense counsel does not intend to use any of the material contained in the report at a hearing or trial; oral reports or statements of experts shall be reduced to writing by said experts.

FURTHER ORDERED that defense counsel shall comply with this Order on or before Sept 8, 19 86 at a time and place and in a manner mutually agreeable to defense counsel and the State's Attorney, whereby said material and information may be inspected, obtained, tested, copied or photographed. If the parties cannot agree on a time, place and manner of compliance defense counsel shall notify the State's Attorney that the material and information may be inspected, obtained, tested, copied or photographed during specified reasonable times and at places reasonably accessible to the State's Attorney.

FURTHER ORDERED that if subsequent to compliance herewith, the accused or his counsel discover additional material or information which is subject to disclosure under this Order, they shall promptly disclose such information or material to the State's Attorney and also notify the Court of it.

FURTHER ORDERED that all motions, waivers and demands shall be made in open court, and above numbered cause(s) set for trial on call to commence on the October 14, 19 86 Jury Trial Calendar beginning 10 AM.

FILED
MCHENRY COUNTY, ILLINOIS

AUG 11 1986

Enter

8/11 VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

Calvin C. Hermann Judge

No Carbon Required

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

ALAN A. GAGNON

(Defendant)

5/9/46

(Date of Birth)

ADDRESS 1016 Elder Ln.

McHenry, IL

No.

86CF487

FILED

McHENRY COUNTY, ILLINOIS

MAY 30 1986

CRIMINAL COMPLAINT

VERNON W. KAYS, JR.

Complainant, Deputy Ronald Salgado, McHenry County Sheriff, on oath charges:
 Dept.

That on or about May 29, 1986, in McHenry County,

State of Illinois, Alan A. Gagnon

committed the offense of UNLAWFUL DELIVERY OF CANNABIS

in that said defendant, knowingly and unlawfully delivered to John Doe
 more than 30 grams, but not more than 500 grams, of a substance containing
 Cannabis, otherwise than as authorized in the Cannabis Control Act

in violation of chapter 56½, section 705, paragraph (d), Illinois Revised Statutes.

BOND: \$

20,000.00

CONTINUED TO:

DATE

June 6, 1986

TIME

9:00 AM

McHENRY COUNTY COURT HOUSE
 WOODSTOCK, ILLINOIS

RIGHTS EXPLAINED BY:

Ronald J. Salgado
 (Complainant)
 Deputy Sheriff's, McHenry County Sheriff's
 Dept.

SWORN TO before me

May 30 1986
Conrad F. G. Geller

DATE

☐

Misdemeanor

☒

Felony

GWP

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY

THE PEOPLE OF THE STATE OF ILLINOIS
vs.

No.

86 CF487

ALAN A. GAGNON DOB: 5/9/46

1016 Elder Ln.

McHenry, IL

(Defendant)

FILED
McHENRY COUNTY, ILLINOIS

JUN 2 1986

WARRANT OF ARREST

TO ALL PEACE OFFICERS OF THE STATE OF ILLINOIS:

You are hereby commanded to arrest ALAN A. GAGNON

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

and bring said person without unnecessary delay before presiding judge Presiding
(Judge)
Judge of the Circuit Court of the 19th Judicial Circuit, McHenry County, in the courtroom usually occupied by him in
the McHenry County Courthouse in the City of Woodstock, or if he is absent or unable to act, before the nearest or
most accessible court in said County, to answer a charge made against said person for the offense of _____
UNLAWFUL DELIVERY OF ~~XX~~ CANNABIS and hold said person to bail.

The amount of bail is \$ 20,000.00

ISSUED AT WOODSTOCK, McHENRY COUNTY, ILLINOIS, this 30th day of May,
19 86.

RIGHTS EXPLAINED

BY

DATE

.Judge

(Signature)

(Title of Office)

State of Illinois

County of Mc Henry

ss.

RETURN OF SERVICE

I have executed the within Warrant by arresting the within-named defendant. In accordance with the provisions
of Paragraph 110-9, Chapter 38, Illinois Revised Statutes, defendant released on bail in Sum of \$ _____,
with security: _____
(Description of Security)

(Surety: _____
(Name) _____ (Address) _____
this _____ day of _____, 19 _____, to appear in court on _____, the
_____ day of _____, 19 _____ at _____ M o'clock, Central _____ Time
(Standard or Daylight)

FEES: Service and Return \$ _____; Mileage (_____ mi. @ _____ ¢) \$ _____; TOTAL: \$ _____.

(Signature)

(Official Capacity)

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
HENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
Plaintiff))
V.)
Defendant)

NO. _____

FILED
McHENRY COUNTY, ILLINOIS

JUN 2 1986

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

AFFIDAVIT OF ASSETS AND LIABILITIES

I, ALAN GAGNON defendant in this case, on oath state that I am without adequate assets to retain counsel, and that I make the following statement in support of my request to be represented by court-appointed counsel.

1. Name ALAN A GAGNON Date of Birth MAY 9, 1946
2. Address 1016 ELDER AVE Phone 344-4274
City McHENRY, ILL State ILL
3. Family: Marital Status (Single) (Married) (Divorced) No. of children 3
4. Name & Address of employer Self Employment 405 N.W. Ave
Length of employment _____ Occupation FACILITIES ENGINEER
5. Earnings and sources of income:
\$ _____ per month from employment
\$ _____ per month from pension, trusts, annuity, welfare, Workman's
Compensation, retirement or disability plan, or any similar State, Federal,
local, or private benefit plan.
\$ _____ per month from other sources described herein _____
\$ _____ TOTAL per month from all sources.

6. ASSETS:

- a. Home or other dwelling \$ 60,000 Where situated Mc HENRY
- b. Other real property \$ _____ Where situated _____
- c. Car (1) \$ 1000 Make MUST Year 70 Car (2) \$ 1200 Make TOLN Year 73
- d. Other personal property (jewelry, household contents, furs, etc.) \$ _____
- e. Bank Accounts \$ - 0 - f. Cash on Hand \$ _____
- g. Other assets \$ 62,200 Described herein _____
- h. \$ 62,200 TOTAL value of assets

7. LIABILITIES:

- a. Mortgage on home \$ 12,000 Monthly payment \$ 250.00
- b. Amount owed on car \$ 0 Monthly payment \$ 0
- c. Personal Debts \$ 0 To whom owed _____
- d. Other Debts \$ 0 To Whom owed _____
- e. TOTAL liabilities and debts \$ 12,250 TOTAL monthly payments \$ 250.00
8. If released on bail, specify amount of security \$ _____ and source of payment
of security (defendant's funds, borrowed cash, etc.) _____

I CERTIFY THE FOREGOING IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature of Defendant

I UNDERSTAND THAT THE COURT MAY ORDER ME TO REIMBURSE THE COUNTY OF MC HENRY BY PAYING A REASONABLE SUM TO THE CIRCUIT CLERK FOR SOME OR ALL OF THE COSTS OF A COURT APPOINTED ATTORNEY. Ill.Rev.State. (1983) Ch.38 §113-3.1.

Signature of Defendant

Subscribed and sworn to before me

May 31, 1986
[Signature]
(Clerk) (Notary) (Judge)

10/16/85

CIRCUIT COURT FOR THE 19th JUDICIAL CIRCUIT

STATE OF ILLINOIS }
COUNTY OF McHENRY } SS

GEN. NO. 86 CF 487
☐ Jury ☐ Non-Jury

People

vs.

Alan Sogno

Date 6-2-86 Plaintiff's Attorney State Defendant's Attorney Walter

ORDER

This Cause coming before the Court on Defendant's Motion to reduce Bond and the Court being fully advised in the premises:

IT is hereby ordered that Bond is reduced to \$10,000.00

FILED
McHENRY COUNTY, ILLINOIS

JUN 02 1986

Thomas D. Kopy
Clerk of the Circuit Court

Judge *Thomas A. Smeraglio*

FILED
McHENRY COUNTY, ILLINOIS

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY

JUN - 6 1986

Kenneth W. Hayes Jr.
Clerk of the Circuit Court

People

vs.

Alvin Sogner

No. 86 CF 487

APPEARANCE

The undersigned, as

Attorney for Alvin Sogner

John B. Balth

Name M, R, P, MC & C

Attorney for Alvin Sogner

Address 420 N. Front

City Mc Henry, Ill

Telephone 385-1313

STATE OF ILLINOIS)
) SS
COUNTY OF McHENRY)

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, McHENRY COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)
 Vs.)
 ALAN ARTHUR GAGNON)
 Defendant)
 1016 ELDER AVE)
 Address)
 McHENRY IL)
 City State)

No. 86 CF 487

FILED
McHENRY COUNTY ILLINOIS

JUN 9 1986

TEN PER CENT CASH DEPOSIT BAIL BOND

The undersigned defendant, being charged with the offense of

UNLAWFUL DELIVERY OF CANNABIS

VERNON W. KAYS, JR.

and now being admitted to bail in the sum of \$ 10,000.00, acknowledges himself to be indebted to THE PEOPLE OF THE STATE OF ILLINOIS in the penal sum of \$ 10,000.00, to be levied upon his property, of whatever kind and wherever situated, and undertakes the following as conditions of his bail.

- (1) that said defendant shall appear in the Circuit Court of The 19th Judicial Circuit, McHenry County, Illinois at Courtroom No. _____, Branch No. _____, on the 06 day of _____, 19____, and any divisions thereof as required to answer said charge, and appear thereafter as ordered by said court until discharged or until final order of the court;
- (2) that said defendant shall submit himself to the orders and process of said court.
- (3) that said defendant shall not depart this state without leave of Court.
- (4) that said defendant shall report any change of address to the Court.
- (5) that said defendant shall not violate any federal, state or local law.
- (6) that said defendant shall not contact the complainant or any of the state witnesses by telephone or otherwise nor shall the defendant direct any other person to make said contact for him.
- (7) _____
- (8) _____

As security for the compliance with the conditions of bail above set forth, said defendant deposits the sum of \$ _____ in cash with the Clerk of this Court, which sum is equal to 10% of the amount of bail set in this cause for the appearance of said defendant, in accordance with the provisions of Paragraph 110-7, Chapter 38, Illinois Revised Statutes.

If said defendant shall comply with the conditions of this bail bond above set forth, it shall upon order of Court be discharged and said defendant shall be entitled to the return of 90% of said deposit, the remaining 10% of said deposit to be retained by the Clerk of this Court as bail bond costs; provided, however, that in the event a judgement is entered against said defendant for a fine and/or court costs, the balance of such deposit, after deduction of bail bond costs, shall be applied to the payment of said fine and/or court costs. If said defendant shall fail to comply with said conditions of his bail, his bail shall remain in full force and effect and said defendant shall be liable for forfeiture thereon.

EXECUTED this 6 day of June, 1986
TAKEN by me this 6 day of June, 1986 (seal)
By [Signature]
Peace Officer or Clerk of Court
PROVED by me this _____ day of _____, 19____ (Judge)

IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT

FILED

McHENRY COUNTY, ILLINOIS
McHENRY COUNTY

AUG 1 1986

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

ALAN A. GAGNON

(Defendant)

No. 86 CF 487

Kenneth M. Kopp
Clerk of the Circuit Court

INFORMATION

The states attorney of said county charges:

That on or about May 29, 1986, in McHenry county, in the State of Illinois, ALAN A. GAGNON committed the offense of

UNLAWFUL DELIVERY OF CANNABIS

in that the said defendant knowingly and unlawfully ~~xxxxxxx~~ delivered to ~~xxxxxxxxxx~~ John Doe more than 10 grams, but not more than 300 grams, 57M of a substance containing cannabis, otherwise than as authorized in the Cannabis Control Act,

in violation of chapter 56½, section 705, paragraph (d), Illinois revised statutes

Gary Park
Assistant (State's Attorney)

STATE OF ILLINOIS

COUNTY OF McHenry

The undersigned, on oath, says that the facts set forth in the foregoing information are true in substance and matter of fact.

Signed and Sworn to Before Me

July 30

19 86

Brenda E. Atack
NOTARY PUBLIC (Official Capacity)

Information filed _____, 19____. Bail set at \$ _____ order to issue.

(Judge)

Defendant appears in open court _____, 19____

Defendant released on bail in sum of \$ _____ with security: _____

(Description of Security)

(surety: _____ (Name) _____ (Address))

Dated _____, 19____

Defendent remanded to custody of sheriff for failure to give bail _____, 19____

cause continued until _____, 19____, for _____

PEOPLE OF THE STATE OF ILLINOIS

-VS-

ALAN A. GAGNON

No. 86 CF 487

FILED
McHENRY COUNTY, ILLINOIS

AUG 1 1986

Vernon H. Kays Jr.
Clerk of the Circuit Court

NOTICE OF MOTION

To McHenry County State's Attorney
2200 N. Seminary Avenue
Woodstock, IL 60098

On August 11, 19 86, at 9:00 a. m., or as soon thereafter as
counsel may be heard, I shall appear before the Honorable H. Cowlin or any judge sitting in
his stead, in the courtroom usually occupied by him in Court House, 2200 N. Seminary Avenue
(Route 47), Woodstock, Illinois and then and there present the attached Motion
for Substitution of Judges.

Michael J. McNerney
Michael J. McNerney

Name MOHR, REILEY, PRATHER, MCNERNEY & GRAHAM

Attorney for Defendant

Address 138 Cass Street, P.O. Box 703

City Woodstock, IL 60098

Telephone 815/338-0060

Copy received _____, 19____, at _____, ____ m.

STATE OF ILLINOIS)
COUNTY OF MCHENRY) SS

FILED

MCHENRY COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT, MCHENRY COUNTY, ILL.

AUG 1 1986

PEOPLE OF THE STATE OF ILLINOIS

-vs-

ALAN A. GAGNON

No. 86 CF 487

James H. Lutz Jr.
Clerk of the Circuit Court

MOTION FOR SUBSTITUTION OF JUDGE

Your Petitioner, ALAN A. GAGNON, respectfully represents to this Honorable Court that he is the Defendant in the cause now pending before your Honor, one of the Judges of the Nineteenth Judicial Circuit.

Your Petitioner further represents that he fears that he will not receive a fair and impartial trial in said cause if he is tried before your Honor, because of the prejudice of your Honor against Petitioner, the cause of such prejudice being more fully set out in the affidavit of Petitioner in support of this motion which is attached hereto and incorporated herein.

WHEREFORE, Petitioner respectfully prays this Honorable Court to transfer this motion to the Chief Judge for hearing by a judge not named in this motion, and further prays for an order permitting the requested substitution of judges.

Michael J. McNerney
Michael J. McNerney

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PEOPLE

v.

ALAN A. GAGNON

No. 86 CF 487

CHANGE OF VENUE/SUBSTITUTION OF JUDGE

This matter coming to be heard upon motion of Atty., Michael McNerney for ~~Change of Venue~~/Substitution of Judge, pursuant to Chapter 110, Section 2-1001 and Chapter 38, Section 114-5 of the Illinois Revised Statutes, 1981, as amended, and the Court being fully advised in the premises:

FINDS:

- ☒ That the motion for ~~Change of Venue~~/Substitution of Judge should be granted.
- ☐ That the motion for Change of Venue/Substitution of Judge should be denied.

IT IS ORDERED:

- ☒ That the ~~Change of Venue~~/Substitution of Judge is hereby granted.
- ☐ That the Change of Venue/Substitution of Judge is hereby denied.

from Judge Cowlin and that this cause is transferred to Judge Henry L. Cowlin for reassignment.

ENTER:

Henry L. Cowlin
JUDGE

Dated: Aug 11, 1986

FILED
McHENRY COUNTY, ILLINOIS

AUG 11 1986

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

Rev. 9/14/82

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS)

-vs-

Alton A. Casnow

No. 86C7487

RECIPROCAL ORDER FOR DISCLOSURE

On motion of accused;

IT IS ORDERED that the State shall disclose to defense counsel the following material and information within its possession or control:

1. The names and last known addresses of persons whom the State intends to call as witnesses, together with their relevant written or recorded statements, memoranda containing substantially verbatim reports of their oral statements, and a list of memoranda reporting or summarizing their oral statements which the State does not consider substantially verbatim. Any such memoranda which the State does not disclose to defense counsel shall be submitted to the Court for examination in camera and disclosure to defense counsel if found to be substantially verbatim reports.
2. Any written or recorded statements and the substance of any oral statements made by the accused or by a codefendant, and a list of witnesses to the making and acknowledgment of such statements.
3. A transcript of those portions of grand jury minutes containing testimony of the accused and relevant testimony of persons whom the prosecuting attorney intends to call as witnesses at the hearing or trial.
4. Any reports or statements of experts, made in connection with this case, including results of physical or mental examinations and of scientific tests, experiments or comparisons; and oral reports or statements of experts shall be reduced to writing by the said experts.
5. Any books, papers, documents, photographs or tangible objects which the State intends to use as evidence or which were obtained from or belong to the accused.
6. Any record of prior criminal convictions which may be used for impeachment of persons which the State intends to call as witnesses.
7. Any material or information which tends to negate the guilt of the accused as to the offense charged, or would tend to reduce his punishment for it.

FURTHER ORDERED that the State shall comply with this Order on or before August 25, 1986, at a time and place and

in a manner mutually agreeable to itself and defense counsel whereby the material and information may be inspected, obtained, tested, copied or photographed. If the parties cannot agree on a time, place and manner of compliance with the Order, the State will proceed under SCR 412(e) effective October 1, 1971.

FURTHER ORDERED that if the State discovers, after compliance with this Order, additional material or information subject to disclosure under this Order, it shall promptly disclose such material or information to counsel for accused and also notify the Court of it.

On motion of the State, IT IS ORDERED that defense counsel shall inform the State's Attorney of any defenses which the accused intends to make at a hearing or trial, including affirmative defenses, non-affirmative defenses, alternative and inconsistent defenses.

FURTHER ORDERED that defense counsel shall furnish the State's Attorney with the following material and information within his possession or control or within the possession or control of the accused:

1. The names and last known addresses of persons he intends to call as witnesses, together with their relevant written or recorded statements, including memoranda reporting or summarizing their oral statements and any record or prior criminal convictions of said witnesses known to the accused or his counsel.
2. Any books, documents, photographs or tangible objects he intends to use as evidence or for impeachment.
3. Any reports or statements of experts, made in connection with this case, including results of physical or mental examinations, and of scientific tests, experiments or comparisons, except that those portions of reports containing statements made by the accused may be withheld if defense counsel does not intend to use any of the material contained in the report at a hearing or trial; oral reports or statements of experts shall be reduced to writing by said experts.

FURTHER ORDERED that defense counsel shall comply with this Order on or before Sept 8, 1986 at a time and place and in a manner mutually agreeable to defense counsel and the State's Attorney, whereby said material and information may be inspected, obtained, tested, copied or photographed. If the parties cannot agree on a time, place and manner of compliance defense counsel shall notify the State's Attorney that the material and information may be inspected, obtained, tested, copied or photographed during specified reasonable times and at places reasonably accessible to the State's Attorney.

FURTHER ORDERED that if subsequent to compliance herewith, the accused or his counsel discover additional material or information which is subject to disclosure under this Order, they shall promptly disclose such information or material to the State's Attorney and also notify the Court of it.

FURTHER ORDERED that all motions, waivers and demands shall be made in open court, and above numbered cause(s) set for trial on call to commence on the October 14, 1986 Jury Trial Calendar beginning 10 AM.

FILED
MCHEERY COUNTY, ILLINOIS

AUG 11 1986

Enter

8/11 VERNON W. KAYS, JR.

CLERK OF THE CIRCUIT COURT

Salvador A. Hernandez Judge

STATE OF ILLINOIS)
) SS.
COUNTY OF McHENRY)

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
)
 - vs -)
)
ALAN A. GAGNON)

No. 86 CF 487

A G R E E D O R D E R

THIS MATTER coming before the Court by agreement of the parties, it being stipulated by the parties that \$10,000.00 (Ten Thousand Dollars) be declared proceeds from illegal drug activity conducted inside the dwelling located at 1016 W. Elder, McHenry, McHenry County, Illinois;

WHEREFORE, by agreement of the parties and as part of the negotiated plea entered in the above captioned matter;

IT IS HEREBY ORDERED that the defendant will consent to a stipulated forfeiture of \$10,000.00 (Ten Thousand Dollars) pursuant to a forfeiture complaint to be filed by the United States Attorneys Office under the laws of the United States against the said dwelling and property, and will not contest such forfeiture;

IT IS FURTHER ORDERED that the State will not seek to have any further amounts of United States Currency or any of the property seized or forfeited whether under the laws of the United States or the State of Illinois.

ENTERED: 2/17/87

STIPULATED TO:

ALAN A. GAGNON

JUDGE

FILED
McHENRY COUNTY, ILLINOIS

FEB 17 1987

Thomas W. Doyle, Jr.

Clk of the Circuit Court

CIRCUIT COURT FOR THE 19th JUDICIAL CIRCUIT

STATE OF ILLINOIS }
COUNTY OF McHENRY } SS

86CF 484-5-7

GEN. NO. _____

☐ Jury ☐ Non-Jury

People

vs.

*DAVID, ALAN and CAROLYN
SAMPSON*

Date *2/17/87*

Plaintiff's
Attorney

McArdle

Defendant's
Attorney

McArdle

ORDER

ON motion and stipulation

*The Court orders that the Balance
of The Bond Shall be paid to attorney
Michael J. McArdle*

FILED
McHENRY COUNTY, ILLINOIS

FEB 17 1987

Kenneth W. Kopp
Clerk of the Circuit Court

Judge

Paul R. Henneman

STATE OF ILLINOIS)
COUNTY OF McHenry) SS IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT,
PEOPLE OF THE STATE OF ILLINOIS) McHenry COUNTY, ILLINOIS
vs.)
Alan A. Gagnon) GENERAL NO. 86 SE 487

ORDER AND CERTIFICATE FOR PROBATION PURSUANT TO SECTION 710 OF
CHAPTER 56½ OF THE ILLINOIS REVISED STATUTES

This cause having come before the Court, the Defendant is sentenced to PROBATION under the terms of the Cannabis Control Act for the offense(s) of UNLAWFUL DELIVERY OF CANNABIS 10-3047 for a period of 18 months days/months/years commencing today and ending August 16, 1988 and that judgment and further proceedings are hereby deferred and the Court hereby orders and the Defendant is hereby notified that the following conditions shall be in effect as of this date and for the period of time set forth above:

- 1-The Defendant shall not violate any criminal statute of any jurisdiction.
- 2-The Defendant shall pay all court costs, ~~to be paid by~~ INSTANTLY, 1988.
- 3-The Defendant shall not leave the State of Illinois without the written permission of either the Adult Probation Division or the Court.
- ☐ 4-The Defendant shall refrain from possessing a firearm or other dangerous weapon.
- ☒ 5-The Defendant shall report immediately to the Adult Probation Division and at such other times as directed by the Probation Officer.
- ☒ 6-The Defendant shall notify the Adult Probation Division immediately of any change in the Defendant's home address or phone number.
- ☐ 7-The Defendant shall pay a fine of \$_____ by _____, 19____.
- ☐ 8-The Defendant shall serve a term of _____ days/months in the Lake County Jail, and shall report to that facility on _____, 19____, at _____ AM/PM and thereafter as directed.
- ☐ 9-The Defendant shall undergo ☐ medical treatment, ☐ psychiatric treatment, ☐ treatment for drug addiction/alcoholism
☐ As follows: _____
- ☐ As directed by the Probation Officer.
- ☐ 10-The Defendant shall report immediately to and register with the Public Service Unit of the Department of Court Services and shall perform _____ hours of Public Service work at the time and place as directed by said Unit to be completed by _____, 19____.
- ☐ 11-The Defendant shall serve a term of periodic imprisonment for _____ days/months in the custody of the County Sheriff and shall report to that facility within _____ day(s) and thereafter as directed by authorized officials of said facility. The defendant shall abide by the rules and regulations of that facility.
- ☐ 12-The Defendant shall work or pursue a course of educational training or study as follows; _____
- ☐ 13-The Defendant shall have no contact of any kind with _____.
- ☐ 14-The Defendant shall return to this Court on the _____ day of _____, 19____, at _____ o'clock so that the Court may ascertain the status of Defendant's compliance with this sentence.
- ☐ 15-Other: _____

ENTERED at Woodstock **FILED** Illinois this 17 day of FEBRUARY, 1987.

McHENRY COUNTY, ILLINOIS

FEB 17 1987

JUDGE

I, the above-named Defendant, acknowledge the receipt of this document.

NAME

DATE

174-95 3/85

CL. JIT COURT FOR THE 19th JUDICIAL CIRCUIT

STATE OF ILLINOIS }
COUNTY OF McHENRY } SS

86CF 484
86CF 485
GEN. NO. 86CF 487
☐ Jury ☐ Non-Jury

People

vs.

Alan, David and Carolyn
Sagon

Date 2/17/87 Plaintiff's Attorney Defendant's Attorney

ORDER

The Court orders:

- 1.) Alan Sagon may live in the State of Wisconsin
- 2.) The bonds may be released w.t.h. out a bond receipt

FILED
McHENRY COUNTY, ILLINOIS

FEB 17 1987

Karen M. Kopy
Clerk of the Circuit Court

Judge

Robert A. Henderson

STATE OF ILLINOIS)

COUNTY OF McHENRY)

IN THE CIRCUIT COURT, 19TH JUDICIAL CIRCUIT

PEOPLE

V.

ALAN A. GAGNON

GEN. NO. 86-CF-487

FILED
McHENRY COUNTY, ILL.

AUG 16 1988

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

APPLICATION OF THE PROBATION OFFICER

The undersigned probation officer of this Court applies to the Court and the State's Attorney for a Court Order dismissing the proceedings and discharging the defendant and in support thereof states the facts to be:

Defendant entered a plea of guilty to unlawful possession of cannabis without Court adjudication of guilt. Defendant was placed on probation under Section 710 of the Cannabis Control Act on February 17, 1987 to eighteen months probation. Defendant has complied with the terms of the sentence.

The undersigned recommends an order be entered dismissing the proceedings and discharging the defendant.

August 16, 1988

Fine *NA*

Court costs - *paid in full 2-17-87*

Restitution *NA*

Public Service Employment *NA*

Cynthia Rankin
Cynthia Rankin

MOTION OF THE STATE'S ATTORNEY

Based on the foregoing premises:

1. The State moves that the defendant be allowed to withdraw the plea of guilty;
2. These proceedings be dismissed, and the defendant be discharged.

Mary Pace
For the State's Attorney

O R D E R

IT IS ORDERED:

The defendant's plea of guilty is withdrawn. These proceedings are dismissed, and the defendant is discharged.

Entered:

Roland A. Herrmann
ROLAND A. HERRMANN, JUDGE

03/01/2011

CURRICULUM VITAE

NAME:

CRAIG STUART PHILLIPS

ADDRESS (WORK):

The Illinois Bone and Joint Institute,
2401 Ravine Way,
Glenview, Illinois,
60025
Telephone: (847) 998-5680
Fax: (847) 564-6365
e-mail: handphillips@hotmail.com

EDUCATION:

Graduate:
1984-1989

University of the Witwatersrand,
Johannesburg, South Africa
Doctor of Medicine (MD)

TRAINING:

Jan. 1990 - June 1992

Resident Orthopaedic Surgery
University of the Witwatersrand General Hospital,
Johannesburg, South Africa.

July 1994 - June 1999

Resident - Orthopaedic Surgery
The University of Chicago Hospitals,
5841 S. Maryland Ave.
Chicago, Illinois

July 1999 - June 2000

Fellowship - Hand and Upper Extremity Surgery
The Curtis National Hand Center,
John's Hopkins Medical Center,
3333 North Calvert Street, Second Floor,
Baltimore, Maryland, 21218-3334

CURRENT POSITION:

January 2004 – Present:

Hand and Upper-Extremity Surgery,
Microvascular Surgery,
The Illinois Bone and Joint Institute

Clinical Assistant Professor of Surgery,
Department of Surgery,
Section of Orthopaedic Surgery
The University of Chicago, Pritzker School of Medicine

PREVIOUS APPOINTMENTS:

July 1992 - June 1994

Research Associate - Hand and Upper-Extremity Surgery
University of Chicago,
Chicago, Illinois

July 2000 – December 2003

Assistant Professor of Surgery,
Reconstructive Hand and Upper-Extremity Surgery,
Microvascular Surgery,
Section of Orthopaedic Surgery,
The University of Chicago Hospitals

Director Hand and Upper-Extremity Surgery,
Department of Orthopaedic Surgery,
Louis A Weiss Memorial Hospital

January 2004 – June 2009

Instructor of Clinical Orthopaedic Surgery
Feinberg School of Medicine,
Northwestern University

LICENSURE:

Illinois, USA # 036-094861 (active)
Maryland, USA # D0054598 (lapsed)

EXAMINATIONS PASSED:

Certificate of Added Qualification (CAQ) Hand – August 2003
American Board of Orthopaedic Surgery (Part II) – July 2002
American Board of Orthopaedic Surgery (Part I) – July 1999
ECFMG Certified September 1993
Medical Doctor (MD) - November 1989

POSTGRADUATE AWARDS:

Chicago Surgical Society:

Annual competition

Tensile strength of zone II flexor tendon repairs in a human cadaver model
November 1993

American Association for Hand Surgery:

23rd annual Meeting

Best Research Basic Science Category

Ulnar flexor tendon synovial sheath anatomy: A macroscopic study
December 1993

Howard Schneider Competition:

Illinois Orthopaedic Society

Tensile strength of zone II flexor tendon repairs in a human cadaver model
March 1994

Howard Schneider Competition:

Illinois Orthopaedic Society

The Efficiency of flexor tendon reconstruction in Zone II in human cadavers
March 1998

AOA - Zimmer Traveling Award:

American Orthopaedic Association

The Efficiency of flexor tendon reconstruction in Zone II in human cadavers
June 1998

Illinois Orthopaedic Society:

Resident Competition,

A mechanical comparison of pulley reconstruction techniques in the cadaver digit
May 1999

The University of Chicago:
Section of Orthopaedic Surgery
Teacher of the year award,
2001-2002

Castle Connolly Top Doctors award
Chicago,
2003

Chicago Hand Society:
Winner Koch Award for best manuscript
The effect of ulnar shortening on the ulnocarpal ligaments and the distal radioulnar joint.
October 2004

American Society for Surgery of the Hand:
Young Members Leadership Committee
December 2007

International Association of Orthopaedic Surgeons (IAO)
Top Doctor Award
2010

ADDITIONAL CLINICAL ACTIVITIES:

- Physician for Annual South African Formula 1 motor vehicle race - 1989
- Assistant team physician Thornton High School football - 1996
- Hand Surgery Overseas. Dominican Republic -- 1999
- Assistant Team physician – Northwestern University – January 2004 – July 2009

SOCIETIES:

- American Academy of Orthopaedic Surgery: 1997 - Present
- American Society for Surgery of the Hand: May 2000 – Present
- Mid-American Orthopaedic Association: March 2001 – Present
- Health Volunteer Overseas: July 2001 – July 2002
- Chicago Hand Society: November 2002 – Present
- Illinois Orthopaedic Society: November 2002 - Present

COMMITTEES:

Weiss Memorial Hospital:
Bioethics Committee,
February 2001 – December 2003

Weiss Memorial Hospital fund-raising: Arlington Program
March 2001

Weiss Memorial Hospital:
Quality Review Management Committee,
February 2001 – December 2003

Weiss Memorial Hospital:
Co-Chairman:
Quality Review Management Committee,
October 2002 – March 2003

Weiss Memorial Hospital:
Chairman:
Orthopaedic Surgery Quality Review Management,
January 2002 – December 2003

Weiss Memorial Hospital:
Cost Containment Committee
October 2002 – December 2003
American Society for Surgery of the Hand:
Product and Publication Advisory Committee
October 2002 – September 2010

American Society for Surgery of the Hand:
Public Education Committee
October 2002 – October 2008

Evanston Northwestern Hospital
Impaired physician committee
August 2006 – present

Ravine Way Surgery Center
Board of Directors Committee
August 2006 – present

Illinois Bone and Joint Institute
Management Committee
Glenview, Wilmette division
September 2006 – present

American Society for Surgery of the Hand:
Crucial Elements Committee
October 2007 – present

American Society for Surgery of the Hand:
Commercial Support Committee
January 2008 – June 2009

American Society for Surgery of the Hand:
Government Affairs Committee
February 2008 – September 2010

EDUCATIONAL RESPONSIBILITIES

July 2009 – Present	Fellowship Director Hand & Upper-Extremity Surgery
July 2009 – Present	Educator - didactic and surgical technique, The University of Chicago Orthopaedic Residents
January 2004 – June 2009	Clinical Instructor - - didactic and surgical technique, Northwestern University Orthopaedic Residents
July 2000 – December 2003	Resident Research Director The University of Chicago Orthopaedic Surgery Residency

July 2000 – December 2003	Anatomy Course Director The University of Chicago Orthopaedic Surgery Residency
July 2000 – December 2003	Resident Recruitment Committee The University of Chicago Orthopaedic Surgery Residency
July 2000 – December 2003	Conference Coordinator and Director Hand and Upper-Extremity Weekly Conference Weiss Memorial Hospital

RESEARCH ACTIVITIES:

Reviewer:
American Society for Surgery of the Hand annual conference.
Seattle, WA.
October 2000

Editorial Board:
Orthopedic Quarterly
November 2001-Present

Assistant reviewer:
The Journal of Hand Surgery
January 2001 – January 2004

Associate Editor:
Journal of Hand Surgery
January 2004 – Present

Associate Editor:
Journal of Hand & Microsurgery
January 2009 – Present

PUBLICATIONS (peer reviewed):

1. **Phillips CS**, Falender R and Mass D. Ulnar flexor tendon synovial sheath anatomy: A macroscopic study. *Journal of Hand Surgery* 20A:636-641, 1995.
2. **Phillips C** and Mackay DR. An unusual foreign body in the hand; delayed presentation of a retained human tooth. A case report. *Scandinavian Journal of Plastic Reconstructive and Hand Surgery* 29(2):181-183, 1995.
3. **Phillips CS** and Mass D. Mechanical analysis of the palmar aponeurosis pulley in human cadaver hands. *Journal of Hand Surgery* 21A:240-244, 1996.
4. Komanduri M, **Phillips CS** and Mass D. Tensile strength of flexor tendon repairs in a dynamic cadaver model. *Journal of Hand Surgery* 21A:605-611, 1996.
5. Kang H, Lee S, **Phillips CS** and Mass D. Biomechanical changes of cadaveric finger flexion: The effect of wrist position and of the transverse carpal ligament and palmar and forearm fasciae. *Journal of Hand Surgery* 21A:963-968, 1996.
6. Hamman J, Ali A, **Phillips CS**, Cunningham B and Mass D. A biomechanical study of the flexor digitorum superficialis: Effects on digital pulley excision and loss of flexor digitorum profundus. *Journal of Hand Surgery* 22A:328-335, 1997.
7. Phillips FM, **Phillips CS**, Wetzel FT and Gelinas C. Occipito-cervical neutral position - Surgical implications. *Spine* 24:775-778, 1999.

8. **PhillipsCS**, Murphy MS. Vascular Problems of the Upper-Extremity: A Primer for the Orthopaedic Surgeon. *Journal of the American Academy of Orthopaedic Surgery*, November 2002.
9. **PhillipsCS**, Nenadovich N. A contemporary approach to osteoporotic wrist fractures in the elderly. *Advances in Osteoporotic Fracture Management*. Quarterly review, October 2002
10. **PhillipsCS**, Swanson A and Mass MD. A mechanical comparison of pulley reconstruction techniques in the cadaver digit. *Accepted after resubmission Journal of Bone and Joint Surgery*
11. Pennock AT, **PhillipsCS**, Matzon JL, and Daley EB. The Effects of Forearm Rotation on Three Wrist Measurements: Radial Inclination, Radial Height, and Palmar Tilt. *Hand Surgery*, 2005, Jul;10(1):17-22
12. Matzon JL, Widmer BJ, Draganich, LF, Mass DP, **PhillipsCS**. Anatomy of the Coronoid Process. *Journal of Hand Surgery* 31A, 1272-1278, 2006

PUBLICATIONS (Under review):

1. Dunlap BJ, Benson LS, **PhillipsCS**, Gavin PJ, Peterson LR. Contamination of skin markers used to mark the operative site. *Submitted to Journal of Bone & Joint Surgery*.
2. The effect of ulnar shortening on the ulnocarpal ligaments and the distal radioulnar joint. Tan R, Mass DP, **PhillipsCS**.
3. **PhillipsCS** and Mass D. The pressure exerted on the annular pulley system during finger flexion. *Submitted to Journal of Hand Surgery*.
4. Jaureguito J, Wilcox JF, Thistead R, Cunningham B, **PhillipsCS** and Reider B. The effect of Morphine on human articular cartilage of the knee - an in vitro study. *Submitted to Journal of Sports Medicine*.
5. Manning D, **PhillipsCS**, Cunningham B, and Mass D. The macroscopic study of the radial bursa and the flexor pollicis longus synovial sheath. *Resubmitted to Journal of Hand Surgery*
6. **PhillipsCS**, Swanson A, Heminger H, and Mass D. Efficiency of reconstructed flexor tendons in cadaver hands. *Submitted to Journal of Hand Surgery*.
7. **PhillipsCS**, Ho E, Betts, J. The effect of first carpo-metacarpal arthroplasty on carpal canal morphology. *Submitted to Journal of Hand Surgery*
8. Complex elbow instability associated with coronoid fractures. Matzon J, Siebert N, **PhillipsCS**. *Submitted to Journal of Hand Surgery*

Manuscripts (In preparation):

1. The relationship of tendon load and fingertip pinch in the flexor digitorum profundus. Ali A, **PhillipsCS**, Cunningham B and Mass D
2. The biomechanical analysis of the thumb flexor tendon pulley system. Cunningham B, **PhillipsCS** and Mass D.
3. The anatomy of the thumb flexor pulley system; the fourth pulley. Cunningham B, **PhillipsCS**, Mass D.
4. Elongation and knot strength of non-absorbable suture material. Murphy KT, Minter RA, **PhillipsCS** and Mass DP.

ABSTRACTS

1. Cunningham BJ, **Phillips CS** and Mass DP. Anatomy of the flexor pollicis longus tendon sheath and the radial bursa of the hand. Orthopaedic Transactions vol 19, Number 3, pp754, 1995-1996.
2. Kang HJ, **Phillips CS** and Mass DP. Biomechanical changes of finger flexion after carpal tunnel release. Orthopaedic Transactions vol 19, Number 3, pp708, 830, 1995-1996.
3. Hamman JJ, Ali A, **Phillips CS**, Cunningham B and Mass DP. Effects of annular pulley and FDP excision on FDS efficiency. Orthopaedic Transactions vol 19, Number 3, pp701, 1995-1996.
4. Cunningham BJ, **Phillips CS** and Mass DP. Biomechanical analysis of the thumb flexor pulleys. Orthopaedic Transactions vol 19, Number 3, pp701, 1995-1996.
5. **Phillips CS** and Mass DP. The annular pulley pressure during finger flexion. Orthopaedic Transactions vol 19, Number 3, pp701-2, 1995-1996.
6. **Phillips CS** and Mass D. Mechanical analysis of the palmar aponeurosis pulley in human cadavers. Year Book of Hand Surgery 1997, pp11-12, 1997.
7. Phillips FM, **Phillips CS**, Gelinas C and Wetzel FT. Occipito-cervical neutral position - Possible surgical implications. Orthopaedic Transactions vol 21, Number 2, pp507 + 1145, 1997.
8. Cunningham B, **Phillips CS** and Birnie R. Macroscopic anatomy of the medial antebrachial nerve of the forearm. Orthopaedic Transactions vol 21, Number 2, pp1178, 1997.
9. **Phillips CS**, Emami A, Swanson A, Heminger H and Mass DP. Independent flexor digitorum profundus excursion among fingers in human cadavers. Orthopaedic Transactions vol 22, Number 2, pp368, 1998-1999.
10. **Phillips CS**, Swanson A, Heminger H and Mass DP. The efficiency of reconstructed tendons in zone II in human cadavers. Orthopaedic Transactions vol 22, Number 2, pp370, 1998-1999.

BOOKS EDITED:

Flexor Tendon Injuries. **Craig S Phillips**, Daniel P Mass. Hand Clinics: Lipincott Williams: Feb 2005.

BOOK CHAPTERS:

1. Diagnosis and treatment of Medial and Lateral Ligament incompetence. **Craig S Phillips**, Keith A Segalman. In: Hand Clinics: Contemporary Management of Elbow and Forearm Disorders. 2002, vol 18.1, pp 654-559.
2. Endoscopic Carpal Tunnel Release: The Agee technique. **Craig S Phillips**. Surgical techniques of Sports Medicine. W.B. Saunders. (in press).
3. Compression Neuropathies of the upper-extremity. **Craig S Phillips**. Musculoskeletal Medicine. American Academy of Orthopaedic Surgery, 2004.
4. Pediatric Brachial plexus injury: **Craig S Phillips**, Sovarinth Tan. Essentials of Orthopaedics, American Academy of Orthopaedic Surgeons, 2003
5. Flexor Tendon Pulley Reconstruction. Vishal Mehta, **Craig S Phillips** Hand Clinics, pp 245-251, Vol 1, No 2, May 2005.
6. The future of flexor tendon surgery. Jeffrey Luo, Daniel P Mass, **Craig S Phillips**, TC He. Hand Clinics, pp267-273, Vol 1, No 2, May 2005

6. Extensor Tendon Centralization Following Traumatic Subluxation at the MCP Joint. Ross J. Richer, M.D. **Craig S. Phillips, M.D.**, Leon S. Benson, M.D. Operative Techniques in Orthopaedic Surgery. Lippincott, Williams & Wilkins.
7. Hand Spaces. **Craig S Phillips MD**. Blue Book, Chapter 7, ASSH, 2010
8. Hand Spaces: Physical Examination and common clinical conditions. **Craig S Phillips MD**, Chapter 19, ASSH, 2010
9. Flexor tendon anatomy and surgical approaches. Andre Spiguel MD and **Craig S Phillips MD**. Master Skills Publication. American Society of Surgery of the Hand. 2011

PUBLICATIONS (Non peer reviewed):

1. The treatment of weather related injuries.
The North Loop News,
February 2002.
2. American Society of Surgery of the Hand.
Educational Brochures:
 - Vascular disorders of the upper-extremity
 - Infections of the hand including bites
 - Wrist arthroscopy
 - Arthritis of the hand
 - Elbow fractures
 - Flexor tendon injuries
 - Wrist fractures
3. EPB tendon transfer correcting MP hyperextension during CMC arthroplasty.
ASSH Correspondence Newsletter
October 2007

NATIONAL PRESENTATIONS:

1. The efficiency of the annular pulley system. Greenwald D, Schumway S, Rispler D, Allen C, **Phillips CS** and Mass D.

Chicago Hand Society,
Chicago, IL.
August 1993
2. Tensile strength of zone 2 flexor tendon repairs in a dynamic cadaver model. Komanduri M, **Phillips CS** and Mass D.

Smith and Nephew Richard's,
11th Annual Orthopaedic Residents Conference.
Memphis, TN.
August 1993

American Society for Surgery of the Hand,
48th Annual Meeting,
Kansas City, Mo.
September 1993

American Association for Hand Surgery,
23rd Annual Meeting,
Cancun, Mexico.
December 1993

3. Mechanical analysis of the palmar aponeurosis pulley in human hands. **Phillips CS** and Mass D.

American Society for Surgery of the Hand,
48th Annual Meeting,
Kansas City, MO.
September 1993

American Association for Hand Surgery,
23rd Annual Meeting,
Cancun, Mexico.
December 1993

4. Ulnar flexor tendon synovial sheath anatomy: A macroscopic study. **Phillips CS**, Falender R and Mass D.

American Society for Surgery of the Hand,
48th Annual Meeting,
Kansas City, Mo.
September 1993

American Association for Hand Surgery,
23rd Annual Meeting,
Cancun, Mexico.
December 1993

5. The anatomy of the flexor pollicis longus sheath and radial bursa. **Phillips CS**, Cunningham B and Mass D.

American Association of Clinical Anatomists,
11th Annual Meeting,
Galveston, Texas,
June 1994

6. The pressure exerted on the annular pulley system during finger flexion: A biomechanical study. **Phillips CS** and Mass D.

American Society for Surgery of the Hand,
49th Annual Meeting,
Cincinnati, OH.
October 1994

American Association for Hand Surgery,
24th Annual Meeting,
Marco Island, Florida.
January 1995

American Orthopaedic Association (Residents)
28th Annual Meeting,
Pittsburgh, Pennsylvania,
March 1995

7. The anatomy of the thumb flexor pulleys. Cunningham B, **Phillips CS** and Mass D.

American Association of Clinical Anatomists,
11th Annual Meeting,
Galveston, Texas,
June 1994

American Association for Hand Surgery,
25th Annual Meeting,
Palm Springs, California,
February 1995
American Society for Surgery of the Hand,
50th Annual Meeting,
San Francisco, California,
September 1995

8. The biomechanical efficiency of the thumb flexor pulley system. Cunningham B, **Phillips CS** and Mass D.

American Society of Surgery of the Hand,
49th Annual Meeting,
Cincinnati, OH.
October 1994
Charles Huggins Conference,
Hosted by The University Of Chicago Hospitals,
Chicago, IL.
June 1994

American Association for Hand Surgery,
25th Annual Meeting,
Palm Springs, California, February 1995

9. The contribution of the flexor digitorum superficialis tendon to finger strength. Hamman J, Ali A, **Phillips CS**,
Cunningham B and Mass D.

American Orthopaedic Association (Residents),
28th Annual Meeting,
Pittsburgh, Pennsylvania,
March 1995

10. Medial and lateral cutaneous nerves of the forearm: A macroscopic and microscopic study for nerve grafting.
Phillips CS, Cunningham B and Birnie R.

American Association for Hand Surgery,
25th Annual Meeting,
Palm Springs, California,
February 1995

11. Effects of annular pulley and FDP excision on FDS efficiency. Hamman J, Ali A, **Phillips CS**, Cunningham B
and Mass D.

American Society for Surgery of the Hand,
13th Annual Meeting,
San Francisco, California,
September 1995

American Orthopaedic Association (Residents),
13th Annual Meeting,
Pittsburgh, Pennsylvania,
March 1995

12. The biomechanical changes of finger flexion after carpal tunnel release. Kang H, **Phillips CS** and Mass D.

American Orthopaedic Association (Residents),
28th Annual Meeting,
Pittsburgh, Pennsylvania,
March 1995

American Society for Surgery of the Hand,
50th Annual Meeting,
San Francisco, California,
September 1995

13. Macroscopic study of the radial bursa and the Flexor Pollicis Longus sheath. Cunningham B, **Phillips CS** and Mass D.

American Society for Surgery of the Hand,
50th Annual Meeting,
San Francisco, California,
September 1995
American Association for Hand Surgery,
25th Annual Meeting,
Palm Springs, California,
February 1995

American Orthopaedic Association,
108th Annual Meeting,
White Sulfur Springs, West Virginia,
June 1995

14. The effect of Morphine on human articular cartilage of the knee - an in vitro study. Jaureguito J, Wilcox JF, Thistead R, Cunningham B, **Phillips CS** and Reider B.

American Society of Sports Medicine,
22nd Annual Meeting,
Lake Buena Vista, Florida,
June 1996

15. Occipito-cervical neutral position-possible surgical implications. **Phillips CS**, Gelinas C, Wetzel FT and Phillips FM.

North American Spine Society,
11th Annual Meeting,
Vancouver, Canada,
November 1996

Cervical Spine Research Society,
24th Annual Meeting,
Palm Beach, FL,
December 1996

American Orthopaedic Association (Residents),
30th Annual Meeting,
New York, NY,
March 1997

16. The efficiency of reconstructed tendons in zone II in human cadavers. **Phillips CS**, Swanson A, Heminger H and Mass DP.

American Orthopaedic Association (Residents),
31st Annual Meeting,
Sacramento, CA,
February 1998

Illinois Orthopaedic Society,
Chicago, IL,
April 1998

American Orthopaedic Association (Zimmer award recipient),
111th Annual Meeting,
Asheville, NC,
June 1998

Charles Huggins Conference,
Hosted by The University of Chicago Hospitals,
Chicago, IL,
June 1998

American Society for Surgery of the Hand,
53rd Annual Meeting,
Minneapolis, MN,
September 1998

17. Independent flexor digitorum profundus excursion among fingers in human cadavers. **Phillips CS**, Swanson A, Heminger H and Mass DP.

American Orthopaedic Association (Residents),
31st Annual Meeting,
Sacramento, CA,
February 1998

18. A mechanical comparison of pulley reconstruction techniques in the cadaver digit. **Phillips CS**, Swanson A and Mass DP.

Illinois Orthopaedic Society,
Chicago, IL,
May 1999

American Society for Surgery of the Hand,
54th Annual Meeting,
Boston, MA,
September 1999

19. The effect of first carpo-metacarpal arthroplasty on carpal canal morphology. **PhillipsCS**, Betts J.

Charles Huggins Conference,
Hosted by The University of Chicago Hospitals,
Chicago, IL,
June 2001.

American Society for Surgery of the Hand,
57th Annual Meeting,
Phoenix, AZ,
September 2002.

20. Elbow instability associated with coronoid fractures. Matzon J, Siebert N, Mass DP, **PhillipsCS**.

Charles Huggins Conference,
Hosted by The University of Chicago Hospitals,
Chicago, IL,
May 2002.

American Society for Surgery of the Hand,
20th Annual Meeting,
Phoenix, AZ,
September 2002.

21. Elbow instability associated with isolated and complex coronoid fractures Matzon JL, Seibert NR, Mass DP, and **PhillipsCS**.

Mid-America Orthopaedic Association
21st Annual Meeting,
Hilton Head, SC,
April 2003

22. A biomechanical evaluation of flexion comparing two techniques for distal biceps tendon repair. Siebert N, Matzon J, **PhillipsCS**, Mass DP.

Mid-America Orthopaedic Association
21st Annual Meeting,
Hilton Head, SC,
April 2003

23. Adenovirus-Mediated Expression of BMP 12, 13 and 14 Induces Tendon-Specific Marker Scleraxis. Haydon RC, Mehta V, Cheng H, Jiang W, Zhou, L, Mass DP, **PhillipsC**, and He TC.

Charles Huggins Conference,
Hosted by The University of Chicago Hospitals,
Chicago, IL,
May 2003.

24. The effect of ulnar shortening on the ulnocarpal ligaments and the distal radioulnar joint. Tan R, Mass DP, **PhillipsCS**.

American Society for Surgery of the Hand,
58th Annual Meeting,
Chicago, IL,
September 2003.

25. Anatomy of the Coronoid Process. Matzon JL, Widmer BJ, Draganich LF, Mass DPM, and **Phillips CS**.

Mid America Orthopaedic Association
23rd Annual Meeting,
Amelia Island, FL
April 2005

American Society for Surgery of the Hand,
60th Annual Meeting,
San Antonio, TX,
September 2005.

26. The Effects of Forearm Rotation on distal radius morphology. Pennock AT, **Phillips CS**, Matzon JL, and Daley EB.

American Society for Surgery of the Hand,
60th Annual Meeting,
San Antonio, TX,
September 2005.

27. A mechanical comparison of A2 pulley reconstruction techniques in the cadaver digit. **Phillips CS**, Swanson A and Mass DP.

Mid America Orthopaedic Association
23rd Annual Meeting,
Amelia Island, FL
April 2005

28. Early Clinical Outcome after rigid volar plating for distal radius fractures. Sheibani S, **Phillips CS**.

Mid America Orthopaedic Association
25th Annual Meeting,
Boca Raton, FL
April 2007

- 29: Contamination of skin markers used to mark the operative site. Dunlap BJ, Benson LS, **Phillips CS**, Gavin PJ, Peterson LR.

Mid America Orthopaedic Association
25th Annual Meeting,
Boca Raton, FL
April 2007

INTERNATIONAL PRESENTATIONS

1. Human bite infections of the hand. **Phillips CS** and McKay DR.

South African Hand Surgery Society,
21st Annual Meeting,
Johannesburg, South Africa,
September 1991.

2. Effects of annular pulley and FDP excision on FDS efficiency. Hamman J, Ali A, **Phillips CS**, Cunningham B and Mass D.

International Federation of Societies for Surgery of the Hand,
6th Annual Meeting,
Helsinki, Finland,
July 1995

International Hand and Wrist Biomechanical Symposium,
2nd Triennial Meeting,
Mayo Clinic, Minnesota,
September 1995

3. Medial and lateral cutaneous nerves of the forearm: A macroscopic and microscopic study for nerve grafting. **Phillips CS**, Cunningham B and Birnie R.

International Federation of Societies for Surgery of the Hand,
6th Annual Meeting,
Helsinki, Finland,
July 1995

4. Biomechanical changes of finger flexion after carpal tunnel release with respect to wrist position. Kang H, Lee SL, **Phillips CS** and Mass D.

International Federation of Societies for Surgery of the Hand,
6th Annual Meeting,
Helsinki, Finland,
July 1995

RESEARCH SUPPORT:

Mid-America Orthopaedic Association (2001) - \$2000.00

“Travel Grant for Orthopaedic Surgeons”

Curtis National Hand Center Grant (1999) - \$4.5000

“Indirect carpal tunnel release secondary to first carpometacarpal arthroplasty”

Orthopaedic Research Education Foundation (OREF) Grant (1997) - \$15.000.00

“Efficiency of flexor tendon and pulley reconstruction in Zone II in human cadavers”

American Society for Surgery of the Hand - Pending

“Augmentation of flexor tendon healing using gene therapy with BMP 14 in a rabbit model”

INVITED LECTURESHIPS (CME accredited):

1. The efficiency of reconstructed flexor tendons and pulleys in Zone II in human cadavers.
Grand Rounds: The University of Chicago.
June 1998.
2. Understanding and Treating Shoulder Pain.
Grand Rounds: Louis A Weiss Memorial Hospital,
March 2001.
3. Common hand and upper-extremity fractures.
The University of Chicago Primary Care Orthopaedic Course,
June 2001

4. Treatment of subacute and chronic disorders of the upper-extremity.
The University of Chicago Primary Care Orthopaedic Course,
June 2001
5. Common hand and upper-extremity fractures.
The University of Chicago Primary Care Orthopaedic Course,
June 2002
6. Injection techniques in Orthopaedic Surgery.
The University of Chicago Primary Care Orthopaedic Course,
June 2002
7. Ulnar-sided wrist pain
Combined Chicago Hand and Upper-Extremity Course,
September 2002
8. Vascular disorders of the Upper-Extremity
Combined Chicago Hand and Upper-Extremity Course,
September 2002
9. Treatment of elbow instability
Combined Chicago Hand and Upper-Extremity Course,
September 2002
10. Contemporary management of wrist fractures
Chicago Hand Therapy Association
November 2002
11. The treatment of distal radius fractures using a new volar plate.
Grand Rounds, Southern Illinois University,
Department of Orthopaedic Surgery,
Springfield, Illinois,
April 2003
12. The treatment of ulnar-sided wrist pain
Current Concepts in Orthopaedic Surgery,
Illinois Association of Orthopaedic Surgery,
Springfield, Illinois,
April 2003
13. The treatment of distal radius fractures.
Current Concepts in Orthopaedic Surgery,
Illinois Association of Orthopaedic Surgery,
Springfield, Illinois,
April 2003
14. Treatment of subacute and chronic disorders of the upper-extremity.
The University of Chicago Primary Care Orthopaedic Course,
Chicago, IL
June 2003
15. Common hand and upper-extremity fractures.
The University of Chicago Primary Care Orthopaedic Course,
Chicago, IL
June 2003

16. A rational approach to ulnar sided wrist pain.
Chicago Hand Therapy Association
July 2003
17. Treatment of subacute and chronic disorders of the upper-extremity.
The University of Chicago Primary Care Orthopaedic Course,
Chicago, IL
June 2004
18. Evaluation and initial treatment of acute hand disorders
The University of Chicago Primary Care Orthopaedic Course,
Chicago, IL
June 2004
19. The volar wrist arthroscopy portal.
American Society of Surgery of the Hand
Wrist Arthroscopy Course
August, 2004
20. Rigid volar internal fixation of distal radius fractures.
Grand Rounds: Northwestern University
March, 2007
21. Current Trends in Shoulder Resurfacing Arthroplasty
48th Annual Meeting,
American Osteopathic Academy of Orthopedics,
Chicago, Illinois
April, 2008
22. Limited Incision: Radial and Palmar exposure of the distal Radius
Current Options in the treatment of wrist injuries,
The American Academy of Orthopaedic Surgery
Rosemont, Illinois,
May, 2008
23. Lunotriquetral Instability
Current Options in the treatment of wrist injuries,
The American Academy of Orthopaedic Surgery
Rosemont, Illinois,
May, 2008
24. Current Treatment of wrist fractures using fixed angle volar plating.
Grand Rounds,
Grand Rapids, MI,
November, 2008
25. Understanding ulnar sided wrist pain: the LT joint.
Grand Rounds,
Grand Rapids, MI,
November, 2008
26. Treating radial head fractures: Off with the head
Clinical Concepts in Hand and Wrist Surgery
Washington, DC
April, 2009

- 27: Current treatment of SLAC wrist arthritis – joint preservation techniques.
Clinical Concepts in Hand and Wrist Surgery
Washington, DC
April, 2009
- 28: Acute scaphoid fractures: To fix or not to fix.
Clinical Concepts in Hand and Wrist Surgery
Washington, DC
April, 2009
- 29: Not just another volar plate.
Clinical Concepts in Hand and Wrist Surgery
Washington, DC
April, 2009
- 30: Finding solace in the TFCC
Chicago Metra Hand Therapy Association
September, 2009
- 31: Common misconceptions regarding the Rotator Cuff.
IBJI Work Compensation symposium
Morton Grove, IL
June 2010
- 32: Flexor Tendon Injuries: What's new and what works.
12th Annual Chicago Trauma Symposium,
Chicago, IL
August 2010
- 33: Radial head Injuries: Replace or excise?
12th Annual Chicago Trauma Symposium,
Chicago, IL
August 2010
- 34: How to recognize and treat common hand and wrist injuries.
IBJI annual PT symposium
Chicago, IL
November 2010
- 35: Treatment of Dupuytren's Disease in the 21st century
Grand Rounds
The University of Chicago
April 2011

TALKS (non-CME)

1. Arthritis of the Upper-Extremity: From the shoulder to the fingers.
Guest speaker. Marriott Hotel, Chicago, IL.
Sept. 2000
2. An approach to complex disorders about the elbow.
Athletico Therapy Meeting
Chicago, IL
August 2002

3. Fact or Fiction: Cost Effective Management of work related injuries of the Upper-Extremity.
NovaCare Regional Course,
Oakbrook, IL
October 2001.
4. The effect of ulnar shortening on the ulnolunate and distal radioulnar joints.
Chicago Hand Society
November 2002.
5. Elbow instability associated with simple and complex coronoid fractures.
Chicago Hand Society
November 2003
6. Current treatment of elbow fractures and dislocations.
Evanston Hospital
Orthopaedic Trauma Series
April, 2004
7. Rheumatoid disorders of the hand.
Orthopaedic Board Review Course
The Osler Institute,
July, 2004
8. Tendon and nerve injuries of the hand and forearm.
Orthopaedic Board Review Course
The Osler Institute,
July, 2004
9. Dupuytren's disease.
Orthopaedic Board Review Course
The Osler Institute,
July, 2004
10. Rheumatoid disorders of the hand.
Orthopaedic Board Review Course
The Osler Institute,
July, 2005
11. Tendon and nerve injuries of the hand and forearm.
Orthopaedic Board Review Course
The Osler Institute,
July, 2005
12. Dupuytren's disease.
Orthopaedic Board Review Course
The Osler Institute,
July, 2005
13. Volar fixed angle fixation for distal radius fractures.
Orthopaedic Course
Hand Innovations,
October, 2005
14. Volar fixed angle fixation for distal radius fractures.
Orthopaedic Course
DVO Orthopaedics,
July, 2006

15. The diagnosis and treatment of common wrist and carpal injuries
Grand rounds: Evanston Emergency Medicine
February, 2007
16. Collateral Ligament Injuries of the Thumb
Doctor's Demistify,
The University of Chicago
April, 2007
17. Thumb Tendonitis
Doctor's Demistify,
The University of Chicago
April, 2007
18. Volar fixed angle fixation for distal radius fractures – surgical technique.
American Society for Surgery of the Hand
Instructional Course
Tornier/DVO Orthopaedics,
October 2007
19. Physical Examination of the Elbow
Doctor's Demistify,
The University of Chicago
April, 2008
- 20: Endoscopic Carpal Tunnel Release
MicroAire meeting
August 2008
21. Tendon grafts and tendon substitutes
Doctor's Demistify,
The University of Chicago
April, 2010
22. Shoulder arthroplasty and fusion
Doctor's Demistify,
The University of Chicago
April, 2011

COURSES:

1. Faculty:
The University of Chicago Primary Care Orthopaedic Course,
Chicago, Illinois,
June 2001
2. Faculty:
The University of Chicago Primary Care Orthopaedic Course,
Chicago, Illinois,
June 2002
3. Chairman, Coordinator, and Faculty:
Combined Chicago Hand and Upper-Extremity Review Course,
Chicago, Illinois,
September 2002

4. Chairman:
Treatment of distal radius fractures: A novel volar approach.
Chicago, Illinois,
March 2003
5. Chairman:
Endoscopic carpal tunnel release: pearls and pitfalls
Chicago, Illinois,
March, 2003
6. Faculty:
Current Concepts in Orthopaedic Surgery
Illinois Association of Orthopaedic Surgery
Springfield, Illinois,
April 2003
7. Faculty:
Wrist Arthroscopy Course
American Society for Surgery of the Hand/ American Academy of Orthopaedic Surgeons
Rosemont, Illinois,
April 2003
8. Faculty:
Howmedica Osteonics Shoulder Course,
Snowbird, Utah,
April 2003
9. Faculty:
The University of Chicago Primary Care Orthopaedic Course,
Chicago, Illinois,
June 2003
10. Faculty:
The Management of Wrist Fractures,
The American Academy of Orthopaedic Surgery,
Rosemont, Illinois,
May, 2004
11. Faculty:
The University of Chicago Primary Care Orthopaedic Course,
Chicago, Illinois,
June 2004
12. Faculty,
Orthopaedic Board Review Course,
The Osler Institute,
Naperville, Illinois,
July, 2004
13. Faculty:
Arthroscopy of the wrist,
The American Society of Surgery of the Hand
Rosemont, Illinois,
August, 2004

14. Faculty,
Orthopaedic Board Review Course,
The Osler Institute,
Naperville, Illinois,
July, 2005
15. Chairperson,
The treatment of wrist fractures with fixed angle volar plating.
Merrville, IN
September 2005
16. Faculty,
Current Options in the treatment of Wrist Fractures,
The American Academy of Orthopaedic Surgery
Rosemont, Illinois,
May, 2006
17. Faculty,
Fractures and wrist arthroscopy,
The American Society of Surgery of the Hand
Rosemont, Illinois,
August, 2006
18. Faculty,
Doctors Demystify: The Thumb,
The American Society of Surgery of the Hand
Chicago, Illinois,
April, 2007
19. Faculty,
Wrist and elbow arthroscopy,
Arthroscopy Association of North America
Rosemont, Illinois,
June, 2007
20. Faculty,
Doctors Demystify: The Elbow,
The American Society of Surgery of the Hand
Chicago, Illinois,
April, 2008
21. Faculty,
Current Options in the treatment of wrist injuries,
The American Academy of Orthopaedic Surgery
Rosemont, Illinois,
May, 2008
22. Faculty,
Treatment of complex wrist and elbow fractures,
The American Society for Surgery of the Hand,
Annual meeting,
Chicago, IL
September, 2008

23. Faculty:
Clinical Concepts in Hand and Wrist Surgery
Washington, DC
April, 2009
24. Faculty,
'When bad things happen to good surgeons: Problems of the hand, wrist and elbow.'
The American Society for Surgery of the Hand,
Annual meeting,
San Francisco, CA,
September, 2009
25. Faculty,
Doctors Demystify: Tendon Injuries,
The American Society of Surgery of the Hand
Chicago, Illinois,
April, 2010
26. Faculty,
12th Annual Chicago Trauma Symposium,
Chicago, Illinois,
August, 2010
- 27: Faculty
Co-Moderator Hand Session
Mid-America Orthopaedic Association
29th annual meeting,
Tuscan, AZ
April, 2011
28. Faculty,
Doctors Demystify: Tendon Injuries,
The American Society of Surgery of the Hand
Chicago, Illinois,
April, 2011

TELEVISION APPEARANCES:

1. WGN TV NEWS – “Health watch”
“Replantation of digits”
March 4th, 2002

COURSES ATTENDED:

1. Prosthetic and Orthotic Course
Northwestern University
May 1996
2. AO/ASIF Principles of Orthopaedic Internal Fixation - Basic Course
Reno, NV
February 1997
3. The University of Chicago Bone and Soft Tissue Tumor Course
The University of Chicago
October 1998

4. The treatment of complex elbow disorders.
Rosemont, IL.
November 2000.

5. Arthroscopic rotator cuff repair
Rosemont, IL.
October 2001

CURRENT RESEARCH:

1. Gene manipulation to enhance flexor tendon healing.
2. Strain patterns within the carpal ligaments - the effect of wrist position.
3. Anatomy of the elbow
4. The effect of surgical gloves on the median nerve at the wrist
5. Quantifying the pressure exerted by a digital tourniquet
6. Prospective outcome of various techniques of treating mallet fractures.

INDUSTRY INVOLVEMENT:

1. DVO - DeoVolente Orthopaedics
Wrist fracture fixation - Design Team
2006-2009
2. DVO - DeoVolente Orthopaedics:
Surgery Advisory Board
2006-2009
3. Tornier Orthopaedics
Surgical Advisory Board
Hand, wrist, elbow
October 2007 - present
4. MicroAire Surgical Instruments
Consultant
2008- present
5. Auxilium Pharmaceuticals INC.
Consultant
2009 - present

RE: DULBERG, PAUL

MRN: P1510776

DOB: 03/19/1970

DOS: 10/04/2016

Page 16 of 16

The University of Chicago, Pritzker School of Medicine

Trained, certified and credentialed in Permanent Impairment rating

According to the AMA Guides to the Evaluation of Permanent Impairment 6th Edition

CSP/SCH JOB 135309687

David Boone
Bartlett Tree Experts
Arborist Representative
28147 W Commercial Ave, Unit 3
Lake Barrington, IL 60010
Phone: 847-382-3111
Fax: 847-382-8111
e-mail: davidb@bartlett.com

I. EMPLOYMENT EXPERIENCE

<u>Dates</u>	<u>Employing Organization</u>	<u>Title</u>
10/06- Present	Bartlett Tree Experts	Sales Representative
12/01-10/06	Bartlett Tree Experts	Safety and Training Coordinator
01/03-05/06	College of Lake Co.	Arboriculture Instructor -- Part-time
1/00-12/01	The Care of Trees	Field Production/Regional Trainer
8/96-1/00	City of Milwaukee Forestry Div.	Technical Services Coordinator

II. EDUCATION

<u>Dates</u>	<u>Institution</u>	<u>Degree</u>
1996	Texas Tech University	M.S. Horticulture Science
1994	Texas Tech University	B.S. Horticulture Science

III. INDUSTRY ASSOCIATIONS

<u>Organization</u>	<u>Program/Titles</u>	<u>Date(s)</u>
ISA	Certified Arborist --WI0414A	Since 1998
Illinois Arborist Association	President	2007-2008
Illinois Arborist Association	Board of Directors	2004 Present
College of Lake County	Instructor Part-time	2003-2006
Tree Care Industry Association	Electrical Hazards Instructor	2002-2006
Wisconsin Arborist Association	Member	Since 1997

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.	)	

DEFENDANT'S SUPPLEMENTAL INTERROGATORIES TO PLAINTIFF
(Medicare Secondary Payer Mandatory Reporting)

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

The Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, by their attorneys, Cicero, France, Barch & Alexander, PC, hereby propounds the following supplemental written interrogatories upon PAUL DULBERG to be answered in writing and under oath within the time required by law based upon information available to him.

NOTE: The information requested through the following supplemental interrogatories is necessary so that the Defendants and any insurer of the Defendants can comply with the Medicare reporting obligations. See 42 U.S.C. 1395y(b)(7) & (b)(8), referred to commonly as the Medicare Secondary Payer Mandatory Reporting Provisions of Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007.

Ehrmann Gehlbach Badger Lee & Considine, LLC

215 E. First Street, Suite 100

Dixon, IL 61021

815-288-4949

Fax: 815-288-3068 E-mail: heeg@egblc.com

FAX TRANSMISSION COVER SHEET

Date: *February 16, 2015*

To: *Hans Masi, Esq.*

Fax: *815-344-5280*

Re: *Dulberg*

Sender: *Megan G. Heeg, Esq./lme*

090129

**YOU SHOULD RECEIVE 4 PAGES, INCLUDING THIS COVER SHEET. IF YOU DO NOT
RECEIVE ALL THE PAGES, PLEASE CALL 815-288-4949.**

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Dulberg EHRMANN GEHLBACH BADGER LEE & CONSIDINE, LLC

ATTORNEYS AT LAW

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ROLFE F. EHRMANN

1949 - 2011

WARREN H. BADGER

1911-2005

February 16, 2015

BY FAX

Hans A. Mast, Esq.

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

3416 W. Elm Street

McHenry, IL 60050

Re:

Your File: Paul Dulberg v. David Gagnon, et al

My File: Bankruptcy Estate of Paul Dulberg; Case No. 14-82297

Dear Attorney Mast:

Thank you for the information you sent on January 23rd. At this point in time, I am unable to determine if my bankruptcy case may be an asset case. (If it might be an asset case, my Estate needs to retain you to continue the pending pi case -- assuming you can be and want to be retained.)

I received from you a list of medical bills (which bills total over \$58,000.) In addition, I just received from Debtor's counsel a copy of a letter from US Phy, by which this creditor claims a medical lien.

Can you please advise:

- 1) What is the total amount of medical liens filed against the pending pi case? (I received a copy of a document, listing medical bills totaling \$58,387.33, but I don't know if any of these bills are unpaid and, if so, if the unpaid providers timely filed a medical lien).
- 2) As to the medical lien apparently claimed by US Phy (via its letter of January 8, 2015 - a copy of which is attached for your ready reference) is this letter the first lien claim it made against the personal injury cause of action? If so, based upon the little research I've done, to date, I don't think this letter is sufficient to claim a lien -- post-bankruptcy filing -- on Debtor's right to recover in his pi case. (It may be that I need to file

Thomas J. Popovich, P.C.

2

February 16, 2015

something in the bankruptcy case to cause this lien to be removed. Investigation continues.)

- 3) Once I know the above facts, I will need to know the potential range of recovery, and, assuming the potential recovery is large enough, if you want to be retained by the Bankruptcy Estate to continue to represent the Debtor/Estate in the pending personal injury cause of action.

I look forward to hearing from you again soon.

Very truly yours,

EHRMANN GEHLBACH BADGER LEE & CONSIDINE, LLC

Megan S. Heeg
Megan G. Heeg

MGH/kme

March 5, 2015

VIA CERTIFIED and REGULAR MAIL

Mr. Paul Dulberg
4606 Hayden Ct.
McHenry, IL 60051

RE: Your Accident of June 28, 2011

Dear Mr. Dulberg:

Thank you for consulting with our firm in regard to your potential case. As you know, my office has decided not to take your case. Therefore, our office, as well as the office of David H. Harris, Jr., will not be taking any further action on your behalf as it relates to this matter.

In declining to accept this matter, our firm is not expressing an opinion as to the merits of your case and we encourage you to obtain a second opinion if you wish to pursue this matter further. You should be aware that the failure to proceed promptly may result in your legal matter being barred by a time limit. Therefore, we strongly recommend that you contact another attorney *immediately* if you wish to obtain another opinion.

We regret that we were not able to assist you in this matter. If we can be of any help in the future, please feel free to contact us.

Sincerely,



Dennis J. DeCaro

DJD/ss

cc: David H. Harris, Jr.

Certified Mail No. 7010 3090 0002 4693 7009



ILLINOIS
BONE & JOINT
INSTITUTE®

Move better. Live better.

October 4, 2016

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

RE: DULBERG, PAUL
DOB: 03/19/1970
Case/File No.: 0245281968.1 SKO
Location: Illinois Bone and Joint Institute, LLC
Patient ID: P1510776

Dear Mr. Accardo:

I was asked to perform an independent medical evaluation on Mr. Dulberg on October 4, 2016. This examination took place in my office in Glenview, Illinois.

As part of this independent medical evaluation, Mr. Dulberg's identifying documentation was obtained, xeroxed, and placed into the medical records. The information from these documents appeared to corroborate with his appropriate information.

I explained to Mr. Dulberg, with his mother Barbara as well as his attorney Randy present, the purpose of the independent medical evaluation as well as the fact that no patient-physician relationship was established with him during today's visit. Additionally, I explained to them that no treatment, outcomes or diagnoses would be discussed with him during this evaluation.

All opinions expressed in this report are made to a reasonable degree of medical and surgical certainty as a board certified orthopedic surgeon with a certificate of added qualification in hand and upper extremity surgery.

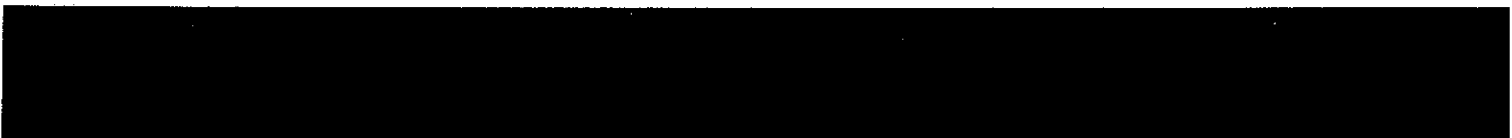
I spent 65 minutes with Mr. Dulberg in face-to-face time today obtaining a history and performing a physical examination.

HISTORY: = Fiction - DR's Imagination

Mr. Dulberg is a 46-year-old right-hand dominant gentleman who previously worked in graphic design who is here for evaluation of his right upper extremity. He states that he had no symptoms referable to his right upper extremity prior to an injury that occurred in June 2011. He states he is not sure of the exact date, but on the date in question he was holding a tree branch at his neighbor's house to help David, his neighbor's son, cut the tree branch with a chainsaw. He stated he was holding a pine tree branch, which was a few inches thick, still attached to the tree and while David was cutting the branch, he inadvertently cut Mr. Dulberg's right forearm. Mr. Dulberg went to NIMC ER where the wound was irrigated and sutured. He had radiographs there which showed no fractures. He followed-up with his primary care physician, Dr. Sek, who removed the sutures two weeks later. Mr. Dulberg noticed

Never Named

Never
type
weight
TMS



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This is Fictional

significant pain in his forearm after the injury. Due to persistent symptoms, Dr. Sek referred him to see Dr. Levin, who Mr. Dulberg states is a neurologist who performed a nerve conduction study and Mr. Dulberg was told the study was normal he had no nerve injury but was told that the superficial branches of the nerves were severed. Due to ongoing significant pain, he was referred to a hand specialist. He initially saw a hand specialist, although he is not sure of the name but per the medical records that I reviewed was Dr. Talerico, who referred him for occupational therapy. He states that he performed occupational therapy for multiple months which provided him with no benefit. He states that he was still having significant problems with his right forearm and hand and so he returned to see Dr. Levin. Dr. Levin referred him for a second opinion to see Dr. Sagerman in 2012, although he is not sure of the date. Dr. Sagerman prescribed more occupational therapy, which he states was "somewhat helpful". Dr. Sagerman also repeated the nerve studies as he stated the initial nerve study was not complete. Mr. Dulberg does not remember the date of the repeat nerve studies. Subsequently, he followed-up with Sagerman but is not sure of the results of this nerve study, but thereafter Dr. Sagerman suggested exploring the nerve. He wanted to think about this and returned a month later after discussing this with Dr. Sek and elected to undergo surgery. He underwent surgery by Dr. Sagerman in June or July 2012 whereby he states he underwent a cubital tunnel release, and was told that the "nerve was okay." He also underwent exploration of the ulnar nerve in the forearm and tells me that Dr. Sagerman told him "this was the most scarred tissue, I have ever seen." (This is interesting as the MRI was normal and the operative report states that no scar was noted around the nerve and the muscle belly that covers the nerve was pristine only with sutures in the fascia covering the muscle). He was then enrolled in more occupational therapy, which he did for another two months. He states that this helped his forearm temporarily. He followed up with Dr. Sagerman and ultimately plateaued. His complaint at that point as well as prior to the surgery was numbness and tingling in his fourth and fifth finger as well as pain and spasms in his left forearm. Due to a plateau in his improvement after surgery, Dr. Sagerman referred him to Dr. Kujawa. Mr. Dulberg states that he was referred for "cramping" and "spasms of the muscles in the forearm." Dr. Kujawa has treated him from after this surgery until the present time. Mr. Dulberg states that Dr. Kujawa injected Botox in the muscles of the forearm twice. The first time he states it provided him with no benefit and the second time he states that the muscles in his forearm got significantly weaker, which he states Dr. Kujawa confirmed that the Botox was in the correct area; however, besides having temporary weakness in the arm, did not change the cramps and spasms that he was complaining of at that time. He states that both Botox injections were performed within a year of his surgery. He has continued to follow up with Dr. Kujawa who started him on Gabapentin. He states that the Gabapentin has helped the smaller and minor cramps, spasms and pain in his forearm; however, the larger and more significant cramps and spasms in the forearm have not been affected by the Gabapentin. He sees Dr. Kujawa every six months. He did follow up to see Dr. Sagerman for left lateral epicondylitis in 2012, who performed a cortisone injection into the elbow, which cured this problem. Of note, Mr. Dulberg had previously seen Dr. Sagerman in early 2000 for "pain in the left elbow" as well as "numbness and tingling in the fingers." He underwent a cubital tunnel release on the left at that time, which helped tremendously. He currently has no similar symptoms in the left upper extremity — wrong

I asked Mr. Dulberg about a motor vehicle accident in early 2000 in which he was involved. He states he sustained a whiplash injury and he hit his left elbow against the inside of the car and developed pain in the left elbow and numbness in the fingers. He was diagnosed with left cubital tunnel syndrome. He had nerve studies and a year later underwent a cubital tunnel release. He was also diagnosed with degenerative disk disease in his cervical spine after the motor vehicle accident affecting him from C3 to C7. He takes occasional Naproxen for his neck, which he states helps somewhat. He is not sure whether the Naproxen really helps his right arm.

Not
True
Sent to
Sagerman
Because
of Side
Effects
Painkillers

Normal
Transpos. 4/11/14

No
tingling

Not
True

Not
True

Not
True

No

No

No

No

No
Pain
was in
Elbow

RE: DULBERG, PAUL
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Mr. Dulberg states that he is currently able to drive, although he has to drive with his right hand at the 6 o'clock position as when he holds the steering wheel at the 10 or 12 o'clock position, he develops spasms in his forearm. He states any vibration causes spasming in his right forearm.

sometimes cramping things that vibrate

CURRENT COMPLAINTS WITH REGARDS TO THE RIGHT UPPER EXTREMITY:

I asked Mr. Dulberg to list all complaints referable to his right arm:

Mr. Dulberg's primary complaint is that he describes "cramps" in the forearm. He states the cramps happen at least 12 times a day. He states they frequently happen with no activities. He states the cramps last a few seconds to a few minutes. Thereafter, he notices that the fingers are weak and he frequently drops objects due to the cramps. He does not describe any finger spasms. He states that activities exacerbate the frequency and severity of the cramps "a lot." He occasionally wakes up with these symptoms at night, which he states is maybe once a week. He states the cramping is his biggest problem subsequent to the injury. He states the cramps began within six months of the injury. He states he had "a lot going on at that time" and he had to figure out what was causing his problem. When asked specifically, Mr. Dulberg states that the acute pain that he had in the forearm immediately after the injury is gone.

Mr. Dulberg's second complaint with regards to the right arm is that he has occasional tingling in the fifth finger. It bothers him once or twice a day and when he develops these symptoms they last for a few seconds. It does not wake him up at night. *Strange up with Numb Hand.*

He also describes burning in his palm, which comes and goes and is unpredictable, similar to the tingling in the small finger. When he develops the finger tingling, the palm begins to burn. The duration of the palmar symptoms are the same as the small finger tingling.

He rates his pain currently as 0/10, but states the cramps hurt, and rates the cramping as a 7-10/10. The pain from the cramps lasts a few seconds to a few minutes.

OCCUPATION HISTORY:

Mr. Dulberg states that he has worked as a graphic designer since he was 16 years old. Subsequent to his right forearm injury, he states that he was unable to work. He tried returning to graphic design 2 months after the injury, but states that he could not type because he would develop the forearm cramps. He states any activity whether it be typing or mousing for any period of time whether it be minutes or hours, would increase his symptoms. He has no symptoms when he drives as he has modified where he grasps the steering column. *NO -*

HOBBIES:

Mr. Dulberg states that he previously would fish, drive motorcycles and ATVs, canoe, camp and bicycle. He states he cannot do any of these activities as his right forearm cramps. He tried bicycling after the surgery, but he could not hold onto the handlebars without cramping. His new hobby includes maintaining a home fish aquarium. He states he is able to change the water without difficulty but his friend Mike helps him with the maintenance. *Said I cannot do the water changes*

PAST MEDICAL AND SURGICAL HISTORY:

Mr. Dulberg states that he has no medical problems. He states he has no history of diabetes or thyroid

lie 2 Bad Disks, left arm

Nothing going on in forearm

RM 24?

*lie 2 Bad Disks, left arm
level
100% true
not true*

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disorder. He has no history of arthritis or inflammatory arthropathy; specifically, no history of rheumatoid arthritis, gout, pseudogout, psoriasis, or colitis. He has no history of fibromyalgia. He states that he was diagnosed with anxiety and depression a year after the accident, but takes no medication for this. He does not see a psychologist.

Mr. Dulberg's only medication is Gabapentin.

Mr. Dulberg's surgeries include the right forearm wound closure in the emergency room after his right forearm chainsaw injury as well as the subsequent cubital tunnel release and ulnar nerve exploration in the right forearm. He also had a left cubital tunnel release with anterior transposition of the nerve in early 2000s.

Mr. Dulberg denies drug allergies. He has never had a bone density study and he does not have sleep apnea.

SOCIAL HISTORY:

Mr. Dulberg smokes currently 10 cigarettes a day, but previously a pack a day, since he was 18 years old. He does not consume alcohol.

PHYSICAL EXAMINATION:

On examination today, Mr. Dulberg is noted to be 5 feet 8 inches tall, weighing 165 pounds. He is in no distress today and has normal affect. He is alert and oriented. He demonstrates no suspicious pain behavioral characteristics.

With regards to his right upper extremity, he is able to remove his sweater, albeit mostly using his left arm. After the examination when he put his sweater on, he was able to pull out the sleeves using his right hand, manipulating the sweater and sleeves using his right hand normally. He holds the hand in a normal position, although the small finger is in a constantly abducted position. On inspecting of his right forearm and hand, he does have a transverse laceration in the mid forearm measuring 6 cm. The incision is healed and is stable and supple. He also has a longitudinal incision, from his surgery, over the ulnar forearm, which measures 6 cm long. This incision is healed, stable, supple and asymptomatic. He also has an incision posterior to the medial epicondyle measuring 5.5 cm, which is healed, stable, supple and asymptomatic.

With regards to his right hand, as mentioned, he holds the small finger in an abducted position. I can passively adduct the finger to sit adjacent to the fourth finger, but he cannot actively maintain this position of the small finger. He flexes the thumb normally and extends it normally. He actively flexes the index, middle and ring finger to the palm, but with active composite flexion, he lacks about 3 cm of tip to palm distance of the small finger. His hand shakes when he flexes the fingers. Am able to passively flex his small finger to his palm, which he is then able to maintain in this position, which is concerning for symptom magnification as this implies subjective voluntary manipulation. He expresses that pain does not limit his inability to flex the small finger. After performing repetitive active and passive flexion and extension motions of all fingers, he was then able to flex his small finger to his palm with 5/5 strength with no pain. He extends all fingers to neutral with robust extensor tone in the MP, PIP, and DIP joints of all digits including the thumb. He has no evidence of flexor or extensor tenosynovitis of his fingers. He has no triggering or locking of the digits. He has no trophic changes. His hair and nail growth is normal in all digits. Subjectively, he states that he is numb in the small finger and half the ring finger to touch.

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With regards to his right wrist, he extends his wrist normally to 60 degrees with 5/5 strength and flexes to 55 degrees with 5/5 strength, but complains of some forearm discomfort diffusely but not localized to any specific aspect of his forearm. His wrist motion parameters are symmetric. He has no pain with radial and ulnar deviation of the wrist. His passive forearm rotation is to 90 degrees of pronation and supination respectively without pain or crepitus and he actively pronates to 90 degrees with 5/5 strength without pain and actively supinates to 90 degrees with 5/5 strength with pain around the laceration over the mid medial forearm; again concerning for non-organic pathology as his supinator muscle is on the radial side (opposite to where he has pain) of his proximal forearm and he had no pain with passive pronation or supination. He has no intercarpal laxity on stress testing. He has no pain over the basilar joint of his thumb, with a negative grind and distraction test. He has a negative Finkelstein test. He has no instability of the first CMC joint. His ulna is stable and reduced. He has no ulnar-sided wrist pain. He is not tender over the radiocarpal or ulnocarpal joint. *It's very localized*

With regards to his forearm, as mentioned, he has 2 incisions over the mid forearm, one transverse and one longitudinal as described above. The incisions are all healed and asymptomatic. He has no induration or tethering of the skin over the muscles at the site of the laceration or incision. His muscle bulk appears to be intact and appropriate. He is not tender to palpation around the muscles of the medial forearm. He is not tender to palpation over the tendons in the distal forearm or the muscles in the distal, middle, or proximal forearm ulnarly, or radially, volarly or dorsally. He is able to make a full fist, now recruiting all fingers, with good strength. His profundus tendons function normally to each finger when tested individually. His sublimis function, when tested independently, activate normally including to the small finger albeit with some discomfort in his forearm. He has no gross atrophy of the muscles in his forearm. - It's 1" shorter

With regards to his elbow, he has 5.5cm incision posterior to the medial epicondyle, which is healed, stable, supple and asymptomatic. He has full elbow flexion and extension, which is symmetric and asymptomatic without crepitus. He has full forearm rotation as mentioned. He has no evidence of medial or lateral epicondylitis to palpation or with provocative testing. He has no instability of the elbow to varus or valgus stress at 30 and 60 degrees of flexion. He demonstrates no posterolateral rotatory insufficiency of the elbow to stress.

With regards to the peripheral nervous system of his right upper extremity, as mentioned, he states he has subjectively numbness in the small in ulnar half of the ring finger. His active motion was as mentioned limited in the small finger at times, but at times he had full active flexion of all fingers. With regards to the median nerve, he palmarly abducts his thumb with normal strength. Sensation was normal in the digits innervated by the median nerve. He has a negative Tinel over the carpal tunnel, and a negative wrist compression test. With regards to the ulnar nerve, he notes the aforementioned numbness. He has normal sensation over the dorsal radial and dorsal ulnar aspect of the wrist. He has normal sensation over the forearm radially and ulnarly. He was able to activate his first dorsal interosseous normally, and he abducts and adducts the fingers albeit with shaking of the hand and fingers and variable strength with abduction and adduction. At times he could abduct normally and at times he was extremely weak and this waxed and waned throughout the examination. He does hold the small finger in an abducted position, which can passively be placed back at the side of the ring finger, but then automatically assumes an abducted position. His extensor tendon functions normally and does not subluxate over the MP joint with active or passive flexion of the MP joint. He has no triggering in the small finger. He has a negative Tinel over the Guyon's canal. He has normal pulses. He has no splinter hemorrhages. He has no masses palpable around the ulnar artery at Guyon's *Hands Didn't shake*

need always?
No?
only when finger is straight

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7. Medical records from Hand Surgery Associates.
8. Medical records from Alexian Brothers.
9. Medical records from MidAmerica Hand to Shoulder Clinic.
10. Deposition transcript of Mr. Dulberg, Dr. Talerico, Dr. Levin, Dr. Ford, Dr. Sagerman and Dr. Kujawa as well as the plaintiff's answers to all the questions.

NIMC:

According to the medical records from Centegra Northern Illinois Medical Center, Mr. Dulberg was seen in the emergency room on June 28, 2011. According to the emergency room admission assessment he was seen stating that he had a chain saw injury to the right arm 15 minutes ago and he was feeling lightheaded. He is noted to smoke a pack a day. He is alert and oriented x3. He was accompanied by a coworker with the laceration by chainsaw to the right forearm. He had radiographs, which showed no bony abnormalities other than a soft tissue injury. The wound was irrigated and cleaned and sutured. He had 3 subcutaneous stitches placed of 4-0 Vicryl and 11 4-0 Prolene sutures placed in the skin. He was given discharge instructions for follow-up. He was discharged home.

30-45 min

According to the radiologist's report of radiographs performed of the right forearm dated June 28, 2011. The findings were dictated as two views of the right forearm, which demonstrated a deep laceration on the ventral aspect of the mid forearm, best visualized on the lateral view. No fractures or radiopaque foreign body is identified.

According to the Moraine emergency room physician records, Mr. Dulberg was seen on November 11, 2005 for right foot injury. He states he was fighting with home invaders at that time. Broken Bone Rt. Foot

He was seen again on June 28, 2011 for the aforementioned chainsaw injury, which has previously been described above.

Dr. Talerico:

According to the medical records from MidAmerica Hand to Shoulder, Mr. Dulberg was seen by Dr. Talerico on December 2, 2011. His history is a 41-year-old male, right hand dominant, referred by Dr. Levin, MD, neurologist, for evaluation of an injury sustained to the right medial forearm in June 2011. He was using a chainsaw when he accidentally struck the volar medial aspect of his right forearm in roughly the mid forearm range with a chain saw. He had a large open wound down to muscle. He was seen in the emergency department where the wound and muscle were sewn together and the skin was closed. He followed up with his PCP and was noted to have persistent pain, which he describes as intermittent and shooting in character radiating from the laceration site. He occasionally has intermittent numbness and tingling in the ring and small finger. He reports grip weakness and no endurance with wrist flexion and gripping. He has not had therapy. He had nerve studies performed by Dr. Levin in August 2011, which per the patient were normal. Did not have the study available. He is not working, but he is a graphic designer by training. He uses a computer mouse for 20 minutes causing significant forearm pain. He previously had an ulnar nerve transposition on the left side. He is single. Smokes everyday. He has a family history of diabetes. ROS negative. Examination showed him in no distress. Examination of the right upper extremity reveals his elbow has normal, painless range of motion. He has no focal tenderness to palpation. His collateral ligaments are intact. Forearm compartments are soft. He has a well-healed transverse laceration at the volar medial forearm level. There is no erythema, drainage, or fluctuance at the level of the laceration. He has no tenderness to palpation. He has some apparent muscle incongruity. Distally, his hand demonstrates no atrophy. He has 5/5 intrinsic strength, 5/5 APB strength. He can make a full fist with full extension of all digits. He

WDM

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canal. He has a positive Tinel from 2 inches proximal to the medial epicondyle to 4 inches distal to the medial epicondyle radiating into the fourth and fifth fingers. Tinel over the forearm laceration elicit only local tingling that did not extend into the fourth and fifth fingers. Elbow flexion test elicits increased numbness and tingling in the fourth and fifth fingers. He has no instability of the ulnar nerve with elbow flexion and extension. His flexor pronator muscle bulk is asymptomatic with normal strength and without pain when stressed or with gentle and deep palpation.

Cross sectional area was measured at the level of his wrist, his mid forearm, and his proximal forearm. The values obtained at all levels were symmetric to within 1mm. -? mid forearm is not the same

Grip strength using a Jamar dynamometer in position three on the right dominant side elicited 98 pounds of strength without pain and 80 pounds of strength without pain. On the left side, he was able to elicit 115 and 122 pounds of strength without pain. Performing rapid exchange grip strength testing, 4 times in each upper extremity, elicited up to 85 pounds of strength on the right side and 109 pounds of strength on the left side. He denied any pain or symptoms of cramping or spasming during grip despite performing the aforementioned gripping 6 times on each side. wrong slight tingling in forearm

Two-point discrimination measured with a discriminator on the right side elicited 5 mm two-point discrimination on the radial and ulnar aspect of the thumb, index, middle, and ring finger. In the small finger, he had 5 mm 2-point discrimination on the radial aspect and 6 mm on the ulnar aspect.

With regards to the left side, he has 6 cm incision over the medial elbow posterior to the medial epicondyle, which is healed and is stable and asymptomatic. He has full elbow flexion, extension, full forearm rotation. He has normal sensation in all digits. His median, and ulnar nerve motor and sensory function in his hand is normal. He has negative Tinel's over the ulnar nerve at the cubital tunnel or over the transposed ulnar nerve. He has a negative elbow flexion test.

QuickDASH score completed by Mr. Dulberg today elicited a score of 38. He completed all 11 items. Given his physical examination, I was quite surprised by high QuickDASH score. I therefore asked him about each of the items. He states he cannot open a jar with his right hand because he develops cramping and he has weakness when he twists the lid of a jar. He states that he develops cramping within seconds of twisting the jar. He states he cannot do household chores or carry a shopping bag for the same reason. He stated that he had severe difficulty washing his back, scored at 4/5, and when I asked him about this, he states that he had made an error and in fact he had no difficulty with this activity. He also stated severe difficulty when using a knife to cut food or perform any recreational activities. He notices severe difficulty with most activities throughout the week and noted that tingling in his arm was a moderate problem. He stated he had mild difficulty in the last week sleeping at night. ONLY some tight jars This

MEDICAL RECORD REVIEW:

As part of this independent medical evaluation, I was forwarded about 8 inches of medical records to review. The medical records that were forwarded to me for review included the following:

1. Medical records from Centegra Northern Illinois Medical Center.
2. Medical records from Moraine Emergency Physicians.
3. Medical records from Open Advanced MRI of Round Lake.
4. Medical records from Associates of Neurology.
5. Medical records from McHenry Radiologists imaging.
6. Medical records from Neuroscience Institute.

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does not demonstrate a clawed position. He has a negative Froment's sign. He has a positive Wartenberg's sign. Wrist flexion and extension 5/5 strength. He has a palpable FCU and ECU tendon at the level of the wrist. He has appropriate tension. No radiographs performed. Dr. Talerico wanted to get the nerve studies. His complaints appear to be "likely muscular origin." He may have some "superficial sensory complaints as well." Dr. Talerico did not feel that he required surgical intervention. He was recommended occupational therapy to work on strengthening and conditioning of his forearm muscles. They can also perform pain modalities and he was told to follow up in four to six weeks and the nerve studies would be obtained.

He was seen back on January 6, 2012, for right forearm pain. He does not feel the occupational therapy is helping. He complains of pain/soreness and loss of strength. His history is reiterated. He has attended one or two sessions of therapy thus far. Nerve studies were obtained. He feels he is getting weaker. He feels a burning in the forearm. He asked about disability paperwork. Examination is unchanged. Of note, at this visit that he had no intrinsic or thenar atrophy with 5/5 intrinsic strength. His FDP to the small finger had 5/5 strength. He had light touch, which was intact to all digits. Nerve studies were reviewed, which were normal. No evidence of ulnar nerve injury. Given the location of the injury, this is the only significant problem that Dr. Talerico could imagine from this wound. He has no evidence of nerve or tendon injury. "He may have some residual soreness and some superficial sensory abnormalities, but this should improve over time." Dr. Talerico suggested he continued therapy with no need for surgical intervention. He felt he did not have anything further to offer.

Branch Nerves? *what?*

Dr. Sek:

According to the medical records from Dr. Frank Sek, Mr. Dulberg had been seen since 1978. These are handwritten notes and difficult to decipher, but he was seen multiple times in 1984 and 1985 for lower extremity injuries. In 1984 and 1985, he injured his right thumb playing football. His x-rays were negative. He was seen again in 1998 for a fever and in 2002 for low back pain as well as pain in the trapezius after an auto accident 6 days prior. He went to NIMC ER. X-rays of the neck reported as a fracture and he went back for a CT scan, which was negative. He is taking Tylenol and Skelaxin. He has tenderness in the left trapezius and the left lower chest and lumbar area. He was seen again in March 2002, for pain in his back, and later in March 2002 for pain in his lumbar spine.

He was seen again on March 19, 2002 for the same problems in the lumbar spine and then on March 25, 2002 with pain in his buttock and leg with numbness and tingling in his left foot. He was seen back on March 30, 2002 for similar symptoms. He was seen back on April 6, 2002 for pain in his upper trapezius and his lumbar area. He was seen back on April 13, 2002 for spasms in his neck 3 days ago. He was seen back on April 20, 2002 for spasms in his left upper trapezius. On April 27, 2002, he was feeling better with "minor spasms here and there." On May 4, 2002, seen for spasms in the low back and left trapezius. On May 11, 2002, he was seen for muscle spasm again. On May 25, 2002, he was seen for pain in his buttock and leg. He was seen back on June 8, 2002 for similar symptoms. On June 13, 2002, he was released for office work. On June 22, 2002, he was seen for a "pinching sensation in the left upper trapezius and soreness in the lumbosacral area and buttock." On July 6, 2002, he was seen again for similar symptoms and then on April 27, 2007 for headache.

On July 1, 2011, he was seen after his forearm chainsaw injury that occurred on June 28, 2011. He was on Cefadroxil and Norco. His right forearm was slightly swollen and tender. On July 8, 2011, he was seen for suture removal. On January 14, 2012, he was seen because he was feeling depressed as his right hand is weak. On February 13, 2012, he was seen after an MRI of his right forearm was

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negative. He was seen on April 24, 2012 for non-arm issues. On August 6, 2012, he was seen after surgery on his right arm.

Mr. Dulberg had an MRI of his low back, ordered by Dr. Sek on April 12, 2002. This is documented as a normal MRI of his lumbar spine.

Nerve studies performed on May 29, 2002 were performed of the left upper extremity. These nerve studies revealed cubital tunnel syndrome without denervation in the ulnar innervated muscles. Of note, the EMG component of the study was completely normal.

Nerve studies performed on December 23, 2002 by Dr. Grobman for persistent left hand symptoms with the previous study of May 29, 2016 showing ulnar neuropathy. The results of this study revealed left ulnar neuropathy at the elbow. .

MRI of the cervical spine was performed on September 5, 2012. Per the radiologist, showed multilevel degenerative disk disease, and a possible atypical hemangioma.

He had radiographs of his right foot performed on November 11, 2005.

Medical records from Michael Grobman are present within Dr. Sek's notes. Dr. Grobman saw Mr. Dulberg on May 8, 2002, for pain and sensory disturbances since a motor vehicle accident. He is noted to be a 32-year-old right-hand dominant gentleman with no significant medical history. He was involved in an MVA on March 1, 2002. He states he stopped to make a turn and another car tried to pass him and then turned back quickly into his lane. The other car's front passenger side impacted into his rear driver's side. He states he had turned all the way towards the left to find the car that was passing him. He states his left arm was between his seat and the door frame. His neurological examination did not show any weakness in his upper extremity with normal reflexes. He was diagnosed with musculoskeletal pain due to a flexion/extension injury and sensory disturbance in the left arm consistent with ulnar neuropathy described as due to the position of the arm at the time of accident, and is likely to be directly related to the accident. He also has sensory disturbances in his left leg consistent with an L5 radiculopathy.

Hand Associates:

According to the medical records from Hand Associates, Mr. Dulberg was seen by Dr. Sagerman on February 27, 2012. He was seen for consultation with regards to his right arm. He sustained a laceration to his forearm from a chainsaw accident on June 28, 2011. He developed symptoms of numbness in the small finger with weakness. He has treated with therapy. He had an EMG and MRI scan. Past medical history remarkable for arthritis and cervical disk disease. He is taking naproxen, Tramadol, Cyclobenzaprine, and Fluoxetine. Examination shows a 7 cm transverse scar at the ulnar aspect of the mid forearm. He has local tenderness and sensitivity to percussion with positive Tinel's sign and paresthesia radiating into the small finger. He has sensitivity at the cubital tunnel. Wrist and elbow motion are unrestricted. No atrophy. He is unable to adduct the small finger. Flexion strength is normal. Sensation is decreased to light touch in the small finger only with inconsistent two-point discrimination. Radiographs of the right forearm performed on June 20, 2011 were reviewed with no fractures or foreign body. MRI form of the right forearm performed on February 3, 2012 was reviewed with no abnormality seen. Nerve studies performed by Dr. Levin on August 10, 2011 showed no evidence of neuropathy. He was diagnosed with a right forearm laceration with probable partial ulnar nerve injury. He was referred for additional nerve study testing. He was told that he may need surgery.

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He was seen back on April 2, 2012 after the nerve study was repeated on March 13, 2012. The records state that this shows no evidence of neuropathy. The EMG portion showed no denervation and the ulnar nerve conduction was within normal limits. Examination was unchanged. Treatment options were discussed with him and he does not wish to pursue with surgery. He was therefore prescribed physical therapy, told to follow up in six weeks or p.r.n.

He was seen back Dr. Sagerman on May 14, 2012. He has persistent pain with use of his arm, especially with gripping activities. He had additional therapy, which has been beneficial. He has no change in his symptoms of numbness, which is bothersome. His function is limited due to his pain. Examination unchanged. He has full finger composite flexion with no triggering or locking and no clawing. Wartenberg sign positive. Intrinsic strength is slightly weak. His possible surgical options were discussed and he was suggested to see Dr. Biafora for a second opinion.

Mr. Dulberg saw Dr. Biafora for a second opinion on May 17, 2012. His history is outlined. His examination is similar to that described by Dr. Sagerman. It was noted that he has good strength in the first dorsal interosseous with negative Froment's test, positive Wartenberg's sign. He has full digital motion. He has pain at the scar in his most distal and ulnar border with resisted DIP flexion of the small finger. FCU function is intact, however, with pain at the scar. Nerve studies have been reviewed. He has a positive Tinel around the scar. He has tenderness at the scar to deep palpation on his most ulnar and distal border near the ulna. He is assessed as being almost a year after forearm laceration with probable partial ulnar nerve injury with ulnar neuritis. Surgery was discussed with him.

He was seen back by Dr. Sagerman on June 6, 2012. He has no change in his symptoms. His medication interferes with his functioning. He wanted to proceed with surgery. It was noticed that his scar is stable with tenderness and sensitivity to percussion. He has pain with gripping localized to the forearm region with increased numbness in the ring and small finger with weakness of his grip. His prognosis was noted to be guarded in terms of symptom improvement. He was told to discuss his side effects from the Neurontin with his neurologist. He was scheduled for surgery.

He was seen back on July 11, 2012. He has had surgery. His wounds were healing. Operative findings were reviewed. He was given a prescription for therapy for motion.

He was seen back on July 23, 2012, recovering appropriately after surgery.

He was seen back on July 30, 2012. He is noted to be doing well. His arm feels better. His hand function is increased and he feels his symptoms improved. Examination showed mild diffuse swelling from the scar, but no evidence of infection. Wrist, elbow, and finger motion is satisfactory. Sensation is intact in all distributions. He has improved independent finger flexion compared to his preoperative function. He was told to continue therapy and follow up in a month.

He was seen back on August 27, 2012. He is described as doing well, but his elbow is sore. He is doing therapy. His grip strength is increased. His hand function has improved. Examination shows mild tenderness around the incisions. Elbow and wrist motion unrestricted. He has no ulnar nerve subluxation. Intrinsic strength is increased. Sensation is intact in all distributions. He was continued in therapy for scar management and strengthening. He was told to advance activities. He was limited in work in terms of limited forceful gripping and no lifting, pushing or pulling.

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He was seen back on October 22, 2012. His function improved. He is doing therapy. Sensation has improved. He grasps objects better than before surgery. Examination is essentially unchanged. He could maximally grip 112 pounds according to the most recent therapy report. He has less pain with gripping, but tenderness at the dorsal aspect of the forearm scar. He was told to continue home exercises. He is currently unemployed and wanted to pursue with disability. He was told to follow up in six weeks.

Dr. Kujawa:

According to the medical records from Alexian Brothers Neurosciences Institute, Mr. Dulberg was seen on September 25, 2013 documented as being a 43-year-old male with a history of depression as well as an MVA over 10 years ago with resultant cervical DJD and left ulnar nerve transposition, BPH, and migraines. He was seen for evaluation of his right arm dystonia. He had significant trauma to his right forearm after a chainsaw accident two years ago after he was holding a branch when the arm was nearly severed by his neighbor using a chainsaw. Fortunately, the bone was not damaged. He has complaints of burning pain in his right forearm that is worse when he tried to stop Gabapentin. Second complaint is "curling" on his right hand with activity, which started approximately 18 months ago, lasts several minutes, and can occur independent of forearm pain, but usually follows pain episodes. Curling occurs many times a day and can awaken him at night. He also complains of numbness in the medial aspect of the forearm and intermittent tingling. Examination showed he has 5/5 motor in all extremities except right hand grip is 4/5. He has sustained (several minutes) involuntary flexion of the right wrist and three to five fingers at the PIP joint after voluntarily clenching of the fist. Sensation not tested. Diagnosed with posttraumatic dystonia of the right upper extremity and chronic pain syndrome that may be related to intermittent right hand dystonia. He was managed with Gabapentin and was suggested to have Botox injections. There are multiple handwritten notes as well, which are difficult to decipher.

Mr. Dulberg was seen on February 6, 2014 by Dr. Kujawa. The chief complaint is that he has "organic writer's cramp." He is here for follow-up from his initial intake on September 25, 2013. He wants to proceed with Botox injections. He has right forearm pain only with activity, not worse since he stopped Neurontin. He ran out. He drops objects (dinner plates), occasionally has difficulty using utensils. He has migraines much improved after Zomig nasal spray. His problem is that he has organic writer's camp and acquired torsion dystonia. He is also diagnosed as having chronic pain syndrome that may be related to intermittent right hand dystonia. He was given Botox.

Neurology:

I reviewed the medical records from Associates in Neurology. This includes the multiple nerve studies as well as cervical spine MRI. He had a brachial plexus MRI performed on August 26, which was normal. Nerve studies from 2002 are present. MRI of his forearm from January 3, 2012 is present, which was documented as normal. Nerve studies from March 13, 2012, which are documented as normal are present.

He was seen by Dr. Grobman on May 8, 2002 after his motor vehicle accident not pertaining to the right side. He has multiple handwritten notes, prior to this, which are hard to decipher.

It would appear Mr. Dulberg was seen by Dr. Grobman on February 4, 2003. He was diagnosed with ulnar neuropathy at the elbow. It was felt that he could return to work with lifting restrictions.

He was seen back on July 28, 2011 by Dr. Levin. His history of left cubital tunnel syndrome in 2002 was outlined. He states he became asymptomatic by 2007 and he never had difficulty in the right arm.

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2
He states a month prior he was involved in a chainsaw injury as mentioned above. He went to NIMC ER where he had stitches. He had "very significant pain, but as the pain was getting better, he started noticing that he had numbness in the fifth digit and in the inner aspect of his forearm. He has not been dropping things. It was mostly just a tingling and numb feeling. He denies previous symptoms. Examination showed a healed scar in his right forearm with decreased light touch, pinprick, and temperature in the ulnar distribution of the right arm. Strength is normal. It was felt that he had a branch neuropathy of the sensory nerves. He was suggested to undergo nerve studies and see a hand surgeon.

Rehab:

I reviewed the medical records from Fox Lake dynamic hand therapy, which are extensive.

Diagnostic tests relevant to the right arm:

1/18/12 was
of forearm
not hand
OK 1/18/12
MRI performed at Open Advanced MRI on February 3, 2012 of the right forearm with and without intravenous contrast showed no forearm abnormality appreciated. The radiologist states that this does not exclude the possibility of ulnar nerve impingement, but there is no gross mass or abnormal infiltration along the expected course of the ulnar nerve. No obvious tendon or muscle abnormality appreciated at this time.

Nerve conduction studies performed on August 10, 2011 by Associates in Neurology were reviewed. The conclusion is that there is no evidence of nerve dysfunction

Nerve conduction studies performed on March 13, 2012 by Associates in Neurology were reviewed. This is both a nerve conduction study and an EMG. Both components are noted to be normal with no evidence of ulnar nerve dysfunction.

Operative report:

An operative report was authored by Dr. Sagerman with a preoperative diagnosis of right cubital tunnel syndrome and right ulnar nerve injury at the forearm. Dr. Biafora assisted with the procedure. The procedure was a right cubital tunnel release and right ulnar neurolysis of the forearm. The patient underwent a standard cubital tunnel release with no documented gross abnormalities noted except "the nerve was mobilized from adhesions". A longitudinal incision was made over the ulnar aspect of the mid forearm. He was noted to have some retained suture material that was removed (interesting as per the ER note, he had Vicryl placed which usually dissolves over 3 months). The muscle fibers were found to be in continuity. The ulnar nerve was exposed in its normal position. The nerve was dissected proximally and distally and was completely intact with no visible scarring or adhesions.

Depositions:

Not
I reviewed the discovery deposition of Marcus Talerico taken on October 16, 2013. It should be noted that on page #10, when asked about the physical examination, Dr. Talerico states it was basically a normal exam except for the fact that he has a well-healed laceration in the area of the forearm where the chainsaw hit him. He had some apparent muscle incongruity meaning some scarring of the muscle belly level deep to the skin. He had no tenderness to palpation in the forearm. He has intact strength with normal wrist flexion and extension strength with normal grip strength and normal intrinsic strength. He had a negative Froment's sign. He has a positive Wartenberg's sign documented on page 12. Dr. Talerico states that a Wartenberg's sign is an objective test. On page #13, Dr. Talerico states that he had a healed laceration in the forearm with no appreciable nerve, tendon or artery injury. He had some scarring and he suggested he do therapy. He felt that he might have had a superficial sensory

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complaint given the history. On page 17, Dr. Talerico did not feel he was suffering from any type of disability. He felt he had some scarring in the forearm and he had a lot of complaints, but Dr. Talerico did not feel he had any real objective findings that he could come up with a diagnosis that he could treat. Dr. Talerico states on page #19 that he felt that he had a laceration to the muscle belly of his forearm that healed and he did not have any objective weakness or real abnormalities other than his subjective complaints of shooting, burning pain in the forearm area.

Dr. Karen Levin's, deposition taken on October 1, 2013 was reviewed. It would appear that she is a neurologist. On page 12, Dr. Levin outlines the subjective numbness that he had to touch. On page 24, Dr. Levin states that cutting the nerve can cause permanent numbness. On page 32, Dr. Levin states that the MRI of the forearm was negative. She states "I don't know why the patient has continued symptoms, not sure why he bends his little finger. Things get worse with pain in the entire arm. I suggested he get a third opinion with Dr. Scott Sagerman." On page 46, Dr. Levin states that she was confused on August 14, 2013. She did not know why he was still having these dystonia symptoms. He was placed back on Gabapentin and sent back to the hand surgeon.

The deposition of Dr. Ford taken on November 20, 2013 was reviewed. Dr. Ford is an emergency department physician.

I reviewed the deposition of Dr. Scott Sagerman taken on October 15, 2013. Dr. Sagerman states on page 39 that Mr. Dahlberg has some scarring of the ulnar nerve to the floor of the cubital tunnel and local constriction at the flexor pronator aponeurosis. This relates to his cubital tunnel syndrome. On page 41, Dr. Sagerman states that the laceration from the chain saw was "relatively deep - below the skin, below the fat, and into the muscle covering" but the muscle fibers were intact. There was suture material, presumably from where the laceration was originally repaired at the time of the injury. The nerve was not cut or visibly scarred in that area". Dr. Sagerman opined on page 41 that the scarring from the laceration would account for his symptoms, but fortunately the nerve itself was not cut.

I reviewed the deposition of Dr. Kathy Kujawa performed on July 23, 2014. She is a neurologist with an apparent specialty in movement disorders. Dr. Kujawa states on page 18 that after the injury she felt the brain is trying to rewire itself. Not only is the brain trying to rewire itself, the nerves are trying to regrow. Any nerves can regrow, but very slowly. Unfortunately, a lot of times the connections made are incorrect to the wrong muscle and to the wrong place. "So the man may say voluntary I want to squeeze my hand and the wrong muscle contracts, if they can contract at all." She felt these were permanent deficits.

I reviewed the deposition of Mr. Dulberg performed on January 24, 2013.

Branch Nerve
was self employed
DISCUSSION: Mr. Dulberg is a 46-year-old right-hand dominant unemployed, graphic designer who on June 28, 2011 sustained a laceration to the ulnar aspect of his right midforearm. He was seen in the emergency room where the laceration was cleaned and sutured. He had 3-0 Vicryl sutures and 11 Prolene sutures in the skin. After the injury, he saw his primary care physician, followed by multiple hand surgeons. He initially saw Dr. Talerico who felt that his symptoms were not substantiated by his physical examination. He had two sets of nerve conduction studies with the second set including an EMG component, which were negative for any ulnar nerve injury. Dr. Talerico did not feel any surgery would be helpful. He had an MRI with and without IV contrast of his right forearm, which showed no gross abnormalities. Ultimately he saw Dr. Sagerman for another opinion who, after no benefit with further occupational therapy, performed a cubital tunnel release and explored his ulnar nerve in his mid

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forearm. He did find some adhesions in the cubital tunnel, which Dr. Sagerman opined is what one sees in cubital tunnel syndrome. As to the area of the forearm laceration, the muscle belly was noted to be intact and there was noted to be no injury, nor scar around the ulnar nerve. Mr. Dulberg had previously had his contralateral cubital tunnel release performed multiple years prior after a MVA. Mr. Dulberg currently has multiple symptoms that I cannot substantiate based on his physical examination or the medical records. His primary problem is that he describes cramps in his forearm. He states these occur at rest and with activities multiple times a day and are significantly exacerbated by activities. Despite seeing him and personally interacting with him for over an hour in the office today and having him perform multiple activities including squeezing a Jamar dynamometer at least six times on either side, I could not elicit any cramping or spasms in his forearm. Additionally, he had multiple red flags for symptom magnification, including shaking and weakness with abduction and adduction of his fingers, which waxed and waned. He could only actively flex his small finger to his palm; however, passively I could flex his small finger easily and pain-free to his palm, which he could then maintain, as well as after multiple flexion and extension movements of his fingers, he was able to flex his small finger to his palm actively. He describes weakness in his hand and states that he can't type or perform most activities. His examination showed that his grip strength on the right was between 80, 85, and 98 pounds, with no pain in his forearm and no spasming or cramps. His scar was not sensitive or tender and he demonstrated no irregularity in the area. The cross sectional area of his wrist, his mid forearm, and his proximal forearm were symmetric, which would not be the case had he injured the muscle, or nerve and if he was not using his arm normally.

I do feel that Mr. Dulberg sustained a laceration to the right forearm, which did not involve the muscle belly or the ulnar nerve, as proven on MRI, nerve studies and operative exploration. I do not feel that his current symptoms are supported by his physical examination. A laceration as described would not cause focal dystonic signs based on the fact that it did not involve any motor nerve fibers or muscle fibers.

Summary:

I believe that Mr. Dulberg sustained a forearm laceration involving the right mid forearm in the injury on June 28, 2011. This required emergency room care with irrigation and suture. Thereafter, he has developed multiple symptoms, which I cannot base on local anatomy or structural pathology in his right forearm. He has focal dystonic symptoms, which I disagree with Dr. Kujawa, as are not related to any structural abnormalities in his arm. As documented on his nerve studies his motor and sensory nerves were intact in the entire forearm. His muscle belly was intact as proven on MRI as well as seen at the time of surgery. Multiple physicians had stated that the muscle belly and/or sensory nerve branches has caused his problems, but in fact his muscle belly was never violated at the time of the injury as proven by the MRI and found at the surgery performed by Dr. Sagerman. Additionally, his ulnar nerve was found not to be injured by the chainsaw, also based on 2 sets of nerve studies and operative exploration. I believe the reason the providers made the statements above is because there was no structural cause for his symptoms. Obviously, Mr. Dulberg did have a peripheral superficial sensory nerve laceration, based on the fact that he had a laceration just as any laceration or surgery would violate the superficial sensory nerves to the skin. These would heal and stabilize, which they have based on his examination today. On his current examination, he demonstrates no evidence of muscle or nerve dysfunction around the laceration area and no evidence of any residual sensory dysfunction.

I believe that medical treatment that he received was necessitated by the accident. Subsequent treatment has been based on the temporal relationship between his symptoms and the injury, yet he currently has obvious nonorganic findings. He relates the focal dystonia to the accident; however, from

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a structural standpoint his focal dystonic symptoms have nothing to do with his structure in his forearm. Nothing in his forearm could account for his symptoms.

As to any preexisting medical problems, Mr. Dulberg's has a history of prior left cubital tunnel syndrome, which has been attributed to a motor vehicle accident. He developed cubital tunnel syndrome on the right side after a forearm laceration, distant to the cubital tunnel. He does have a strong smoking history. Chronic smoking has been associated with nerve pathology, diminished capacity for nerves to heal and increased risk of nerve irritation.

1. What if any disability relates to the accident?

I feel Mr. Dulberg was debilitated for four to six weeks after the accident. After the laceration had healed, his symptoms began to be nonorganic, as described by Dr. Talerico in his deposition

2. What if any permanency is related to the accident?

At the present time from a structural standpoint, Mr. Dulberg has no structural deficit in his right upper extremity. He has no structural cause in his right arm that is causing him any dysfunction. The described focal dystonic symptoms are not due to any structural pathology within his upper extremity.

If you have any questions beyond the scope of this report, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'C Phillips', with a horizontal line drawn underneath.

Craig S. Phillips, MD

Hand and Upper-Extremity Surgery
Microvascular Surgery
The Illinois Bone & Joint Institute
Chicago, Illinois

Fellowship Director
Hand & Upper-Extremity Surgery
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March 4, 2015

Mr. Paul Dulberg
3416 W. Elm Street
McHenry, IL 60050

RE: Your accident of January 24, 2013

Dear Mr. Dulberg:

Thank you for consulting with our firm on December 31, 2014 in regards to your personal injury case. Unfortunately, we have decided not to accept your case. Therefore, on behalf of Ferris, Thompson & Zweig, Ltd., we will not be taking any further action on your behalf as it relates to this matter. I believe you should not have settled with the property owners for \$5,000.00. There are other reasons for my decision.

This is merely our professional opinion and does not mean you do not have a case. We recommend that you attempt to settle the case at the upcoming pretrial conference with your current attorney.

Sincerely,

Saul M. Ferris

SMF/cl

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

IN RE:

PAUL R. DULBERG

No. 14-83578

Debtor.

Judge Thomas M. Lynch

NOTICE OF MOTION TO WITHDRAW AS COUNSEL

Megan G. Heeg, on behalf of the law firm of Ehrmann Gehlbach Badger Lee & Considine, LLC, has filed papers with the Court regarding a motion to withdraw as counsel for the Bankruptcy Estate. A copy of said Motion referred to herein is available for inspection at the offices of the Clerk of the U.S. Bankruptcy Court or at the offices of Ehrmann Gehlbach Badger Lee & Considine, LLC during usual business hours.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the Motion and want the Court to consider your views on said Motion, then you or your attorney must:

1. File a written response to the above Motion on or before the date set for the hearing on the Motion at the United States Bankruptcy Court, 327 South Church Street, Rockford, IL 61101; OR,
2. Attend the hearing scheduled to be held on November 2, 2016, at 9:30 a.m. at the United States Bankruptcy Court, Courtroom 3100, 327 South Church Street, Rockford, IL 61101.

If you mail your response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the date stated above.

You must also mail a copy to:

Attorney Megan G. Heeg
Ehrmann Gehlbach Badger Lee & Considine, LLC
215 E. First Street
P.O. Box 447
Dixon, IL 61021

If you file a response, attend the hearing on the Motion, scheduled to be held on November 2, 2016, at 9:30 a.m. at the United States Bankruptcy Court, Courtroom 3100, 327 South Church Street, Rockford, IL 61101.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the Motion and grant the same.

Dated: October 6, 2016

/s/ Megan G. Heeg

Attorney Megan G. Heeg
Ehrmann Gehlbach Badger Lee & Considine, LLC
215 E. First Street
P.O. Box 447
Dixon, IL 61021

STATE OF ILLINOIS

COUNTY OF LEE

))
))
)) SS. **PROOF OF SERVICE**

The undersigned, being first duly sworn on oath, deposes and says that she served the within document upon the parties on the attached matrix, by placing a true and correct copy of said document in an envelope, each addressed as is shown above. (Except for the documents to the U.S. Trustee's office and Debtor's attorney, which should have been served electronically by the Bankruptcy Court).

That she sealed said envelopes and placed sufficient U.S. postage on each; that she deposited said envelopes so sealed and stamped in the United States Mail at Dixon, Illinois, at or about the hour of 5:00 o'clock P.M. on the 6th day of October, 2016.

/s/ Katherine M. Elliott

Megan G. Heeg
Ehrmann Gehlbach Badger Lee & Considine, LLC
215 E. First Street, Suite 100
P.O. Box 447
Dixon, IL 61021
(815) 288-4949
(815) 288-3068 (FAX)
heeg@egbic.com

Creditor Mailing Matrix

Case No.: 14-83578

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
ABN AMRO Mortgage Group				
Alexian Brothers Medical Group	PO Box 5588	Belfast	ME	04915-5500
Associated Neurology SC	1900 Hollister Drive Suite 250	Libertyville	IL	60048-5249
Bank of America	PO Box 851001	Dallas	TX	75285-1001
BANK OF AMERICA	PO BOX 982238	EL PASO	TX	79998-2238
Bank of America	PO Box 982235	El Paso	TX	79998
Cabelas Visa Center	World's Foremost Bank PO Box 82609	Lincoln	NE	68501-2609
Capital One Bank	Attn: General Correspondence PO Box 30285	Salt Lake City	UT	84130-0285
Capital One Bank (USA), N.A.	PO Box 6492	Carol Stream	IL	60197-6492
Capital One Bank (USA), N.A.	PO Box 71083	Charlotte	NC	28272-1083
David L. Stretch	Law Office of David L. Stretch 5447 West Bull Valley Road	McHenry	IL	60050-7410
Dr. Frank W. Sek	4606 W. Elm Street	McHenry	IL	60050-4015
Dynamic Hand Therapy & Rehab	498 S. US Highway 12 Suite C	Fox Lake	IL	60020-1908
Hand Surgery Associates, SC	Dr. Sagerman / Dr. Biafora 515 W. Algonquin Road	Arlington Heights	IL	60005-4405
Joseph D Olsen	Yalden Olsen & Willette 1318 E State Street	Rockford	IL	61104-2228
McHenry Radiologists & Imaging	PO Box 220	McHenry	IL	60051-0220
MidAmerica Hand to Shoulder Clinic	Dr. Talerico 75 Remittance Drive, Suite 6035	Chicago	IL	60675-6035
Moraine Emergency Physicians	PO Box 8759	Philadelphia	PA	19101-8759
Northern Illinois Medical Center	4201 Medical Center Drive	McHenry	IL	60050-8499
Northwest Community Hospital	25709 Network Place	Chicago	IL	60673-1257
Northwest Suburban Anesthesiologists	8163 Solutions Center	Chicago	IL	60677-8001
Oak Trust Credit Union	1 South 450 Summit Avenue	Oakbrook Terrace	IL	60181
OAK TRUST CREDIT UNION	12251 S ROUTE 59	PLAINFIELD	IL	60585-9189
Oak Trust Credit Union	444 N Eola Rd, Suite 101	Aurora	IL	60502-9620
Oak Trust Credit Union	1814 W. Diehl Road Suite 700	Naperville	IL	60563
Open Advanced MRI of Round Lake	Medchex PO Box 502	Katonah	NY	10536-0502
Patrick S Layng	Office of the U.S. Trustee, Region 11 780 Regent St.	Madison	WI	53715-2635
Paul R Dulberg	4606 Hayden Court	McHenry	IL	60051-7918
U.S. Bankruptcy Court	Western Division	Rockford	IL	61101-1320

Creditor Mailing Matrix

Case No.: 14-83578

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
Walgreens	327 South Church Street	McHenry	IL	60050-4361
Walgreens	3925 W. Elm Street			
Walmart Pharmacy	3801 Running Brook Farms Boulevard	Johnsburg	IL	60051-5425
WORLD'S FOREMOST BANK	CABELA'S CLUB VISA	LINCOLN	NE	68501-2609
	PO BOX 82609			
Worlds Foremost Bank NA	4800 NW 1st Street	Lincoln	NE	68521-4463
	Suite 300			

Total: 33

UNITED STATE BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

IN RE:

PAUL R. DULBERG

Debtor.

)
)
)
)
)
)
No. 14-83578
Judge Thomas M. Lynch

MOTION TO WITHDRAW AS COUNSEL

NOW COMES Ehrmann Gehlbach Badger Lee & Considine, LLC, by Megan G. Heeg, and for its Motion to Withdraw as Counsel for the Paul Dulberg Bankruptcy Estate, states as follows:

1. This Motion is filed pursuant to local Bankruptcy Rule 2091-1.
2. Previously, Megan G. Heeg, had been appointed the Chapter 7 case Trustee of the above-referenced case.
3. On May 27, 2015, this Court approved the Trustee's motion to employ the law firm of Ehrmann Gehlbach Badger Lee & Considine, LLC to represent the Estate.
4. Megan G. Heeg is retiring at the end of the year, and therefore, on August 31, 2016, Megan G. Heeg filed her Notice of Resignation and thereafter, the United States Trustee appointed Joseph D. Olsen to serve as Trustee of the Paul R. Dulberg Estate.
5. Recently, this Court approved Trustee Olsen's Motion to employ himself and his firm to represent the Estate.
6. For the reasons stated above, Ehrmann Gehlbach Badger Lee & Considine, LLC, files this Motion to Withdraw as Counsel, and asks that this Court enter an order, granting this motion to withdrawal as counsel.

WHEREFORE, Ehrmann Gehlbach Badger Lee & Considine, LLC, by its attorney, Megan G. Heeg, asks that this Court grant this Motion to Withdraw as Counsel, and that this Court

grant to movant such other and further relief as it deems just and proper.

/Megan G. Heeg 

Attorney Megan G. Heeg

Ehrmann Gehlbach Badger Lee & Considine, LLC

215 E. First Street

P.O. Box 447

Dixon, IL 61021

Megan G. Heeg

Ehrmann Gehlbach Badger Lee & Considine, LLC

215 E. First Street, Suite 100

P.O. Box 447

Dixon, IL 61021

(815) 288-4949

(815) 288-3068 (FAX)

heeg@egblc.com

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

IN RE:)
)
PAUL DULBERG,)
)
Debtor.) JUDGE THOMAS M. LYNCH

CHAPTER 7

Case Number: 14-83578

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

Notified via Electronic filing: Attorney David Leibowitz
Office of the U.S. Trustee

Notified via U.S. Postal Service: See attached service list.

Joseph D. Olsen, Trustee has filed papers with the Court regarding his Notice of Binding Mediation Award and Motion to Compensate the Estate's Personal Injury Attorneys for attorney's fees of \$117,000.00 and Advanced Costs of \$84.63 and for Authority to Pay Certain Medical and Attorneys Liens on the Proceeds as well as the Debtor's Personal Injury Exemption of \$15,000.00.

A copy of said Motion referred to herein is available for inspection at the offices of the Clerk of the U.S. Bankruptcy Court or at the offices of Yalden, Olsen & Willette, during usual business hours.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you want the Court to consider your views on the Motion, then you or your attorney must:

Attend the hearing on scheduled to be held on the 25th day of January 2017 at 9:30 am in courtroom 3100, United States Bankruptcy Court, 327 South Church St., Rockford, IL 61101.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Joseph D. Olsen, Trustee

By: YALDEN, OLSEN & WILLETTE, his attorneys

By: s/s Joseph D. Olsen

Yalden, Olsen & Willette
1318 East State Street
Rockford, IL 61104
815-965-8635

CERTIFICATE OF SERVICE

I, the undersigned, certify that on January 3rd, 2017 I caused the aforesaid to be served upon all persons to whom it is directed via electronic communication as indicated above and by United States Mail as indicated on the attached service list, by depositing the same in the United States Mail at Rockford, Illinois, at or about the hour of 5:00 p.m.

/s/ Marti Maravich

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

IN RE:) CHAPTER 7
)
DULBERG, PAUL) CASE NO. 14-83578
)
Debtor.) JUDGE THOMAS M. LYNCH

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

Notified via Electronic filing: Attorney David Stretch and U.S. Trustee's Office,

Notified via U.S. Postal Service: See attached service list.

Joseph D. Olsen, Trustee has filed papers with the Court regarding his **Motion to Employ Special Counsel, Baudin Law Group, Ltd, as attorneys for the Trustee to pursue a personal injury cause of action.** A copy of said Motion referred to herein is available for inspection at the offices of the Clerk of the U.S. Bankruptcy Court or at the offices of Yalden, Olsen & Willette, during usual business hours.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you want the Court to consider your views on the Motion, then you or your attorney must:

Attend the hearing on scheduled to be held on the 31st day of October, 2016 at 9:30 am in courtroom 3100, United States Bankruptcy Court, 327 South Church Street, Rockford, IL 61101.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Joseph D. Olsen, Trustee

By: YALDEN, OLSEN & WILLETTE, his attorneys

By: s/s Joseph D. Olsen

Joseph D. Olsen
Yalden, Olsen & Willette
1318 East State Street
Rockford, IL 61104

CERTIFICATE OF SERVICE

I, the undersigned, certify that on October 4, 2016 I caused the aforesaid to be served upon all persons to whom it is directed (see attached Service List) by United States Mail by depositing the same in the United States Mail at Rockford, Illinois, at or about the hour of 5:00 p.m.

s/s Marti Maravich

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

Dillberg
Plaintiff

vs

Gagnon
Defendant

Case Number 12 LA 178

Circuit Clerk Use Only

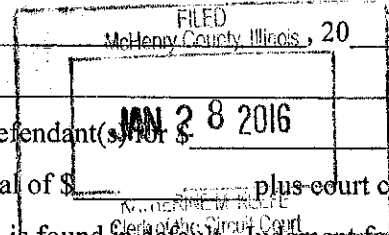
ORD

ORDJ

ORDDWP

ORDER

- ☒ Plaintiff(s) appear in person/by attorney W. Rindel B
- ☐ Defendant(s) appear in person/by attorney _____
- ☐ Summons not served; alias summons to issue; return date _____
- ☐ Summons has been properly served on Defendant(s) _____
- ☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ Case set for ☐ trial ☐ arbitration on _____, 20____ at _____m. in Courtroom _____
- ☐ Defendant(s) shall file an Appearance within _____ days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).



NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.

- ☐ Defendant(s) shall file an answer or other pleading within _____ days of today's date.
- ☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☐ By Agreement; ☒ Court; to Feb 11, 2016 at 900 A.m. for trial setting 178
- ☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.
- ☐ Case dismissed with/without prejudice on Plaintiff's motion.
- ☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).
- ☐ COURT FURTHER ORDERS: _____

Date: _____

Judge

STATE OF ILLINOIS)
)SS.
COUNTY OF MCHENRY)

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
(Ex rel. Nicole Bazilewich)

Plaintiff,)

Vs.)

No. 91 F 11

DAVID GAGNON,)

Defendant.)

ORDER

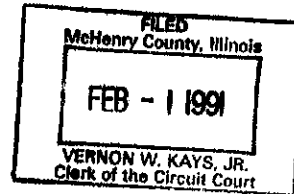
This matter coming before this Court and on oral motion of Attorney Terry R. Mohr for leave to file his appearance, and the Court being otherwise advised in the premises;

IT IS HEREBY ORDERED that leave is granted Attorney Terry R. Mohr to file his appearance, instant and, further, that leave is granted Defendant seven (7) days to file an Answer herein.

Dated: February 1, 1991

ENTER: Wade S. Smith

JUDGE



LAW OFFICES
TERRY R. MOHR
3402 WEST ELM STREET
MCHENRY, ILLINOIS 60050
TELEPHONE
(815) 344-1212
FACSIMILE
(815) 344-2272

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

STATE OF ILLINOIS)
COUNTY OF McHENRY) SS.

GEN. NO. 91 F 11
[] Jury [x] Non-Jury

PEOPLE OF THE STATE OF ILLINOIS
(Ex rel. Nicole Bazilewich)

VS.

DAVID GAGNON

Plaintiff,

Defendant.

Date 2-01-91 Plaintiff's
Attorney ASA Crouse

Defendant's
Attorney pro se

ORDER

THIS MATTER COMING BEFORE THE COURT FOR: return on paternity summons

the Court having jurisdiction over the parties and the subject matter; the Plaintiff being present/~~not present~~ by counsel in open court; the Defendant being present/not present by counsel in open court; the Court having reviewed the file herein, having heard testimony and evidence, having heard the arguments of counsel, and the Court being fully advised in the premises.

THE COURT FINDS:

① Defendant served Summons on January 7, 1991
② Terry Mohr appears on behalf of Defendant and requests leave of Court to file an Answer to the Complaint to Determine Parentage.

IT IS THEREFORE ORDERED:

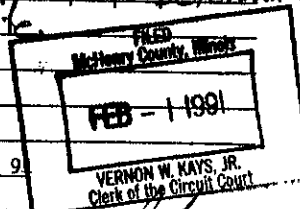
1. That this matter is hereby continued to February 15, 1991 at 1:30 p.m. in Room 315 or such other room in the McHenry County Courthouse as this Court will be in session, with no further notice to the parties, for status
2. That the ~~Plaintiff and/or~~ Defendant shall appear in person before the Court on the above date at the above time, or:
 - a. () a warrant for his/her/their arrest shall be issued, and/or
 - b. ☒ other: a Rule to Show Cause may issue
3. That the presence of the ~~Plaintiff and/or~~ Defendant in open Court on the above date at the above time shall be waived if:
 - a. () the Defendant is current in his child support payments; and/or
 - b. () the Plaintiff and/or Defendant has/have complied with the Order of this Court previously entered on _____; and/or
 - c. ☒ other: the State agrees to waive it.
4. Other: By Counsel for Defendant given leave to enter his appearance and respond to the Complaint to Determine Parentage within 14 days of today's date.

DATED THIS 1st DAY OF February 19 91

ENTER:

Judge

Original-File copy/Canary-State's Att'y./Pink-Defendant/Gold-Plaintiff



STATE OF ILLINOIS)
)SS.
COUNTY OF MCHENRY)

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL
MCHENRY COUNTY, ILLINOIS

FILED
MCHENRY COUNTY, ILLINOIS

FEB - 6 1991

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

PEOPLE OF THE STATE OF ILLINOIS)
(Ex rel. Nicole Bazilewich)
)
 Plaintiff,)
)
 Vs.)
)
DAVID GAGNON,)
)
 Defendant.)

No. 91

ANSWER TO COMPLAINT TO DETERMINE PARENTAGE

Now comes the Defendant, DAVID GAGNON, individually and by and through his attorney, TERRY R. MOHR, and as and for his Answer to a Complaint to Determine Parentage, states as follows:

1. Defendant admits the allegations contained in Paragraph 1.

2. Defendant has no knowledge concerning the allegations contained in Paragraph 2, and each of them, so as to sufficiently make an answer thereunto and, therefore, neither admits nor denies the same, but demands strict proof thereof.

3. Defendant has no knowledge that the Defendant is the father of any child born to the Complainant and demands strict proof thereof; Defendant admits the remaining allegations of

LAW OFFICES
TERRY R. MOHR
3402 WEST ELM STREET
MCHENRY, ILLINOIS 60050
TELEPHONE
(815) 344-1212
FACSIMILE
(815) 344-2272

Paragraph 3.

4. Defendant neither admits nor denies the statement contained in Paragraph 4, as said statement does not contain allegations of fact which are sufficient to enable Defendant to respond thereto.

5. Defendant neither admits nor denies the statement contained in Paragraph 5, as said statement does not contain allegations of fact which are sufficient to enable Defendant to respond thereto.

6. Defendant neither admits nor denies the statement contained in Paragraph 6, as said statement does not contain allegations of fact which are sufficient to enable Defendant to respond thereto.

WHEREFORE, Defendant asks that the Complaint so wrongfully brought against the Defendant be dismissed and for an award of attorneys fees and costs in favor of the Defendant.


DAVID GAGNON

STATE OF ILLINOIS)
) SS.
COUNTY OF MCHENRY)

DAVID GAGNON being first duly sworn according to law, on oath deposes and states that he is the Defendant in the above entitled action; that he has read the foregoing Answer to Complaint to Determine Parentage and is familiar with the contents thereof, and that all contents are true.

David A. Gagnon
DAVID GAGNON

Subscribed and sworn to before me OFFICIAL SEAL"
this 6th day of February, 1991

Alberta M. Mohr
Notary Public
Notary Public, State of Illinois
My Commission Expires 5/5/94
Notary Public

THIS PLEADING PREPARED BY THE
UNDERSIGNED AND EXECUTED IN
ACCORDANCE WITH ILLINOIS REV.
STAT. CH. 110, PAR. 2-611 AND
SUPREME COURT RULE 137

Terry R. Mohr
TERRY R. MOHR

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT
McHENRY COUNTY

PEOPLE OF THE STATE OF ILLINOIS
(Ex rel. Nicole Bazilewich)

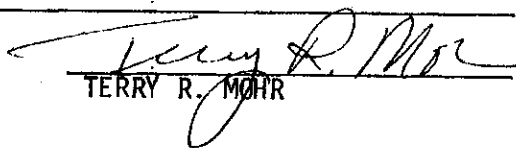
vs

DAVID GAGNON

No. 91 F 11

APPEARANCE

The undersigned, as attorney, enters the appearance of defendant David Gagnon


TERRY R. MOHR

Name Terry R. Mohr

Attorney for Defendant

Address 3402 W. Elm Street

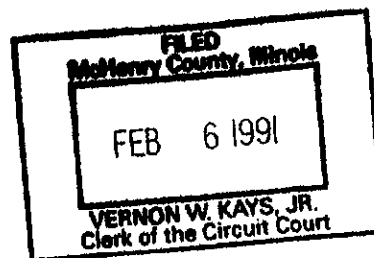
City McHenry, IL 60050

Telephone 815-344-1212

Prepared By Terry R. Mohr

Attorney For Defendant

Attorney Registration No. 01939424



39.00

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

STATE OF ILLINOIS)
COUNTY OF McHENRY) SS.

GEN. NO. 91 F 11

[] Jury [x] Non-Jury

PEOPLE OF THE STATE OF ILLINOIS

(Ex. rel. Nicole Bazélewich) Plaintiff,

VS. DAVID GAGNON

Defendant.

Date 2-15-91

Plaintiff's

Attorney

ASA Crouse

Defendant's

Attorney

pro se

ORDER

THIS MATTER COMING BEFORE THE COURT FOR: status

the Court having jurisdiction over the parties and the subject matter; the Plaintiff being present/~~not present~~ by counsel in open court; the Defendant being present/not present by counsel in open court; the Court having reviewed the file herein, having heard testimony and evidence, having heard the arguments of counsel, and the Court being fully advised in the premises.

THE COURT FINDS:

State and Defendant's Counsel agree to continue the matter to March 1, 1991

IT IS THEREFORE ORDERED:

1. That this matter is hereby continued to March 1, 1991 at 1:30 p.m. in Room 315 or such other room in the McHenry County Courthouse as this Court will be in session, with no further notice to the parties, for entry of Agreed Order of status.
2. That the Plaintiff and/or Defendant shall appear in person before the Court on the above date at the above time, or:
 - a. () a warrant for his/her/their arrest shall be issued, and/or
 - b. ☒ other: a Rule to Show Cause may issue
3. That the presence of the Plaintiff and/or Defendant in open Court on the above date at the above time shall be waived if:
 - a. () the Defendant is current in his child support payments; and/or
 - b. () the Plaintiff and/or Defendant has/have complied with the Order of this Court previously entered on
 - c. ☒ other: the State agrees to waive it.
4. Other:

DATED THIS 15th DAY OF February 1991

ENTER:

Ward S. Arnold
Judge

Original-File copy/Canary-State's Att'y./Pink-Defendant/Gold-Plaintiff

FILED
McHenry County, Illinois
FEB 15 1991
VERNON W. KAY, Jr.
Clerk of the Circuit Court

293/4
FILED
MCHENRY COUNTY, ILLINOIS
JAN 9 1991

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS
Ex rel. Nicole Bazilewich)
Petitioner

VERNON W. KAYS, JR.
CLERK OF THE CIRCUIT COURT

vs.

Case No. 91 F 11

DAVID GAGNON

Respondent

1830 SANTIAGO
MCHENRY CO. ILLINOIS

PATERNITY SUMMONS

TO THE RESPONDENT:

David Gagnon
16 Elder
Henry, IL 60050
B: 4-3-67

11 16 1991

RECEIVED

YOU ARE HEREBY SUMMONED AND REQUIRED:

To appear in Room 315 of McHenry County Government Center, 2200 N. Seminary Avenue, Woodstock, IL at 1:30 p.m. on Friday the 1st day of February, 1991, for hearing on the Complaint pursuant to law, a copy of which is attached hereto.

IF YOU DO NOT APPEAR AS INSTRUCTED IN THIS SUMMONS, YOU MAY BE REQUIRED TO REPORT THE CHILD NAMED IN THIS PETITION UNTIL THE CHILD IS AT LEAST EIGHTEEN YEARS OF AGE. YOU MAY ALSO HAVE TO PAY THE PREGNANCY AND DELIVERY COSTS OF THE CHILD.

TO THE OFFICER:

This summons must be returned by the Officer or other person to whom it was sent for service with endorsement of service and fees, if any, immediately after service, and not less than 3 days before the day of appearance. If service cannot be made, this Summons shall be returned so endorsed.

This summons may not be served later than 3 days before the day of appearance.

MAS F. BAKER
McHenry County State's Attorney
20 N. Seminary Avenue
Woodstock, IL 60098
/ 338-2040, ext. 440

WITNESS: This 3 day of January, 1991.

Vernon W. Kays, Jr.
Clerk of the Court

Date of Service:

To be inserted by officer

TO PLAINTIFF:

This summons shall be returnable not less than 21 or more than 40 days after service of Summons.

VERNON W. KAYS, JR., CLERK OF THE CIRCUIT COURT OF MCHENRY COUNTY

COPIES & RETURN 15.00
PAGE 12.00
AL 27.00 FEES

STATE OF IL. (NOIS) SS
COUNTY OF McHENRY)

(Individual defendants abode):

I, certify that I served the Writ by leaving a copy of the summons complete at the usual place of abode of each individual defendant with a person of the family of the age of 13 years or upward, informing that person of the contents of the Summons, and also by sending a copy of the Summons and of the Complaint in a sealed envelope with postage fully prepaid, addressed to each individual defendant at his usual place of abode, as follows:

Name of Defendant	Name of Person served	Sex	Race	Age
David Gagnon	Mother, Carolyn	F	W	54
1016 Elder,	McHenry, IL.			

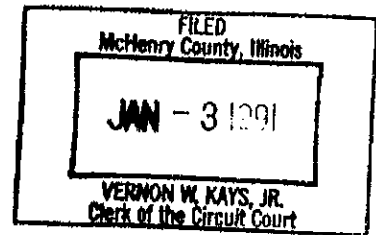
Address served at exact, if possible

on 1/7/91 6:25 XXX Date of Mailing 1/8/91
Date Time PM

George H. Hendle Sheriff by *Sheriff E. Lee* Deputy

Gagnon, David

STATE OF ILLINOIS)
) SS.
COUNTY OF MCHENRY)



IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
(Ex rel. Nicole Bazilewich))
Petitioner/Complainant)

vs.)

DAVID GAGNON)
Defendant)

Case No. 91 F 11

COMPLAINT TO DETERMINE PARENTAGE

NOW COMES, Nicole Bazilewich, the Complainant, by and through her attorney, THOMAS F. BAKER, State's Attorney for McHenry County, Illinois, by and through his duly appointed Assistant, Charles E. Crouse, as and for her Complaint to Establish the Parentage of the Defendant, David Gagnon, as the father of Complainant's child pursuant to Illinois Revised Statutes, Chapter 40, Paragraph 2501, et seq., she charges:

1. That the Complainant is a resident of McHenry County, Illinois, and resides at 12111 Bigelow Ave, Apt. B, Hebron, IL 60034. That the Defendant is a resident of McHenry County, Illinois, and he resides at 1016 Elder Ave., McHenry, IL 60050.
2. That the Complainant is the mother of the child named Colin J. Bazilewich born in McHenry County on June 26, 1990.
3. That the Complainant is not now married and has never been married to the Defendant. That the Defendant is the father of the child born to the Complainant, and said child was born out of wedlock.

4. That this cause of action is brought pursuant to Ill. Rev. Stat., Ch. 40, Par. 2501, et seq. to establish the father-child relationship between Defendant and the child and to establish and enforce the Defendant's liability for the support, maintenance, education, and welfare of said child as well as to recover expenses for Plaintiff incurred during her pregnancy, confinement, and recovery including, but not limited to all doctors' fees, lost time from work, and other expenses and for attorneys' fees incurred as a result of the bringing and prosecution of this action.

5. That Illinois law mandates that the Defendant is responsible to contribute to the prenatal and postnatal loss of income, expenses, pharmaceutical bills, medical bills, hospital bills, and lost time from work as a result of Plaintiff's pregnancy and birth of the child. That the Defendant should be required by this court to pay for these expenses of the mother and child and to reimburse the plaintiff for the aforesaid expenses and bills incurred as a result of the pregnancy and birth of said child.

6. That the child is entitled under the laws of the United States and State of Illinois and their respective constitutions to all the rights, privileges, and immunities afforded a child born in wedlock including, but not limited to support, health care, inheritance, education, and all other rights due a legitimate child born of wedlock.

WHEREFORE, Plaintiff prays as follows:

A. For a judgment in favor of the Plaintiff and against the Defendant, establishing the Defendant as the father of the child, Colin J. Bazilewich.

B. That the Defendant be ordered to pay for all expenses for the care, delivery, and post-delivery needs of the Plaintiff and the child as a result of the birth of said child.

C. That the Defendant be ordered to provide temporary and permanent child support for Colin J. Bazilewich.

D. That the Defendant be ordered to pay for the educational expenses, medical expenses and medical care of Colin J. Bazilewich until he reaches the age of 18 years or otherwise become emancipated.

E. For an award of fees and Court costs incurred by the bringing of this action.

F. For such other, further, and different relief as this Court in its equity deems just and proper.

Charles E. Crouse
Assistant State's Attorney

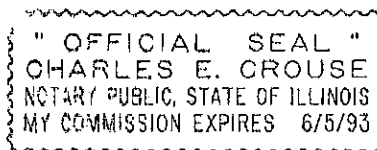
Nicole D. Bazilewich
Petitioner

The undersigned, being first duly sworn on oath, deposes and states that she has read and understands the above and foregoing Complaint by her subscribed; the contents thereof are true and correct to the best of her knowledge and belief.

Nicole D. Bazilewich
Petitioner

SUBSCRIBED AND SWORN TO
Before me this 3rd day
of January, 1991.

Charles E. Crouse
Notary Public



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

110

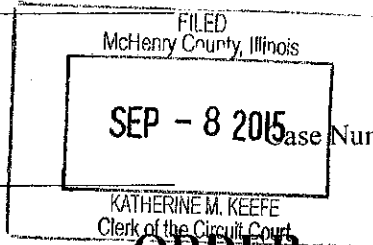
Plaintiff

DUBERG

vs

GAGNON

Defendant



Case Number

126A178

Circuit Clerk Use Only

ORD

ORDJ

ORDDWP

ORDER

- ☒ Plaintiff(s) appear in person/by attorney
- ☒ Defendant(s) appear in person/by attorney P. ACCARD
- ☐ Summons not served; alias summons to issue; return date _____, 20____
- ☐ Summons has been properly served on Defendant(s) _____
- ☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ Case set for ☐ trial ☐ arbitration on _____, 20____ at _____ m. in Courtroom _____
- ☐ Defendant(s) shall file an Appearance within _____ days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.

- ☐ Defendant(s) shall file an answer or other pleading within _____ days of today's date.
- ☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☒ By Agreement; ☐ Court; to 10/20, 2015 at 9:00 A m. for TRIAL SETTING 1
(SCHEDULED OR REP) COMPLETES
- ☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.
- ☐ Case dismissed with/without prejudice on Plaintiff's motion.
- ☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).
- ☐ COURT FURTHER ORDERS: _____

Date: _____

Judge

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT

McHENRY COUNTY, ILLINOIS

McHenry County, Illinois

OCT 20 2015

KATHERINE M. KEEFE
Clerk of the Circuit Court

Circuit Clerk Use Only

ORD

ORDJ

ORDDWP

Plaintiff

VS

Defendant

ORDER

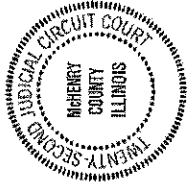
- ☒ Plaintiff(s) appear in person/by attorney _____
- ☒ Defendant(s) appear in person/by attorney Accardo
- ☐ Summons not served; alias summons to issue; return date _____, 20____
- ☐ Summons has been properly served on Defendant(s) _____
- ☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ Case set for ☐ trial ☐ arbitration on _____, 20____ at _____ m. in Courtroom _____
- ☐ Defendant(s) shall file an Appearance within _____ days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.

- ☐ Defendant(s) shall file an answer or other pleading within _____ days of today's date.
- ☒ This case is continued on Motion of ☐ Plaintiff; ☒ Defendant; ☐ By Agreement; ☐ Court; to 11/16, 20 15 at 9:00 A m. for TRIAL SETTING & SETTING OF B-201
- ☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute. FOR DEADLINES
- ☐ Case dismissed with/without prejudice on Plaintiff's motion.
- ☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).
- ☐ COURT FURTHER ORDERS: _____

Date: _____

Judge



Katherine M. Keefe
Clerk of the Circuit Court
22nd Judicial Circuit - McHenry County, Illinois
2200 N. Seminary Avenue
Woodstock, IL 60098
www.mchenrycircuitclerk.org

RECEIPT FOR PAYMENT

Receipt: 4862119

Date: Aug 27, 2015

Time: 02:17 PM

Received From: DULBERG, PAUL

Paid By: CASH

\$44.50

Total Paid:

\$44.50

Case Number: 12LA000178

DULBERG, PAUL VS GAGNON, DAVID, ET AL

COPIES COST

\$44.50

Total Paid on this case:

\$44.50

Balance Due:

\$0.00

**** The Balance Due can increase if a warrant or other court-ordered paper is served by an arresting agency.**

5/30/86 -
Del dCannabis
Dave-Carol - Allen

FILED
MAY 15 2012
KATHARINE M. PHILLIPS
MCHENRY CTY. CIR. CLK.

STATE OF ILLINOIS)
)SS
COUNTY OF McHENRY)

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

PAUL DULBERG,)

Plaintiff,)

vs.)

No.: 12LA178

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

Defendants.)

COMPLAINT

NOW COMES the Plaintiff, PAUL DULBERG, by his attorneys, LAW OFFICES OF THOMAS J. POPOVICH, P.C., and complaining against the Defendants, DAVID GAGNON, Individually, and as Agent of CAROLINE MCGUIRE and BILL MCGUIRE, and CAROLINE MCGUIRE and BILL MCGUIRE, individually, and states as follows:

Count I

Paul Dulberg vs. David Gagnon, individually, and as Agent of Caroline and Bill McGuire

1. On June 28, 2011, the Plaintiff, PAUL DULBERG, lived in the City of McHenry, County of McHenry, Illinois.

2. On June 28, 2011, Defendants CAROLINE MCGUIRE and BILL MCGUIRE

lived, controlled, managed and maintained a single family home located at 1016 W. Elder

Avenue, in the City of McHenry, County of McHenry, Illinois.

NOTICE

BY LOCAL RULE 3.10

THIS CASE IS HEREBY SET FOR SCHEDULING
CONFERENCE IN COURTROOM 204 ON
11/8 20 12, AT 9:30 AM

FAILURE TO APPEAR MAY RESULT IN THE CASE
BEING DISMISSED OR AN ORDER OF
DEFAULT BEING ENTERED.

3. On June 28, 2011, the Defendant, DAVID GAGNON, was living and/or staying at his parent's home at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.
4. On June 28, 2011, the Defendants, CAROLINE McGUIRE and BILL McGUIRE contracted, hired the Defendant, DAVID GAGNON, to cut down, trim and/or maintain the trees and brush at their premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.
5. On June 28, 2011, and at the request and with the authority and permission of the Defendants CAROLINE McGUIRE and BILL McGUIRE, and for their benefit, the Defendant, DAVID GAGNON, was working under their supervision and control while engaged in cutting, trimming and maintaining trees and brush at the premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.
6. On June 28, 2011, as part of his work at the subject property, the Defendant, DAVID GAGNON, was authorized, instructed, advised and permitted to use a chainsaw to assist him in his work for Defendants, CAROLINE McGUIRE and BILL McGUIRE, which was owned by the McGuires.
7. On June 28, 2011, the Defendant, DAVID GAGNON, was under the supervision and control of Defendants, CAROLINE McGUIRE and BILL McGUIRE, and was working as their apparent and actual agent, and was then acting and working in the scope of his agency for Defendants, CAROLINE McGUIRE and BILL McGUIRE.

8. On June 28, 2011, and while the Defendant, DAVID GAGNON, was working in the course and scope of his agency for Defendants, CAROLINE McGUIRE and BILL McGUIRE, and was under their supervision and control, Defendant, DAVID GAGNON was in use of a chainsaw while trimming a tree and branch.

9. On June 28, 2011, and while Defendant, DAVID GAGNON, was in use of a chainsaw while trimming a tree and branch, Defendant, DAVID GAGNON, asked for and/or requested the assistance of the Plaintiff, PAUL DULBERG, to hold the tree branch while Defendant, DAVID GAGNON, trimmed the branch with the chainsaw.

10. On June 28, 2011, and while Defendant, DAVID GAGNON, was in sole control, use and operation of the subject chainsaw, the chainsaw was caused to strike and injure the Plaintiff, PAUL DULBERG.

11. At all relevant times, Defendants, CAROLINE McGUIRE and BILL McGUIRE, knew of Defendant, DAVID GAGNON's use of the chainsaw in the presence of the Plaintiff, PAUL DULBERG, and knew that such created a danger to the Plaintiff, PAUL DULBERG's safety.

12. That at all relevant times, the Defendants, DAVID GAGNON, as agent of CAROLINE McGUIRE and BILL McGUIRE, owed a duty to use care and caution in his operation of a known dangerous instrumentality.

13. On June 28, 2011, the Defendant, DAVID GAGNON, was negligent in one or more of the following ways:

- a. Failed to maintain control over the operating of the chainsaw;
- b. Failed to take precaution not to allow the chainsaw to move toward the Plaintiff, PAUL DULBERG, so as to cause injury;
- c. Failed to warn the Plaintiff, PAUL DULBERG, of the dangers existing from the Defendant, DAVID GAGNON's inability to control the chainsaw;
- d. Failed to keep a proper distance from the Plaintiff, PAUL DULBERG, while operating the chainsaw;
- e. Otherwise was negligent in operation and control of the chainsaw.

14. That as a proximate result of the Defendant's negligence, the Plaintiff, PAUL DULBERG, was injured externally; he has experienced and will in the future experience pain and suffering; he has been permanently scarred and/or disabled; and has become obligated for large sums of money for medical bills and will in the future become obligated for additional sums of money for medical care, and has lost time from work and/or from earning wages due to such injury.

15. That at the above time and date, the Defendant's negligence can be inferred from the circumstances of the occurrence as the instrument of the injury was under the control of the Defendant and therefore, negligence can be presumed under the doctrine of *Res Ipsa Loquitur*.

WHEREFORE, Plaintiff, PAUL DULBERG, demands judgment against Defendants, DAVID GAGNON, and CAROLINE McGUIRE and BILL McGUIRE in an amount in excess of \$50,000.00, plus costs of this action.

Count II

Paul Dulberg vs. Caroline McGuire and Bill McGuire

1 - 15. That the Plaintiff, PAUL DULBERG, restates and realleges paragraphs 1 through 14, in Count I, above, as paragraphs 1 through 15 of Count II, as if fully alleged herein.

16. That at all relevant times, the Defendants, CAROLINE MCGUIRE and BILL MCGUIRE, owned, controlled, maintained and supervised the premises whereat the accident to the Plaintiff, PAUL DULBERG, occurred.

17. That at all relevant times, the Defendants, CAROLINE MCGUIRE and BILL MCGUIRE, were in control of and had the right to advise, instruct and demand that the Defendant, DAVID GAGNON, act or work in a safe and reasonable manner.

18. That at all relevant times, the Defendant, DAVID GAGNON, was acting as the agent, actual and apparent, of Defendants, CAROLINE MCGUIRE and BILL MCGUIRE, and was acting at their request and in their best interests and to their benefit as in a joint enterprise.

19. That at all relevant times, Defendants, CAROLINE MCGUIRE and BILL MCGUIRE, knew DAVID GAGNON was operating a chainsaw with the assistance of the Plaintiff, PAUL DULBERG, and had the right to discharge or terminate the Defendant, DAVID GAGNON's work for any reason.

20. That at all relevant times, Defendants, CAROLINE MCGUIRE and BILL MCGUIRE, owed a duty to supervise and control Defendant, DAVID GAGNON's activities on the property so as not to create a unreasonable hazard to others, including the Plaintiff, PAUL DULBERG.

21. On June 28, 2011, the Defendants, CAROLINE MCGUIRE and BILL MCGUIRE, were negligent in one or more of the following ways:

- a. Failed to control operation of the chainsaw;
- b. Failed to take precaution not to allow the chainsaw to move toward the Plaintiff, PAUL DULBERG, so as to cause injury;
- c. Failed to warn the Plaintiff, PAUL DULBERG, of the dangers existing from the Defendant's inability to control the chainsaw;
- d. Failed to keep the chainsaw a proper distance from the Plaintiff, PAUL DULBERG, while operating the chainsaw;
- e. Otherwise was negligent in operation and control of the chainsaw.

22. That as a proximate result of the Defendant's negligence, the Plaintiff, PAUL DULBERG, was injured externally; he has experienced and will in the future experience pain and suffering; he has been permanently scarred and/or disabled; and has become obligated for large sums of money for medical bills and will in the future become obligated for additional sums of money for medical care, and has lost time from work and/or from earning wages due to such injury.

WHEREFORE, Plaintiff, PAUL DULBERG, demands judgment against Defendants,
CAROLINE McGUIRE and BILL McGUIRE, in an amount in excess of \$50,000.00, plus costs
of this action.

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


One of the Attorneys for Plaintiff

Hans A. Mast
LAW OFFICES OF THOMAS J. POPOVICH, P.C.
3416 West Elm Street
Lake, Illinois 60050
(815) 344-3797
ARDC No. 06203684

STATE OF ILLINOIS)
)SS
COUNTY OF McHENRY)

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

PAUL DULBERG,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No.:
	)	
DAVID GAGNON, Individually, and as	)	
Agent of CAROLINE MCGUIRE and BILL	)	
MCGUIRE, and CAROLINE MCGUIRE	)	
and BILL MCGUIRE, Individually,	)	
	)	
Defendants.	)	

AFFIDAVIT

- I, HANS A. MAST, being first duly sworn on oath, depose and state as follows:
1. That I am one of the attorneys responsible for the prosecution of the above-entitled case.
 2. That on behalf Plaintiff, PAUL DULBERG, I am hereby requesting money damages in an amount not to exceed \$50,000.00, together with the costs of this action, against each of the above-named Defendants.

FURTHER, Affiant sayeth naught.

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



Hans A. Mast
LAW OFFICES OF THOMAS J. POPOVICH, P.C.
3416 West Elm Street
McHenry, Illinois 60050
(815) 344-3797
ARDC No. 06203684

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

FILED

MAY 15 2012

KATHARINE M. KALFE
JUDICIAL CLERK

PAUL DULBERG,

Plaintiff

vs.

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

Defendant

MCGUIRE and BILL MCGUIRE,
Individually

Case Number

12LA178

CERTIFICATE OF ATTORNEY

I hereby certify that:

- ☒ There has been no previous voluntary or involuntary dismissal of the subject matter of this litigation.
- ☐ There has been a previous voluntary or involuntary dismissal of the subject matter of this litigation and at the time of the dismissal that case number _____ was assigned to The Honorable _____.
- ☒ There is no other litigation presently pending in this County involving the parties to and/or subject matter of this lawsuit.
- ☐ There is presently pending other litigation in this County involving the parties to or subject matter to this lawsuit and that case or cases is/are assigned case number(s) _____ which is/are assigned to The Honorable _____.

Name Law Offices of Thomas J. Popovich

Attorney for Plaintiff

Attorney for Complainant or Petitioner

Address 3416 W. Elm Street

City, State Zip McHenry, IL 60050

Phone 815-344-3797

SUMMONS - 30 DAY
IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

(Name all parties)

PAUL DULBERG,

FILED

JUN -7 2012

RECEIVED

Plaintiff(s)

vs.

DAVID GAGNON, Individually, and as

Agent of CAROLINE MCGUIRE and BILL

MCGUIRE, and CAROLINE MCGUIRE and

Defendant(s)

BILL MCGUIRE, Individually

Case Number

12LA178

Amount Claimed \$ 50,000.00+

Please Serve:

Caroline McGuire
1016 W. Elder Avenue
McHenry, IL 60051

SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance, in the office of the Clerk of this court, McHenry County Government Center, 2200 N. Seminary Avenue, Woodstock, Illinois, 60098, within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.



WITNESS

MAY 15 2012

20

Katherine M. Keefe

Clerk of the Circuit Court

Plaintiff's attorney or plaintiff if he is not represented by an attorney

Name Law Offices of Thomas J Popovich

Prepared by Hans A. Mast

Attorney for Plaintiff

Attorney for Plaintiff

Address 3416 W. Elm Street

Attorney Registration No. 06203684

City, State Zip McHenry, IL 60050

Telephone 815-344-3797

AFFIDAVIT OF SERVICE

STATE OF ILLINOIS
In the
Circuit Court of the 22nd Judicial Circuit, McHenry County, Illinois
Paul Dulberg vs Caroline McGuire
CASE NO: 12LA178

On Sunday, June 3, 2012, at 6:14 PM, I served the within described Summons Together With A Copy Of The Complaint In This Action in the manner described below;

I served the within Summons Together With A Copy Of The Complaint In This Action upon the within named Caroline McGuire by giving a true copy to Caroline McGuire personally.

Said service was effected at 1016 W Elder Ave, McHenry, IL 60051.

Caroline McGuire is a White Female approximately 55 years of age, 5' 7" Tall and approximately 160-170 lbs with Brown hair.

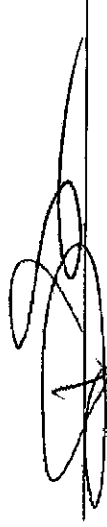
I know the person I served was Caroline McGuire because she so stated it.

I Mark R. Schneider, swear that I am an adult over the age of 18 years, and I am nota party to the above entitled action. Furthermore, I am employed as a private detective under Illinois Agency License #117-000870.

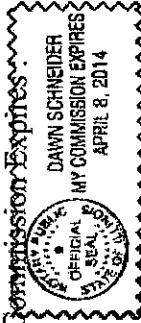

Mark R. Schneider, Licensed Private Detective

MDS INVESTIGATIONS, INC.
P.O. Box 309
McHenry, IL, 60051
(815) 344-4657 (800) 988-6374 , (815) 344-4831

Subscribed and Sworn to before me,
June 4, 2012,



Notary Public, State of Illinois
My Commission Expires:



Our Job Serial Number: 59136

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

FILED

JUN 13 2012

CALENDINE M. KEFFE
CLERK OF CIRCUIT CLERK

APPEARANCE

We hereby enter our Appearance for the Defendants, CAROLINE MCGUIRE and BILL
MCGUIRE, in the above-entitled cause.

CAROLINE MCGUIRE and BILL MCGUIRE,
Defendants,

By CICERO, FRANCE, BARCH & ALEXANDER, P.C.,
their Attorneys

Ronald A. Barch

By

RONALD A. BARCH (6209572)

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon:

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on June 12, 2012.

Ronald A. Buel

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

sums

SUMMONS - 30 DAY
IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

FILED
JUN 18 2012
KATHERINE M. KEEFE
CLERK OF THE CIRCUIT COURT

(Name all parties)

PAUL DULBERG,

Plaintiff(s)

vs.

DAVID GAGNON, Individually, and as

Agent of CAROLINE MCGUIRE and BILL

MCGUIRE, and CAROLINE MCGUIRE and

Defendant(s)

BILL MCGUIRE, Individually

Case Number

12LA178

Amount Claimed \$ 50,000.00+

Please Serve:

David Gagnon

39010 90th Plaza

Powers Lake, WI 53159

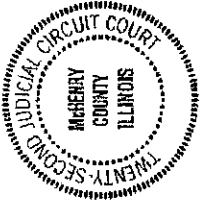
SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance, in the office of the Clerk of this court. McHenry County Government Center, 2200 N. Seminary Avenue, Woodstock, Illinois, 60098, within 30 days after service of this summons, not counting the day of service. **IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.**

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.



WITNESS

MAY 15 2012
Katherine M. Keefe 20

Clerk of the Circuit Court

Plaintiff's attorney or plaintiff if he is not represented by an attorney

Name **Law Offices of Thomas J Popovich**

Prepared by **Hans A. Mast**

Attorney for Plaintiff

Attorney for Plaintiff

Address **3416 W. Elm Street**

Attorney Registration No. **06203684**

City, State Zip **McHenry, IL 60050**

Telephone **815-344-3797**

AFFIDAVIT OF SERVICE

STATE OF ILLINOIS
In the
Circuit Court of the 22nd Judicial Circuit, McHenry County, Illinois
Paul Dulberg vs David Gagnon
CASE NO: 12LA178

On Thursday, June 14, 2012, at 4:26 PM, I served the within described Summons Together With A Copy Of The Complaint In This Action in the manner described below;

I served the within named David Gagnon by leaving a true copy of the Summons Together With A Copy Of The Complaint In This Action at the usual place of abode of the defendant with Pam Gagnon, wife a co-resident.

Said service was effected at 39010 90th Pl, Powers Lake, WI 53159 David Gagnon's last and usual abode.

Pam Gagnon is a White Female approximately 40 years of age, 5' 6" Tall and approximately 120-130 pounds with Blonde hair.

I know the person I served was Pam Gagnon, wife because she so stated it.

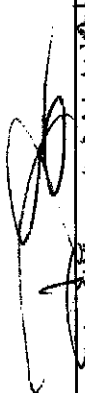
An additional copy of the within Summons Together With A Copy Of The Complaint In This Action was mailed to David Gagnon at the within service address (first class, postage prepaid).

I Mark R. Schneider, swear that I am an adult over the age of 18 years and I am not a party to the above entitled action. Furthermore, I am employed as a Private Detective under Illinois Licensed Agency number 117-000870.

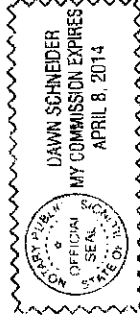

Mark R. Schneider, Licensed Private Detective

MDS INVESTIGATIONS, INC.
P.O. Box 309
McHenry, IL, 60051
(815) 344-4657 (800) 988-6374 , (815) 344-4831

Subscribed and Sworn to before me, June 15, 2012,


Notary Public, State of Wisconsin, ILLINOIS
My Commission Expires :

Our Job Serial Number: 59137



7105
IN THE CIRCUIT COURT FOR THE TWENTY-SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PAUL DULBERG,)

Plaintiff,)

vs.)

No. 12 LA 178

DAVID GAGNON, Individually, and as)

Agent of CAROLINE MCGUIRE and BILL)

McGUIRE and CAROLINE MCGUIRE)

and BILL MCGUIRE, Individually,)

)
Defendants.)

FILED
JUN 27 2012
KATHERINE M. KEENE
McHENRY CTY. CIR. CLK.

PROOF OF SERVICE

The undersigned, being first duly sworn on oath, deposes and states that on the 25th day of June, 2012, the following described documents were served by mailing true and correct copies thereof in an envelope, addressed as is shown below, that said envelope was sealed, that sufficient U.S. postage for first-class mail was placed thereon, and the same was deposited in the U.S. Mail in McHenry, Illinois, at or about the hour of 5:00 p.m.

DOCUMENT DESCRIPTION: PLAINTIFF'S REQUEST FOR PRODUCTION TO DEFENDANTS, BILL MCGUIRE AND CAROLINE MCGUIRE, PLAINTIFF'S INTERROGATORIES TO DEFENDANTS, BILL MCGUIRE AND CAROLINE MCGUIRE, RULE 237(b) NOTICE TO PRODUCE AT TRIAL AND/OR ARBITRATION TO DEFENDANTS, BILL MCGUIRE AND CAROLINE MCGUIRE AND NOTICE OF DEPOSITIONS OF DEFENDANTS

ADDRESSED TO: Ronald A. Barch

Cicero, France, Barch & Alexander, PC

6323 E. Riverside Blvd.

Rockford, IL 61114



HANS A. MAST, Attorney for Plaintiff

LAW OFFICES OF THOMAS J. POPOVICH

3416 West Elm Street

McHenry, IL 60050

815-344-3797

Attorney No. 6203684

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

FILED

JUL 11 2012

KATHERINE M. KEEFE
McHENRY CTY. CIR. CL.

PAUL DULBERG,

Plaintiff,

Case No. 12 LA 178

vs.

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

Defendants.

NOTICE OF SERVING DISCOVERY

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

PLEASE TAKE NOTICE that on July 10, 2012, the Defendants herein by their attorneys, Cicero, France, Barch & Alexander, PC, caused the following documents to be served upon the Plaintiff herein, by mailing copies of same to the attorneys of record for the Plaintiff, as indicated on the attached Certificate of Service:

1. Interrogatories to Plaintiff.
2. Request to Produce to Plaintiff.
3. Defendants' Supplemental Interrogatories to Plaintiff (Medicare).
4. HIPAA Records Release Authorization.

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon:

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 7/10/12.



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

FILED
JUL 11 2012

KATHLEEN M. KEEFE
BATHENY CT. CIL CLK

~~~~~

vs.

~~~~~

**ANSWER TO COMPLAINT -
DEFENDANT BILL MCGUIRE AND
DEFENDANT CAROLYN MCGUIRE**

ANSWER TO COUNT II

1. Defendants admit the allegations of paragraph one (1).
2. Defendants admit that on June 28, 2011, they owned and lived in a single family home located at 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois. Defendants neither admit nor deny the remaining allegations set forth in paragraph two (2) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.

3. Defendants deny the allegations of paragraph three (3).
4. Defendants deny the allegations of paragraph four (4).
5. Defendants admit that on June 28, 2011, Defendant David Gagnon was engaged in cutting, trimming and maintaining trees and brush on the premises at 1016 W. Elder

Avenue, in the City of McHenry, County of McHenry, Illinois. Defendants admit that David Gagnon was doing so at their request, with their authority and permission and for their benefit. Defendants deny the remaining allegations of paragraph five (5).

6. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. Defendants admit that they owned a chain saw on June 28, 2011. Defendants deny the remaining allegations of paragraph six (6).

7. Defendants deny the allegations of paragraph seven (7).

8. Defendants deny the allegations of paragraph eight (8).

9. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations set forth in paragraph nine (9). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.

10. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph ten (10). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.

11. Defendants deny the allegations of paragraph eleven (11).

12. Defendants deny the allegations of paragraph twelve (12).

13. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph thirteen (13). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.

14. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph fourteen (14). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.

15. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
16. Defendants admit that at all relevant times they owned and lived in the premises that are the subject of Plaintiff's Complaint. Defendants neither admit nor deny the remaining allegations set forth in paragraph sixteen (16) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
17. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
18. Defendants deny the allegations of paragraph eighteen (18).
19. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to whether Defendant David Dagnon was operating a chain saw with the assistance of Plaintiff Paul Dulberg. Defendants neither admit nor deny the remaining allegations set forth in paragraph nineteen (19) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
20. Defendants make no response to the allegations set forth in paragraph twenty (20) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
21. Defendants deny the allegations of paragraph twenty-one (21).
22. Defendants deny the allegations of paragraph twenty-two (22).

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, pray the court dismiss Count I of Plaintiff's Complaint and enter judgment for the Defendants for their costs of suit.

Defendants Hereby Demand A Trial By Jury

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

A handwritten signature in dark ink, appearing to read 'R. Barch', written over a horizontal line.

By

RONALD A. BARCH (6209572)

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

STATE OF ILLINOIS)
) SS
COUNTY OF WINNEBAGO)

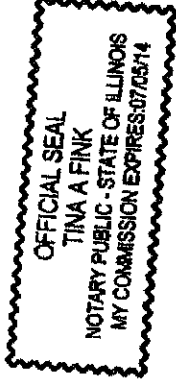
RONALD A. BARCH, being first duly sworn on oath, deposes and states that he is one of the attorneys for the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, that he has read the foregoing Answer signed by him; that the allegations as to insufficient knowledge are true to the best of his knowledge and belief.



RONALD A. BARCH

Subscribed and sworn to before
me on July 10, 2012.

Tina A. Fink
Notary Public



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon:

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 7/10/12.

RSZ

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

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

FILED

PAUL DULBERG,

Plaintiff,

vs.

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

Defendants.

JUL 11 2012

KATHERINE M. J. J.
McHENRY CTY. CLERK

Case No. 12 LA 178

DEMAND FOR JURY

The Defendants, BILL MCGUIRE and CAROLYN MCGUIRE (improperly named
Caroline), in the above-entitled cause, hereby demand a jury for the trial of said cause.

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,



By

RONALD A. BARCH (6209572)

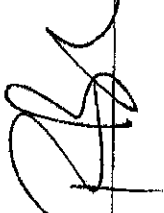
Cicero, France, Barch & Alexander, P.C.
6323 East Riverside Blvd.
Rockford, IL 61114
815/226-7700
815/226-7701 (fax)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was
served upon:

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 7/10/12.



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

**IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS**

DECLASSIFICATION

JUL 25 2012

KATHERINE M. KNEFE
MCHENRY CITY, CIR CLK

PAULO DULBERG
v
Case No. 12LA178

DAVID GAGNON, etc., et al.

ORDER OF RECUSAL OR ORDER FOR SUBSTITUTION OF JUDGE

Reason for Reassignment:

Motion for Substitution of Judge: _____ **by Right** _____ **for Cause** _____

~~X~~ Recusal/Judicial Conflict (Reason) Popovich firm

Other: _____

IT IS ORDERED: that the above entitled case is referred to the office of the Presiding Judge for reassignment.

Dated: July 25, 2012

ORDER OF REASSIGNMENT

This cause being referred to the office of the Chief Judge for random selection of a judge;

IT IS HEREBY ORDERED that pursuant to assignment by the office of the Chief Judge this cause is reassigned for _____

Status on August 8, 2012 at 9:00 a.m.

☒ Assigned to the Civil Division, Courtroom 20 (Judge Thomas A. Meyer
currently assigned to that division/courtroom).

Assigned to the Honorable

Case transferred to the Chief Judge for reassignment to a judge outside of McHenry County.

Dated: 7-25-12

Michael Sullivan
Chief Judge

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

Attorney Thomas Popovich
3416 W. Elm St.
McHenry, IL 60050

Proof of Service
The undersigned certifies that a copy of the
forgoing document was served upon all
parties of record by way of mail, fax or hand
delivery on: July 25, 2012.

delivery on: July 25 2012
Larry Huffman

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

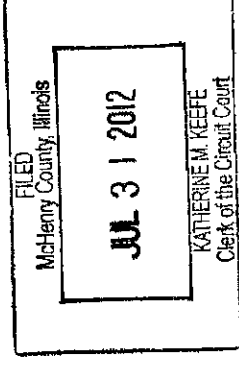
PAUL DULBERG,

Plaintiff,

vs.

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

No. 12 LA 178



NOTICE OF MOTION

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

On **July 31, 2012 at 9:00 a.m.**, or as soon thereafter as counsel may be heard, I shall appear before the **Honorable Michael T. Caldwell** or any judge sitting in his stead, in courtroom 204 in the Circuit Court of McHenry County in Woodstock, Illinois and shall then and there present **PLAINTIFF'S MOTION FOR PROTECTIVE ORDER**, a copy of which is hereby served upon you

AFFIDAVIT OF SERVICE

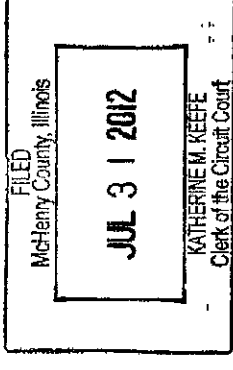
I certify that I served this Notice by mailing to whom it is directed at approximately 5:00 p.m. on July 24, 2012 in McHenry, IL and further that the statements set forth in this Affidavit of Service are true and correct.

Hans A. Mast, Attorney for Plaintiff

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

3416 West Elm Street
McHenry, IL 60050
815-344-3797
Attorney ID No. 30037

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



PAUL DULBERG,)

Plaintiff,)

vs.)

No. 12 LA 178

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

PLAINTIFF'S MOTION FOR PROTECTIVE ORDER

NOW COME the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW OFFICES OF THOMAS J. POPOVICH, P.C. and for his Motion for Protective Order to preserve and protect the "chain saw" involved in the underlying occurrence along with all parts and accessories and manual/paperwork, and states as follows:

1. This suit arises from injuries suffered by the Plaintiff, PAUL DULBERG, on June 28, 2011, when he was negligently struck by a "chain saw" operated by DAVID GAGNON while working on behalf and/or at the request of the Defendants, CAROLINE McGUIRE and BILL McGUIRE at their premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.
2. Plaintiff's counsel would like an opportunity to photograph and inspect the subject "chain saw" and any parts, accessories and manual/paperwork pertaining to the saw and moves that this court order the "saw and its parts and accessories and paperwork/manual be preserved and protected without destruction or loss until further order of this court."

WHEREFORE, the Plaintiff, PAUL DULBERG, respectfully moves this Court to enter a protective order against the Defendants, their agents, employees, staff and/or representatives and any others under it's control, and it's attorneys, to preserve and protect the chain saw and its parts and accessories and paperwork/manual, from any destruction, alterations, modifications, or other changes from its condition as presently exists, until further order of the court and to present the saw and its parts etc within 30 days hereof to the Plaintiff's counsel for inspection and photographing.

Respectfully Submitted:


Hans A. Mast, Attorney for Plaintiff

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

3416 W. Elm Street
McHenry, IL 60050
815/344-3797
ARDC. #06203684

IN THE CIRCUIT COURT OF THE 22nd JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

PAUL DULBERG)

)

v

Case No. 121LA178

DAVID GAGNON, et al.)

FILED

JUL 31 2012

CATHERINE M. HOFFE
McHENRY CTY. CIR. CLK.

ORDER OF RECUSAL OR ORDER FOR SUBSTITUTION OF JUDGE

Reason for Reassignment:

____ Motion for Substitution of Judge: ____ by Right ____ for Cause

☒ Recusal/Judicial Conflict (Reason) ____ *Popovich firm* ____

Other: ____

IT IS ORDERED: that the above entitled case is referred to the office of the Presiding Judge for reassignment.

Dated: July 31, 2012 *Michael J. Olszewski*
JUDGE

ORDER OF REASSIGNMENT

This cause being referred to the office of the Chief Judge for random selection of a judge;

IT IS HEREBY ORDERED that pursuant to assignment by the office of the Presiding Chief this cause is reassigned for ____

X Assigned to the Civil Division, Courtroom 201 (Judge Thomas A. Meyer
currently assigned to that division/courtroom).

____ Assigned to the Honorable ____

Case transferred to the Chief Judge for reassignment to a judge outside of McHenry
County. *Michael Sullivan*

Dated: 7-31-12

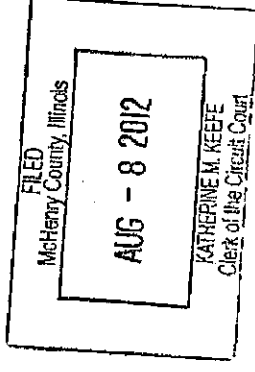
Chief Judge

Proof of Service

The undersigned certifies that a copy of the
forgoing document was served upon all
parties of record by way of mail, fax or hand
delivery on: ____ 20 ____

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

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



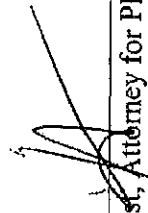
RE-NOTICE OF MOTION

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

On **August 8, 2012 at 9:00 a.m.**, or as soon thereafter as counsel may be heard, I shall appear before the **Honorable Thomas A. Meyer** or any judge sitting in his stead, in courtroom 201 in the Circuit Court of McHenry County in Woodstock, Illinois and shall then and there present **PLAINTIFF'S MOTION FOR PROTECTIVE ORDER**, a copy of which is hereby served upon you

AFFIDAVIT OF SERVICE

I certify that I served this Notice by mailing to whom it is directed at approximately 5:00 p.m. on August 1, 2012 in McHenry, IL and further that the statements set forth in this Affidavit of Service are true and correct.


Hans A. Mast, Attorney for Plaintiff

LAW OFFICES OF THOMAS J. POPOVICH, P.C.
3416 West Elm Street
McHenry, IL 60050
815-344-3797
Attorney ID No. 30037

P.2
#9

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT

MCHENRY COUNTY, ILLINOIS

Mchenry County, Illinois

Plaintiff

Dulberg

VS

Defendant

Cagner

AUG - 8 2012

KATHERINE M. KEEFE
Clerk of the Circuit Court

Case Number

12 LA 178

Circuit Clerk Use Only
ORD
ORDJ
ORDDWP

ORDER

- ☒ Plaintiff(s) appear in person/by attorney T. Freeman Popovich
☐ Defendant(s) appear in person/by attorney Ron Barch
☐ Summons not served; alias summons to issue; return date _____, 20____
☐ Summons has been properly served on Defendant(s) _____
☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ for a total of \$ _____ plus court costs.
☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus court costs.
☐ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
☐ Case set for ☐ trial ☐ arbitration on _____, 20____ at _____ m. in Courtroom _____
☐ Defendant(s) shall file an Appearance within _____ days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.

- ☐ Defendant(s) shall file an answer or other pleading within _____ days of today's date.
☒ This case is continued on Motion of ☐ Plaintiff, ☐ Defendant; ☐ By Agreement; ☒ Court; to 9-18, 2012 at 9:00 a.m. for Status.
☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.
☐ Case dismissed with/without prejudice on Plaintiff's motion.
☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ _____ plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).
☒ COURT FURTHER ORDERS: Plaintiff's Motion for Protective Order is granted as set forth in Plaintiff's Motion.

Date: _____

Katherine M. Keefe
Judge

pros

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

FILED

AUG 08 2012

KATHENINE M. KEEFE
McHENRY CTY. CIR. CLK.

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

NOTICE OF SERVING DISCOVERY

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

PLEASE TAKE NOTICE that on August 6, 2012, the Defendants herein by their attorneys, Cicero, France, Barch & Alexander, PC, caused the following documents to be served upon the Plaintiff herein, by mailing copies of same to the attorneys of record for the Plaintiff, as indicated on the attached Certificate of Service:

1. Answers to Plaintiff's Written Interrogatories by Bill McGuire and Carolyn McGuire.
2. Response to Plaintiff's Production by Bill McGuire and Carolyn McGuire.

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By  _____
RONALD A. BARCH (6209572)

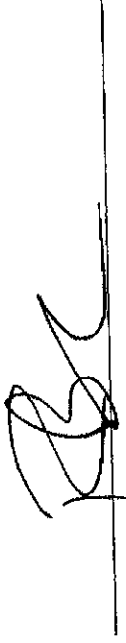
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was

served upon:

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 8/6/12.



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

NOTED

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

FILED
SEP - 5 2012
KATHERINE M. KUEFE
MCHENRY CTY. CIR. CLK.

PAUL DULBERG,)
Plaintiff,) Case No. 12 LA 178

vs.)

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

NOTICE OF DEPOSITIONS
(for Records Only)

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

YOU ARE HEREBY NOTIFIED that on September 19, 2012, at 9:00 A.M. at 6323 East Riverside Blvd., Rockford, IL 61114, the depositions of the Medical Records Custodians of MidAmerica Orthopaedics, 755 South Milwaukee Avenue, Libertyville, IL 60048-3266; MidAmerica Hand to Shoulder Clinic, 1419 Peterson Road, Libertyville, IL 60048; Associated Neurology, S.C., 1900 Hollister Drive, Suite 250, Libertyville, IL 60048; Centegra Northern Illinois Medical Center, 4201 Medical Center Drive, McHenry, IL 60050; and Dr. Frank Sek, 4606 West Elm Street, McHenry, IL 60050, will be taken for discovery in this case.

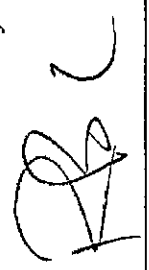
THERE WILL BE NO INTERROGATION OF THE DEPONENT.


RONALD A. BARCH (6209572)

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

CERTIFICATE OF SERVICE

I certify that on September 4, 2012, I served this notice by mailing a copy to each person to whom it is directed.



Supp

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

PAUL DULBERG,
Plaintiff,

)
) Case No. 12 LA 178
)
)
)
)

FILED
SEP - 5 2012

vs.

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

SUBPOENA FOR DEPOSITION
(for Records Only)

KATHERINE M. KEEFE
McHENRY CITY, CIR. CLK.

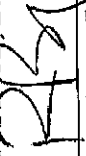
TO: Release of Information/Medical Records Custodian
c/o Associated Neurology, S.C.
1900 Hollister Drive, Suite 250
Libertyville, IL 60048

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)

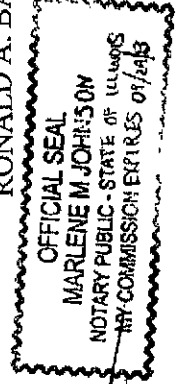
CICERO, FRANCE, BARCH & ALEXANDER, PC.
BY: 
RONALD A. BARCH (6209572)

I served the subpoena by mailing a copy to the Medical Records Custodian c/o Associated
Neurology, S.C. on September 4, 2012. I paid the witness \$20.00 for witness fees.

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


(Notary Public)

RONALD A. BARCH



supb

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

FILED
SEP - 5 2012

KATHERINE M. KEENE
McHENRY CITY CIR CLK.

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.)

SUBPOENA FOR DEPOSITION
(for Records Only)

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

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

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

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

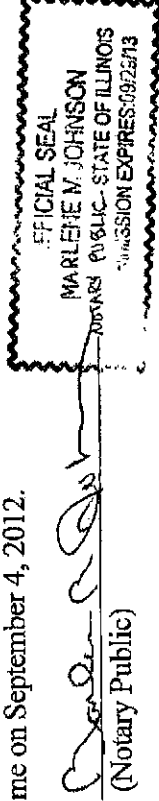
ATTORNEY RONALD A. BARCH
6323 East Riverside Blvd.
Rockford, IL 61114
815/226-7700 815/226-7701 (fax)

CICERO, FRANCE, BARCH & ALEXANDER, PC.
BY: 
RONALD A. BARCH (6209572)

I served the subpoena by mailing a copy to the Medical Records Custodian c/o Centegra
Northern Illinois Medical Center on September 4, 2012. I paid the witness \$20.00 for witness fees.

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

RONALD A. BARCH



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

FILED
SEP - 5 2012
KATHERINE M. KEENE
MCHENRY CITY, CIR. CLK.

PAUL DULBERG,)
Plaintiff,) Case No. 12 LA 178

vs.)

DAVID GAGNON, Individually, and as)
Agent of CAROLINE MCGUIRE and BILL)
MCGUIRE, and CAROLINE MCGUIRE) **SUBPOENA FOR DEPOSITION**
and BILL MCGUIRE, Individually,) **(for Records Only)**
Defendants.)

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

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

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

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

ATTORNEY RONALD A. BARCH CICERO, FRANCE BARCH & ALEXANDER, PC.
6323 East Riverside Blvd.
Rockford, IL 61114
815/226-7700 815/226-7701 (fax) BY: RAB
RONALD A. BARCH (6209572)

I served the subpoena by mailing a copy to the Medical Records Custodian c/o Dr. Frank Sek on September 4, 2012. I paid the witness \$20.00 for witness fees.

Signed and sworn to before me on September 4, 2012. RAB
RONALD A. BARCH

Marlene M. Johnson
(Notary Public)
JAL SEAL
MARLENE M. JOHNSON
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 09/28/13

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

FILED

SEP - 5 2012

KATHERINE M. KEEFE
MCHENRY CITY CIR CLK

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.)

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.

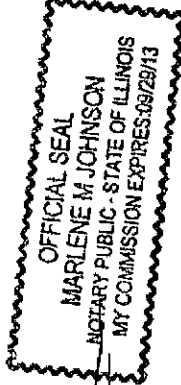
**YOUR APPEARANCE IS NOT MANDATORY IF SAID DOCUMENTS ARE
PROVIDED TO ATTORNEY RONALD A. BARCH ON OR BEFORE SEPTEMBER 18,
2012, AT 5:00 P.M. YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA
WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**

ATTORNEY RONALD A. BARCH CICERO, FRANCE BARCH & ALEXANDER, PC.
6323 East Riverside Blvd.
Rockford, IL 61114
815/226-7700 815/226-7701 (fax)
BY: RB RONALD A. BARCH (6209572)

I served the subpoena by mailing a copy to the Medical Records Custodian c/o Mid America
Hand to Shoulder Clinic on September 4, 2012. I paid the witness fee of \$29.00 for witness fees.

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

RONALD A. BARCH



Marlene M. Johnson
(Notary Public)

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

FILED

SEP - 5 2012

KATHERINE M. KEEFE
McHENRY CITY CIR CLK

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.)

SUBPOENA FOR DEPOSITION
(for Records Only)

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

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

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

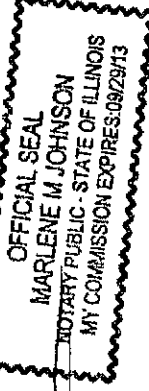
**YOUR APPEARANCE IS NOT MANDATORY IF SAID DOCUMENTS ARE
PROVIDED TO ATTORNEY RONALD A. BARCH ON OR BEFORE SEPTEMBER 18,
2012, AT 5:00 P.M. YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA
WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**

ATTORNEY RONALD A. BARCH CICERO, FRANCE BARCH & ALEXANDER, PC.
6323 East Riverside Blvd.
Rockford, IL 61114
815/226-7700 815/226-7701 (fax)
BY: RAB RONALD A. BARCH (6209572)

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

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

RONALD A. BARCH



Marlene M. Johnson
(Notary Public)

PRP

0245281968.1/SKO/ACCARDO/mr

STATE OF ILLINOIS)
COUNTY OF MCHENRY) SS
)

FILED
SEP 05 2012
KATHLEEN M. CROOK, CLERK
MCHENRY COUNTY, ILL.

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL DISTRICT
MCHENRY COUNTY, ILLINOIS

PAUL DULBERG,
Plaintiff(s),
vs.
DAVID GAGNON, Individually, and as
Agent of CAROLINE MCGUIRE and
BILL MCGUIRE, and CAROLINE
MCGUIRE and BILL MCGUIRE,
Individually,
Defendant(s).

CASE NO.: 12 LA 178

AMOUNT CLAIMED: \$50,000

APPEARANCE

PLEASE TAKE NOTICE that the undersigned hereby appears as counsel for
Defendant(s), DAVID GAGNON, in the above entitled cause.

I certify that a copy of the within instrument was served on all parties who have appeared
and have not heretofore been found by the Court to be in default for failure to plead.

LAW OFFICE OF M. GERARD GREGOIRE
200 N LaSalle St Ste 2650
Chicago, IL 60601-7097
Telephone 312-558-9821

By: 
PERRY A. ACCARDO
Firm No.: 46878
Attorney Bar No.: 6228720
Attorney for Defendant(s):
David Gagnon

STATE OF ILLINOIS)

) SS

COUNTY OF MCHENRY)

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

FILED

SEP 05 2012

PAUL DULBERG,

Plaintiff(s),

vs.

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

Defendant(s).

CASE NO. 12 LA 178

AMOUNT CLAIMED: \$50,000

KATHERINE M. KELLER
McHENRY CTY. CIR. CLK.

**JURY DEMAND
12 PERSON JURY**

The Defendant(s), DAVID GAGNON, demand(s) a trial by jury.

LAW OFFICE OF M. GERARD GREGOIRE

By:

PERRY A. ACCARDO

Firm No.: 46878

Attorney Bar No.: 6228720

Attorney for Defendant(s):

David Gagnon

LAW OFFICE OF M. GERARD GREGOIRE
200 N LaSalle St Ste 2650
Chicago, IL 60601-1092
Telephone: 312-558-9821

STATE OF ILLINOIS)
COUNTY OF MCHENRY) SS
)

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

FILED
SEP 05 2012
KATHLEEN M. KEE
MCHENRY CTY. CLK.

PAUL DULBERG,

Plaintiff(s),

CASE NO. 12LA000178

vs.

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

Defendant(s).

ANSWER TO COMPLAINT

Defendant(s), DAVID GAGNON, by and through the undersigned counsel, answer(s) the
Complaint as follows:

Defendant(s) deny/denies the allegation(s) in all paragraphs unless otherwise specifically
admitted.

COUNT I.

1. Defendant admits each and every allegation as set forth in paragraph one.
2. Defendant admits each and every allegation as set forth in paragraph two.
3. Defendant denies each and every allegation as set forth in paragraph three.
4. Defendant denies each and every allegation as set forth in paragraph four.
5. Defendant admits each and every allegation as set forth in paragraph five.
6. Defendant admits each and every allegation as set forth in paragraph six.
7. Defendant admits each and every allegation as set forth in paragraph seven.
8. Defendant admits each and every allegation as set forth in paragraph eight.
9. Defendant admits asking Plaintiff to assist in trimming a tree/branch.
10. Defendant admits contact between the chainsaw and the Plaintiff.
11. Defendant denies each and every allegation as set forth in paragraph eleven.
12. Defendant admits to his legally mandated duty to the Plaintiff under Illinois Law
but herein denies committing any breach whatsoever of said duty to the Plaintiff.

13. Defendant denies each and every allegation as set forth in paragraph thirteen. Further answering, Defendant denies remaining allegations as set forth in sub-paragraphs (a) through (e).

14. Defendant denies each and every allegation as set forth in paragraph fourteen.

15. Defendant denies each and every allegation as set forth in paragraph fifteen.

COUNT II.

Defendant makes no answer to the allegations set forth in Count II. of the Plaintiff's Complaint at Law as the allegations contained therein are not directed against this Defendant.

WHEREFORE, Defendant(s) pray(s) for judgment and costs in this lawsuit.

AFFIRMATIVE DEFENSE

Defendant(s) DAVID GAGNON, by and through the undersigned counsel, and pursuant to 735 ILCS 5/2-613d, as an Affirmative Defense state(s) and allege(s) as follows:

1. That before and at the time of the occurrence it was the duty of the Plaintiff to use ordinary care for the safety of the Plaintiff(s).
2. That the negligence of the Plaintiff was the proximate cause of the occurrence and the injuries or damages alleged.
3. That the Plaintiff was guilty of one or more of the following negligent acts or omissions which were the proximate cause of the injuries or damages alleged:
 - a) Failed to use caution while assisting Defendant trimming a tree and branches.
 - b) Failed to proceed with caution when Plaintiff knew or should have known that a danger;
 - c) Was inattentive and unobservant to surrounding conditions while assisting with the trimming of the branches/trees;
 - d) Was otherwise careless and negligent as will be demonstrated by evidence at trial.
4. That the negligence of the Plaintiff exceeded 50% of the proximate cause of the alleged injuries and, therefore, pursuant to 735 ILCS 5/2-1116, the Plaintiff is barred from recovery.
5. Pleading in the alternative, the negligence of the Plaintiff contributed in whole or in part to the injury of which Plaintiff complains.

WHEREFORE, Defendant(s) pray(s) that the Complaint at Law be dismissed should the finder of fact determine that the negligence of the Plaintiff exceeded 50% of the proximate cause of the alleged injuries of the Plaintiff; or, in the alternative, that any judgment entered in favor of the Plaintiff and against the Defendants(s), DAVID GAGNON, be reduced in proportion to the percentage of fault attributed by the trier of fact to the negligence acts and omissions of the Plaintiff.


PERRY A. ACCARDO
ATTORNEY AT LAW

I HEREBY CERTIFY that on September 5, 2012, a true and correct copy of the foregoing Answer and Affirmative Defenses filed with the Clerk of the Circuit Court of McHenry County and mailed to:

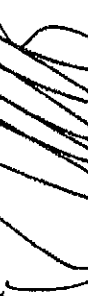
Hans A. Mast
Law Offices of Thomas J. Popovich, P.C.
3416 W Elm St
McHenry IL 60050

Attorney for Plaintiff(s) Paul Dulberg

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

Attorney for Co-Defendants, Caroline and Bill McGuire

LAW OFFICE OF M. GERARD GREGOIRE
200 N LaSalle St Ste 2650
Chicago, IL 60601-1692
Telephone: 312-558-9821

By: 
PERRY A. ACCARDO

Firm No.: 46878
Attorney Bar No.: 6228720
Attorney for Defendant(s):
David Gagnon

131#3

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

Paul Dalbey
Plaintiff

Circuit Clerk Use Only	
☒	ORD
☐	ORDJ
☐	ORDDWP

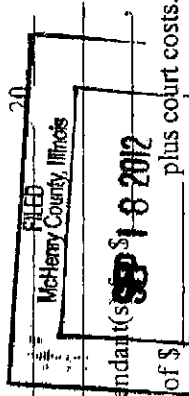
David Gagon et al
Defendant

vs

Case Number 14 CA 178

ORDER

- ☒ Plaintiff(s) appear in person/by attorney R. Lumber-Law of T. Roney
- ☒ Defendant(s) appear in person/by attorney _____
- ☐ Summons not served; alias summons to issue; return date _____
- ☐ Summons has been properly served on Defendant(s) _____
- ☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) _____ plus interest of \$ _____ for a total of \$ _____ plus court costs.
- ☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____, plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.



- ☐ Case set for ☐ trial ☐ arbitration on _____, 20____ at _____ m. in Courtroom _____
- ☐ Defendant(s) shall file an Appearance within _____ days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.

- ☐ Defendant(s) shall file an answer or other pleading within _____ days of today's date.
- ☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☒ By Agreement; ☐ Court; to Nov 28, 2012 at 9:00 A.M. for Stefan - Roney.
- ☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.
- ☐ Case dismissed with/without prejudice on Plaintiff's motion.
- ☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ _____ plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).
- ☐ COURT FURTHER ORDERS: _____

Date: _____
Thomas J. P.
Judge

NOTE

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

PAUL DULBERG,)

Plaintiff,)

vs.)

No. 12 LA 178

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

Defendants.)

FILED

OCT - 1 2012

KATHERINE M. KEEFE
MCHEHRY CTY. CLERK

NOTICE OF FILING

TO: Ronald A. Barch

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

Perry Accardo

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

YOU ARE HEREBY NOTIFIED that on September 27, 2012, or soon thereafter, there was filed with the Clerk of the Circuit Court of McHenry County, 2200 N. Seminary Avenue, Woodstock, Illinois, **PLAINTIFF'S REPLY TO DEFENDANT, DAVID GAGNON'S AFFIRMATIVE DEFENSE**, a copy of which is attached hereto.

CERTIFICATE OF SERVICE

I certify that I served this Notice by mailing a copy to whom it is directed at the address above indicated by depositing it in the U.S. Mail in McHenry, Illinois before 5:00 p.m. on September 29, 2012.


HANS A. MAST, Attorney For Plaintiff

LAW OFFICES OF THOMAS J. POPOVICH

3416 West Elm Street
McHenry, Illinois 60050
(815) 344-3798
Attorney No. 6203684

REAR

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

PAUL DULBERG,)

Plaintiff,)

vs.)

No. 12 LA 178)

DAVID GAGNON, Individually, and as)
Agent of CAROLINE McGUIRE and BILL)
McGUIRE and CAROLINE McGUIRE)
and BILL McGUIRE, Individually,)

Defendants.)

FILED

OCT - 1 2012

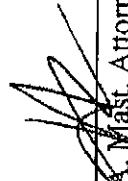
KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

**PLAINTIFF'S REPLY TO DEFENDANT,
DAVID GAGNON'S AFFIRMATIVE DEFENSE**

NOW COMES, the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW OFFICES OF THOMAS J. POPOVICH, P.C., and for her reply to Defendant, David Gagnon's Affirmative Defense, states as follows:

1. Plaintiff denies each and every allegation contained in the affirmative defense of Defendant, David Gagnon.

WHEREFORE, the Plaintiff, PAUL DULBERG, moves for judgment in his favor and against the Defendant, David Gagnon plus costs.


Hans A. Mast, Attorney for Plaintiff

LAW OFFICES OF THOMAS J. POPOVICH, P.C.
3416 West Elm Street
McHenry, Illinois 60050
(815) 344-3797
Attorney No. 6203684

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

FILED

OCT - 1 2012

KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

Case No. 12 LA 178

NOTICE OF SERVING DISCOVERY

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

PLEASE TAKE NOTICE that on September 27, 2012, Defendant Bill McGuire and Carolyn McGuire by their attorneys, Cicero, France, Barch & Alexander, PC, caused the following documents to be served upon the Defendant David Gagnon, by mailing copies of same to his attorney and other counsel of record, as indicated on the attached Certificate of Service:

1. Interrogatories to Co-Defendant Gagnon.
2. Request to Produce to Co-Defendant Gagnon.

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was

served upon:

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

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 9/27/12.



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

Pros

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

PAUL DULBERG,)

Plaintiff,)

vs.)

No. 12 LA 178

DAVID GAGNON, Individually, and as)
Agent of CAROLINE McGUIRE and BILL)
McGUIRE and CAROLINE McGUIRE)
and BILL McGUIRE, Individually,)

Defendants.)

FILED

OCT - 3 2012

S.M. KEEFE
CLERK

FILED

OCT - 3 2012

KATHERINE M. KEEFE
McHENRY CTY. CLERK

PROOF OF SERVICE

The undersigned, being first duly sworn on oath, deposes and states that on the 2nd day of **October, 2012**, the following described documents were served by mailing true and correct copies thereof in an envelope, addressed as is shown below, that said envelope was sealed, that sufficient U.S. postage for first-class mail was placed thereon, and the same was deposited in the U.S. Mail in McHenry, Illinois, at or about the hour of 5:00 p.m.

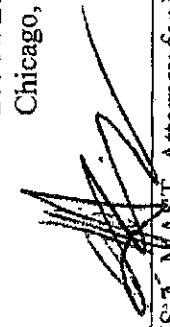
DOCUMENT DESCRIPTION: PLAINTIFF'S REQUEST FOR PRODUCTION TO DEFENDANT, DAVID GAGNON, PLAINTIFF'S INTERROGATORIES TO DEFENDANT, DAVID GAGNON, RULE 237(b) NOTICE TO PRODUCE AT TRIAL AND/OR ARBITRATION TO DEFENDANT, DAVID GAGNON AND NOTICE OF DEPOSITION OF DEFENDANT, DAVID GAGNON

ADDRESSED TO: Ronald A. Barch

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

Perry Accardo

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


HANS A. MAST, Attorney for Plaintiff

LAW OFFICES OF THOMAS J. POPOVICH

3416 West Elm Street
McHenry, IL 60050
815-344-3797
Attorney No. 6203684

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

FILED

OCT 04 2012

KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

PAUL DULBERG,)
Plaintiff,) Case No. 12 LA 178

vs.)

DAVID GAGNON, Individually, and as)
Agent of CAROLINE MCGUIRE and BILL)
MCGUIRE, and CAROLINE MCGUIRE)
and BILL MCGUIRE, Individually,)
Defendants.)
NOTICE OF DEPOSITION
(for Records Only)

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

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

YOU ARE HEREBY NOTIFIED that on October 18, 2012, at 9:00 A.M. at 6323 East Riverside Blvd., Rockford, IL 61114, the deposition of the Personnel Records Keeper of **AMS SCREW PRODUCTS**, whose address is 2418 Highview, Spring Grove, IL 60081, will be taken for discovery in this case.

THERE WILL BE NO INTERROGATION OF THE DEPONENT.

Ronald A. Barch

RONALD A. BARCH (6209572)

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

CERTIFICATE OF SERVICE

I certify that on October 3, 2012, I served this notice by mailing a copy to each person to whom it is directed.

Ronald A. Barch

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

FILED

OCT 04 2012

KATHERINE M. KEEFE
McHENRY CITY CLERK

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.) **SUBPOENA FOR DEPOSITION**
(for Records Only)

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

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

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

**YOUR APPEARANCE IS NOT MANDATORY IF SAID DOCUMENTS ARE
PROVIDED TO ATTORNEY RONALD A. BARCH ON OR BEFORE OCTOBER 17, 2012,
AT 5:00 P.M. YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL
SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**

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

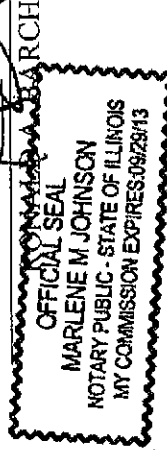
CICERO, FRANCIS, BARCH & ALEXANDER, P.C.

BY: 
RONALD A. BARCH (6209572)

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

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


(Notary Public)



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.

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

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

On December 27, 2012, at 1:30 p.m., at the Law Offices of Thomas J. Popovich, 3416 West Elm Street, McHenry, Illinois, the discovery deposition of **PAUL DULBERG** will be taken before a certified court reporter on oral interrogatories for discovery in this case.

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

RONALD A. BARCH (6209572)

CERTIFICATE OF SERVICE

I certify that on November 20, 2012, I served this notice by mailing a copy to each person to whom it is directed.

cc: Deb Fisher Reporting

depnot:plf (mj)

FILED

NOV 26 2012

KATHERINE M. KEEFE
McHENRY CITY CIR. CLK.

NOTICE OF
DISCOVERY DEPOSITION

14-2 #11

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT

McHENRY COUNTY, ILLINOIS

Rachel DeLong
Plaintiff

Circuit Clerk Use Only
ORD
ORDJ
ORDDWP

vs
David Gagne et al
Defendant

Case Number 12 LA 178

ORDER

- ☒ Plaintiff(s) appear in person/by attorney R. Lambert-Rapch
- ☐ Defendant(s) appear in person/by attorney
- ☐ Summons not served; alias summons to issue; return date
- ☐ Summons has been properly served on Defendant(s)
- ☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ 0 plus interest of \$ 0 plus attorney fees of \$ 0 for a total of 0 of the Circuit Court plus court costs.
- ☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ 0 plus interest of \$ 0 plus court costs.
- ☐ Case set for ☐ trial ☐ arbitration on 11/30, 2012 at 9:00 a.m. in Courtroom
- ☐ Defendant(s) shall file an Appearance within 10 days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

FILED
McHenry County, Illinois
NOV 28 2012
KATHERINE M. KEEFE
Clerk of the Circuit Court

NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.

- ☐ Defendant(s) shall file an answer or other pleading within 10 days of today's date.
- ☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☒ By Agreement; ☐ Court; to 1/30, 2013 at 9:00 a.m. for status of discovery
- ☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute. Plam 201
- ☐ Case dismissed with/without prejudice on Plaintiff's motion.
- ☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ 0 plus interest of \$ 0 plus attorney fees of \$ 0 for a total of \$ 0 plus court costs.
- ☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).
- ☒ COURT FURTHER ORDERS: All Motion Discovery shall be completed by 1/30/13

Date: [Signature]
Judge

NOTAM

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

FILED
JAN 17 2013
KATHLEEN M. KEEFE
McHENRY CTY. CLERK

PAUL DULBERG,

Plaintiff,

vs.

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

Defendants.

**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.

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


RONALD A. BARCH (6209572)

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

depnof2.plf (mj)



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was

served upon:

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

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/25/13.

RBH

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

NOTED

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

FILED

PAUL DULBERG,)

)

Plaintiff,)

)

Case No. 12 LA 178

JAN 28 2013

KATHERINE M. KEEFE
McHENRY CITY, ILL. CLERK

vs.)

)

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

Defendants.)

)

**McGUIRE DEFENDANTS' MOTION FOR LEAVE TO FILE
CROSS-CLAIM FOR CONTRIBUTION**

Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, hereby moves the Court for an Order granting them leave to file a cross-claim for contribution against Defendant David Gagnon. In support of their Motion, the movants further state as follows:

1. On May 15, 2012, Plaintiff PAUL DULBERG filed a two count complaint over injuries he attributes to a chainsaw accident that occurred on June 28, 2011.
2. Defendants Bill McGuire and Carolyn McGuire owned the residential property upon which the chainsaw accident purportedly occurred. However, neither defendant witnessed the occurrence set forth in Plaintiff's Complaint.
3. On January 24, 2013, Plaintiff Paul Dulberg submitted for a discovery deposition.
4. Based upon the deposition testimony of Plaintiff Paul Dulberg, the movants reasonably believe Defendant David Gagnon was guilty of negligence in connection with the occurrence set forth in Plaintiff's complaint.

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, pray that the Court enter an Order granting them leave to file a cross-claim for contribution against Defendant

David Gagnon. A copy of the proposed Cross-Claim for Contribution is attached to this motion as Exhibit A.

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

A handwritten signature in dark ink, appearing to read 'RBA', is written over a horizontal line.

By _____
RONALD A. BARCH (6209572)

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon:

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

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/25/13.



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

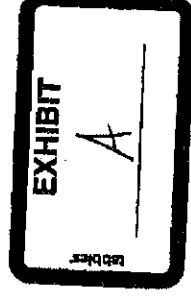
STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
COUNTY OF McHENRY

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.	)	

**CROSS-CLAIM FOR CONTRIBUTION AGAINST
CO-DEFENDANT DAVID GAGNON**

The Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their cross-claim for counterclaim for contribution against Defendant David Gagnon, state as follows:

1. Plaintiff PAUL DULBERG has filed a two-count complaint against Defendants David Gagnon, Bill McGuire and Carolyn McGuire seeking damages for injuries he attributes to a chainsaw incident that purportedly occurred on June 28, 2011 in the County of McHenry, State of Illinois.
2. The chainsaw incident set forth in Plaintiff's Complaint purportedly occurred on a residential parcel owned by Defendants Bill McGuire and Carolyn McGuire.
3. Defendants Bill McGuire and Carolyn McGuire were not present in the vicinity of the chainsaw incident when it occurred.
4. At the time of the alleged chainsaw incident, Plaintiff PAUL DULBERG was assisting Defendant David Gagnon as Defendant Gagnon was cutting and trimming trees and branches with a chainsaw.
5. At said time and place, Defendant David Gagnon owed a duty to exercise reasonable care at all times to avoid causing injury and property damages to others.



6. On the date and in the location set forth in Plaintiff's Complaint, the chainsaw being then and there operated by Defendant David Gagnon made contact with the right arm of Plaintiff PAUL DULBERG.

7. At the time and place alleged, notwithstanding his aforementioned duty, Defendant David Gagnon was then and there guilty of one or more of the following negligent acts and/or omissions:

- a. Caused or permitted a chainsaw to make contact with Plaintiff's right arm;
- b. Failed to operate said chainsaw in a safe and reasonable manner so as to avoid injuring Plaintiff's right arm;
- c. Failed to maintain a reasonable and safe distance between the chainsaw he was operating and Plaintiff's right arm;
- d. Failed to properly instruct Plaintiff prior to approaching him with an operating chainsaw;
- e. Failed to properly warn Plaintiff prior to approaching him with an operating chainsaw;
- f. Failed to maintain the chainsaw in the idle or off position when he knew or should have known that Plaintiff was close enough to sustain injury from direct contact with the subject chainsaw;
- g. Failed to maintain a proper lookout for Plaintiff while operating the subject chainsaw;
- h. Failed to maintain proper control over an operating chainsaw;
- i. Was otherwise negligent in the operation and control of the subject chainsaw.

8. That the injuries alleged by Plaintiff PAUL DULBERG, if any, were the direct and proximate result of negligence on the part of Defendant David Gagnon.

9. By virtue of those aforesaid actions, Defendant David Gagnon is a joint tortfeasor within the meaning of the Illinois Contribution Among Joint Tortfeasors Act (740 ILCS 100/0.01, et seq.) which was in full force and effect on the date of the occurrence and, as such, the State of

Illinois recognizes the right of contribution among joint tortfeasors.

9. Should the Defendants Bill McGuire and Carolyn McGuire be found liable for the injuries to Plaintiff PAUL DULBERG, Defendants Bill McGuire and Carolyn McGuire are entitled to contribution from Defendant David Gagnon for that portion of the total recoveries, if any, by Plaintiff PAUL DULBERG that the Defendants Bill McGuire and Carolyn McGuire are required to pay in excess of their pro rata share of the liability pursuant to the aforesaid Illinois Contribution Among Joint Tortfeasors Act.

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, demand judgment in their favor and against Defendant David Gagnon for any and all sums for which Defendants BILL MCGUIRE and CAROLYN MCGUIRE may be held liable to Plaintiff PAUL DULBERG, in excess of their pro rata share.

Defendants Hereby Demands A Trial By Jury

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By  _____
RONALD A. BARCH (6209572)

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon:

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

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 11/25/13.

RA

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

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Attorney Hans A. Mast
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McHenry, IL 60050

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RB

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

MOTLEF

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

FILED

JAN 28 2013

KATHERINE M. GEESE
JANUARY 28, 2013

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

MCGUIRE DEFENDANTS' MOTION FOR LEAVE TO FILE
AMENDED ANSWER AND AFFIRMATIVE DEFENSE

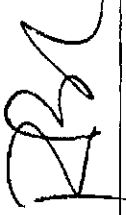
Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, hereby moves the Court for an Order granting them leave to file an amended answer and affirmative defense to Count I of Plaintiff's complaint. In support of their Motion, the movants further state as follows:

1. On May 15, 2012, Plaintiff PAUL DULBERG filed a two count complaint over injuries he attributes to a chainsaw accident that occurred on June 28, 2011.
2. Defendants Bill McGuire and Carolyn McGuire owned the residential property upon which the chainsaw accident purportedly occurred. However, neither defendant witnessed the occurrence set forth in Plaintiff's Complaint.
3. On January 24, 2013, Plaintiff Paul Dulberg submitted for a discovery deposition.
4. Based upon the deposition testimony of Plaintiff Paul Dulberg, the movants reasonably believe Plaintiff Paul Dulberg was guilty of contributory negligence in connection with the occurrence set forth in his complaint.

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, pray that the Court enter an Order granting them leave to file an amended answer adding an affirmative defense

of comparative fault. A copy of the proposed Amended Answer and Affirmative Defense is attached to this motion as Exhibit A.

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,



By

RONALD A. BARCH (6209572)

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

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200 N. LaSalle St., Ste 2650
Chicago, IL 60601-1092

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/25/13.

RRS

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

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

PAUL DULBERG,)

Plaintiff,)

Case No. 12 LA 178

vs.)

AMENDED ANSWER AND
AFFIRMATIVE DEFENSE BY
DEFENDANTS BILL MCGUIRE
AND CAROLYN MCGUIRE

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

Defendants.)

DEFENDANTS' ANSWER

ANSWER TO COUNT I

Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, make no response to Count I of Plaintiff's Complaint inasmuch as said allegations are directed at a separate and distinct Defendant.

ANSWER TO COUNT II

Defendants, BILL MCGUIRE AND CAROLYN MCGUIRE (improperly named Caroline), by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their Answer to Count I of Plaintiff's Complaint, state as follows:

1. Defendants admit the allegations of paragraph one (1).
2. Defendants admit that on June 28, 2011, they owned and lived in a single family home located at 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois. Defendants neither admit nor deny the remaining allegations set forth in paragraph two (2) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
3. Defendants deny the allegations of paragraph three (3).
4. Defendants deny the allegations of paragraph four (4).

EXHIBIT

A

5. Defendants admit that on June 28, 2011, Defendant David Gagnon was engaged in cutting, trimming and maintaining trees and brush on the premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois. Defendants admit that David Gagnon was doing so at their request, with their authority and permission and for their benefit. Defendants deny the remaining allegations of paragraph five (5).
6. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. Defendants admit that they owned a chain saw on June 28, 2011. Defendants deny the remaining allegations of paragraph six (6).
7. Defendants deny the allegations of paragraph seven (7).
8. Defendants deny the allegations of paragraph eight (8).
9. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations set forth in paragraph nine (9). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
10. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph ten (10). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
11. Defendants deny the allegations of paragraph eleven (11).
12. Defendants deny the allegations of paragraph twelve (12).
13. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph thirteen (13). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
14. The answering Defendants were not present and therefore lack sufficient

information upon which to form a belief as to the truth of the allegations of paragraph fourteen (14). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.

15. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.

16. Defendants admit that at all relevant times they owned and lived in the premises that are the subject of Plaintiff's Complaint. Defendants neither admit nor deny the remaining allegations set forth in paragraph sixteen (16) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.

17. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.

18. Defendants deny the allegations of paragraph eighteen (18).

19. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to whether Defendant David Dagnon was operating a chain saw with the assistance of Plaintiff Paul Dulberg. Defendants neither admit nor deny the remaining allegations set forth in paragraph nineteen (19) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.

20. Defendants make no response to the allegations set forth in paragraph twenty (20) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.

21. Defendants deny the allegations of paragraph twenty-one (21).

22. Defendants deny the allegations of paragraph twenty-two (22).

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, pray the court dismiss Count I of Plaintiff's Complaint and enter judgment for the Defendants for their costs of suit.

Defendants Hereby Demand A Trial By Jury

DEFENDANTS' AFFIRMATIVE DEFENSE

The Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their Affirmative Defense to Count II of Plaintiff's Complaint, state as follows:

1. That on the date and at the place alleged in the Plaintiff's Complaint, the Plaintiff, PAUL DULBERG, was guilty of negligence by failing to exercise due care and caution for his own safety, in that he:

- a. Failed to use due care and caution as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches.
- b. Failed to use due care and caution as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches when he knew and appreciated the dangers associated with chainsaw usage.
- c. Was inattentive and unobservant to surrounding conditions and dangers as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches.
- d. Notwithstanding a reasonable opportunity to do so, failed to maintain a safe distance between himself and an operating chainsaw.
- e. Was otherwise careless and negligent as will be demonstrated by the evidence at trial.

2. That by reason of the aforesaid negligence of the Plaintiff, PAUL DULBERG, and as a direct and proximate result thereof, the Plaintiff sustained the damages claimed.

3. That pursuant to the Illinois Code of Civil Procedure, Section 5/2-613(d) and Section 5/2-1116, the Complaint of PAUL DULBERG should be dismissed in that the contributory

fault on the part of the Plaintiff was more than 50 percent and, therefore, PAUL DULBERG's Complaint is barred.

4. Or, in the alternative, that any verdict against the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, should be reduced in direct proportion to the percentage of PAUL DULBERG's contributory negligence causing his claimed injuries.

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, moves this Court for an Order dismissing Count I of Plaintiff's Complaint, costs being assessed to the Plaintiff.

Defendants Hereby Demand A Trial By Jury

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

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

STATE OF ILLINOIS)
) SS
COUNTY OF WINNEBAGO)

RONALD A. BARCH, being first duly sworn on oath, deposes and states that he is one of the attorneys for the Defendants, BILL McGUIRE and CAROLYN McGUIRE, that he has read the foregoing Answer signed by him; that the allegations as to insufficient knowledge are true to the best of his knowledge and belief.



RONALD A. BARCH

Subscribed and sworn to before
me on _____.

Notary Public

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon:

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

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/25/13.



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

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

FILED

JAN 28 2013

KATHERINE M. KEEFE
McHENRY CTY, SR. CLK.

PAUL DULBERG,

Plaintiff,

vs.

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

Defendants.

Case No. 12 LA 178

NOTICE OF MOTION

TO: ATTACHED SERVICE LIST

YOU ARE HEREBY notified that on the 30th day of January, 2013, at 9:00 o'clock A.M., or soon thereafter as Counsel may be heard, I shall appear before his Honor, Judge Thomas A. Meyer, in the room usually occupied by him as a Court Room, or in his absence, before any other Judge that may be presiding in said Court Room, in the Courthouse in McHenry County at Rockford, Illinois, and then and there present: Defendants' Motion to Compel; At which time and place you may appear, if you so desire.

Dated: January 25, 2013

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

CERTIFICATE OF SERVICE

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served upon:

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Law Office of M. Gerard Gregoire
200 N. LaSalle St., Ste 2650
Chicago, IL 60601-1092

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/25/13.



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

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

FILED

JAN 28 2013

KATHERINE M. KEEFE
McHENRY CTY. CLERK CLK.

PAUL DULBERG,)

Plaintiff,)

Case No. 12 LA 178

vs.)

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

Defendants.)

MOTION TO COMPEL

Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, hereby moves the Court for an Order compelling Defendant David Gagnon to answer Interrogatories and a Request for Production previously propounded upon him. In support of their Motion, the movants further state as follows:

1. On September 27, 2012, the Defendants Bill McGuire and Carolyn McGuire served upon the Defendant David Gagnon written interrogatories and a production request to be answered within 28 days.
2. On October 29, 2012, during efforts to schedule party depositions, counsel for the movants orally requested Defendant Gagnon's discovery responses. The subject was revisited during Plaintiff Dulberg's deposition on January 24, 2013.
3. As of the date of writing, Defendant Gagnon has failed to cooperate in discovery by failing to answer the movant's written interrogatories and production request.

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, pray that the Court enter an Order compelling Defendant GAGNON to provide responses to Defendants' written discovery within seven (7) days.

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,



By

RONALD A. BARCH (6209572)

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was

served upon:

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

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/25/13.

RBC

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

CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

McHenry County, Illinois

STATE OF ILLINOIS
COUNTY OF MCHENRY } SS

JAN 30 2013

12 LA 178

GEN. NO. _____

☐ Jury ☐ Non-Jury

Paul Duerberg

DAVID GAGNON

vs.

et al.

Date 1/30/13

Plaintiff's
Attorney

MAST

Defendant's
AttorneyBACON → McGuire
NCCADO → GAGNON

ORDER

THIS CASE COMING ON FOR STATUS ~~AND ON~~
 MCGUIRE DEFENDANT'S MOTIONS FOR LEAVE TO
 AMEND ANSWER TO INCLUDE AFFIRMATIVE DEFENSES,
 MOTION FOR LEAVE TO FILE CROSS-CLAIM FOR
 CONTRIBUTION AND MOTION TO COMPEL AS TO
 DEFENDANT GAGNON, COUNSEL FOR THE PARTIES
 APPEARING,
 IT IS ORDERED:

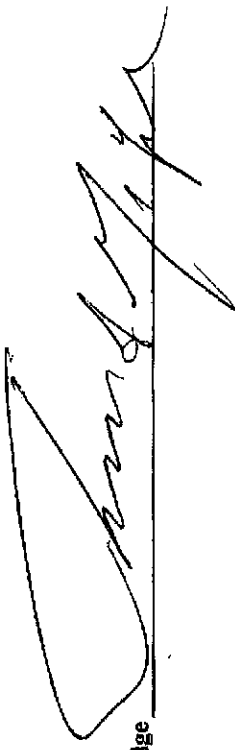
- (1) ~~FOR~~ MCGUIRE DEFENDANT'S MOTION FOR LEAVE TO
ADD AFFIRMATIVE DEFENSE IS GRANTED;
- (2) MCGUIRE DEFENDANT'S MOTION TO FILE CROSS-CLAIM
FOR CONTRIBUTION IS GRANTED;
- (3) MCGUIRE DEFENDANT'S MOTION TO COMPEL AS TO
DEFENDANT GAGNON IS GRANTED; DEFENDANT GAGNON
TO ANSWER WRITTEN ~~DISC~~ DISCOVERY BY 2/4/13;
- (4) CASE RESET FOR STATUS ON COMPLETION
OF PARTY POSITIONS FOR 4/3/13 at 9:00 AM.

Prepared by: _____

Attorney for: _____

Attorney Registration No.: _____

Judge



CLACK

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.)

FILED

FEB -1 2013

Case No. 12 LA 178

KATHLEEN M. KEENE
CLERK
McHENRY CTY. CIR. CL.

CROSS-CLAIM FOR CONTRIBUTION AGAINST
CO-DEFENDANT DAVID GAGNON

The Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their cross-claim for counterclaim for contribution against Defendant David Gagnon, state as follows:

1. Plaintiff PAUL DULBERG has filed a two-count complaint against Defendants David Gagnon, Bill McGuire and Carolyn McGuire seeking damages for injuries he attributes to a chainsaw incident that purportedly occurred on June 28, 2011 in the County of McHenry, State of Illinois.
2. The chainsaw incident set forth in Plaintiff's Complaint purportedly occurred on a residential parcel owned by Defendants Bill McGuire and Carolyn McGuire.
3. Defendants Bill McGuire and Carolyn McGuire were not present in the vicinity of the chainsaw incident when it occurred.
4. At the time of the alleged chainsaw incident, Plaintiff PAUL DULBERG was assisting Defendant David Gagnon as Defendant Gagnon was cutting and trimming trees and branches with a chainsaw.
5. At said time and place, Defendant David Gagnon owed a duty to exercise reasonable care at all times to avoid causing injury and property damages to others.

6. On the date and in the location set forth in Plaintiff's Complaint, the chainsaw being then and there operated by Defendant David Gagnon made contact with the right arm of Plaintiff PAUL DULBERG.

7. At the time and place alleged, notwithstanding his aforementioned duty, Defendant David Gagnon was then and there guilty of one or more of the following negligent acts and/or omissions:

- a. Caused or permitted a chainsaw to make contact with Plaintiff's right arm;
- b. Failed to operate said chainsaw in a safe and reasonable manner so as to avoid injuring Plaintiff's right arm;
- c. Failed to maintain a reasonable and safe distance between the chainsaw he was operating and Plaintiff's right arm;
- d. Failed to properly instruct Plaintiff prior to approaching him with an operating chainsaw;
- e. Failed to properly warn Plaintiff prior to approaching him with an operating chainsaw;
- f. Failed to maintain the chainsaw in the idle or off position when he knew or should have known that Plaintiff was close enough to sustain injury from direct contact with the subject chainsaw;
- g. Failed to maintain a proper lookout for Plaintiff while operating the subject chainsaw;
- h. Failed to maintain proper control over an operating chainsaw;
- i. Was otherwise negligent in the operation and control of the subject chainsaw.

8. That the injuries alleged by Plaintiff PAUL DULBER, if any, were the direct and proximate result of negligence on the part of Defendant David Gagnon.

9. By virtue of those aforesaid actions, Defendant David Gagnon is a joint tortfeasor within the meaning of the Illinois Contribution Among Joint Tortfeasors Act (740 ILCS 100/0.01, et seq.) which was in full force and effect on the date of the occurrence and, as such, the State of

Illinois recognizes the right of contribution among joint tortfeasors.

9. Should the Defendants Bill McGuire and Carolyn McGuire be found liable for the injuries to Plaintiff PAUL DULBERG, Defendants Bill McGuire and Carolyn McGuire are entitled to contribution from Defendant David Gagnon for that portion of the total recoveries, if any, by Plaintiff PAUL DULBERG that the Defendants Bill McGuire and Carolyn McGuire are required to pay in excess of their pro rata share of the liability pursuant to the aforesaid Illinois Contribution Among Joint Tortfeasors Act.

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, demand judgment in their favor and against Defendant David Gagnon for any and all sums for which Defendants BILL MCGUIRE and CAROLYN MCGUIRE may be held liable to Plaintiff PAUL DULBERG, in excess of their pro rata share.

Defendants Hereby Demands A Trial By Jury

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By  _____
RONALD A. BARCH (6209572)

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon:

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

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 11/25/13.



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

100

FEB - 1 2013

KATHLEEN M. KEEFE
McHENRY CTY. CLK. CL.

—

—

—

2

—

DEFENDANTS' ANSWER

ANSWER TO COUNT I

—

1

- 4

5. Defendants admit that on June 28, 2011, Defendant David Gagnon was engaged in cutting, trimming and maintaining trees and brush on the premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois. Defendants admit that David Gagnon was doing so at their request, with their authority and permission and for their benefit. Defendants deny the remaining allegations of paragraph five (5).
6. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. Defendants admit that they owned a chain saw on June 28, 2011. Defendants deny the remaining allegations of paragraph six (6).
7. Defendants deny the allegations of paragraph seven (7).
8. Defendants deny the allegations of paragraph eight (8).
9. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations set forth in paragraph nine (9). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
10. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph ten (10). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
11. Defendants deny the allegations of paragraph eleven (11).
12. Defendants deny the allegations of paragraph twelve (12).
13. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph thirteen (13). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
14. The answering Defendants were not present and therefore lack sufficient

information upon which to form a belief as to the truth of the allegations of paragraph fourteen (14). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.

15. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
16. Defendants admit that at all relevant times they owned and lived in the premises that are the subject of Plaintiff's Complaint. Defendants neither admit nor deny the remaining allegations set forth in paragraph sixteen (16) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
17. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
18. Defendants deny the allegations of paragraph eighteen (18).
19. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to whether Defendant David Dagnon was operating a chain saw with the assistance of Plaintiff Paul Dulberg. Defendants neither admit nor deny the remaining allegations set forth in paragraph nineteen (19) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
20. Defendants make no response to the allegations set forth in paragraph twenty (20) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
21. Defendants deny the allegations of paragraph twenty-one (21).
22. Defendants deny the allegations of paragraph twenty-two (22).

WHEREFORE, the Defendants, BILL McGUIRE and CAROLYN McGUIRE, pray the court dismiss Count I of Plaintiff's Complaint and enter judgment for the Defendants for their costs of suit.

Defendants Hereby Demand A Trial By Jury

DEFENDANTS' AFFIRMATIVE DEFENSE

The Defendants, BILL McGUIRE and CAROLYN McGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their Affirmative Defense to Count II of Plaintiff's Complaint, state as follows:

1. That on the date and at the place alleged in the Plaintiff's Complaint, the Plaintiff, PAUL DULBERG, was guilty of negligence by failing to exercise due care and caution for his own safety, in that he:
 - a. Failed to use due care and caution as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches.
 - b. Failed to use due care and caution as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches when he knew and appreciated the dangers associated with chainsaw usage.
 - c. Was inattentive and unobservant to surrounding conditions and dangers as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches.
 - d. Notwithstanding a reasonable opportunity to do so, failed to maintain a safe distance between himself and an operating chainsaw.
 - e. Was otherwise careless and negligent as will be demonstrated by the evidence at trial.
2. That by reason of the aforesaid negligence of the Plaintiff, PAUL DULBERG, and as a direct and proximate result thereof, the Plaintiff sustained the damages claimed.
3. That pursuant to the Illinois Code of Civil Procedure, Section 5/2-613(d) and Section 5/2-1116, the Complaint of PAUL DULBERG should be dismissed in that the contributory

fault on the part of the Plaintiff was more than 50 percent and, therefore, PAUL DULBERG's Complaint is barred.

4. Or, in the alternative, that any verdict against the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, should be reduced in direct proportion to the percentage of PAUL DULBERG's contributory negligence causing his claimed injuries.

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, moves this Court for an Order dismissing Count I of Plaintiff's Complaint, costs being assessed to the Plaintiff.

Defendants Hereby Demand A Trial By Jury

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

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

STATE OF ILLINOIS)
) SS
COUNTY OF WINNEBAGO)

RONALD A. BARCH, being first duly sworn on oath, deposes and states that he is one of the attorneys for the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, that he has read the foregoing Answer signed by him; that the allegations as to insufficient knowledge are true to the best of his knowledge and belief.

Subscribed and sworn to before
me on 1-25-13.



RONALD A. BARCH

Tina A. Fink

Notary Public



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon:

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

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/25/13.



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

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

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

FILED
FEB -6 2013
KATHERINE H. HESTER
CLERK OF COURT
McHENRY COUNTY, ILL.

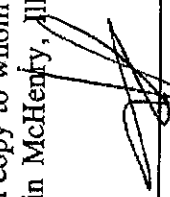
NOTICE OF FILING

TO: Ronald A. Barch Perry Accardo
Cicero, France, Barch & Alexander, PC Law Office of M. Gerard Gregoire
6323 E. Riverside Blvd. 200 N. LaSalle Street, Suite 2650
Rockford, IL 61114 Chicago, IL 60601-1092

YOU ARE HEREBY NOTIFIED that on February 4, 2013, or soon thereafter, there was filed with the Clerk of the Circuit Court of McHenry County, 2200 N. Seminary Avenue, Woodstock, Illinois, **PLAINTIFF'S REPLY TO DEFENDANTS, BILL AND CAROLYN MCGUIRE'S AFFIRMATIVE DEFENSE**, a copy of which is attached hereto.

CERTIFICATE OF SERVICE

I certify that I served this Notice by mailing a copy to whom it is directed at the address above indicated by depositing it in the U.S. Mail in McHenry, Illinois before 5:00 p.m. on February 4, 2013.


HANS A. MAST, Attorney For Plaintiff

LAW OFFICES OF THOMAS J. POPOVICH
3416 West Elm Street
McHenry, Illinois 60050
(815) 344-3798
Attorney No. 6203684

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

PAUL DULBERG,

Plaintiff,

vs.

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

Defendants.

100

FEB - 6 2013

No. 12 LA 178

KATHERINE M. KEEFE
MCHENRY CTY. CIR CLK

**PLAINTIFF'S REPLY TO DEFENDANTS, BILL AND CAROLYN
MCGUIRE'S AFFIRMATIVE DEFENSE IN THEIR AMENDED ANSWER**

NOW COMES, the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW OFFICES OF THOMAS J. POPOVICH, P.C., and for her reply to Defendants, Bill and Carolyn McGuire's Affirmative Defense in their Amended Answer, states as follows:

1. Plaintiff denies each and every allegation contained in the affirmative defense of Defendants, Bill and Carolyn McGuire.

WHEREFORE, the Plaintiff, PAUL DULBERG, moves for judgment in his favor and against the Defendants, Bill and Carolyn McGuire plus costs.

Hans A. Mast, Attorney for Plaintiff

LAW OFFICES OF THOMAS J. POPOVICH, P.C.
3416 West Elm Street
McHenry, Illinois 60050
(815) 344-3797 |
Attorney No. 6203684

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

PAUL DULBERG,)

Plaintiff,)

vs.)

No. 12 LA 178

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

)
)
Defendants.)

FILED

MAR 12 2013

KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

PROOF OF SERVICE

The undersigned, being first duly sworn on oath, deposes and states that on the 11th day of **March, 2013** the following described documents were served by mailing true and correct copies thereof in an envelope, addressed as is shown below, that said envelope was sealed, that sufficient U.S. postage for first-class mail was placed thereon, and the same was deposited in the U.S. Mail in McHenry, Illinois, at or about the hour of 5:00 p.m.

DOCUMENT DESCRIPTION: **PLAINTIFF'S SUBPOENA FOR DISCOVERY**
DEPOSITION OF MICHAEL MCARTOR

ADDRESSED TO: Ronald A. Barch Perry Accardo
Cicero, France, Barch & Alexander, PC Law Office of M. Gerard Gregoire
6323 E. Riverside Blvd. 200 N. LaSalle Street, Suite 2650
Rockford, IL 61114 Chicago, IL 60601-1092


HANS A. MASL, Attorney for Plaintiff

LAW OFFICES OF THOMAS J. POPOVICH
3416 West Elm Street
McHenry, IL 60050
815-344-3797
Attorney No. 6203684

CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

1062 10

STATE OF ILLINOIS
COUNTY OF MCHENRY } SS

GEN. NO.

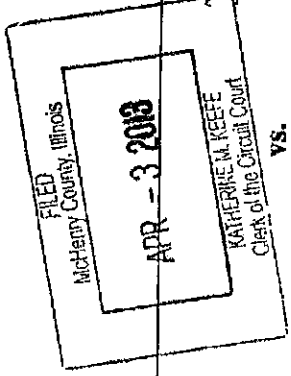
12LA178

☐ Jury ☐ Non-Jury

PAUL DULBERG

DAVID GAGNON, et al.

vs.



Date	4/3/13	Plaintiff's Attorney	MAYT	Defendant's Attorney	McGuire → BARN
					GAGNON → ACCORD

ORDER

Come for all parties appearing, and the Court being advised that the McGin Defendants' Chaisan and owner's manual were presented for inspection, photographing and copying on March 11, 2013,

IT IS ORDERED:

AND The Protective Order entered on August 12, 2012 is hereby modified and amended as follows:

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

Prepared by: _____

Attorney for: _____

Attorney Registration No.: _____ Judge _____

GAM

STATE OF ILLINOIS
COUNTY OF MCHENRY } SSGEN. NO. 12 LA 178☐ Jury ☐ Non-Jury

PAUL DUCBERG

vs.

DAVID GAGNON
et alDate 4/3/13 Plaintiff's Attorney MART Defendant's Attorney McGuire → BAEK
GAGNON → Accord

ORDER

This cause coming on for status,
counsel for all parties appearing,
and the Court being advised,

IT IS ORDERED:

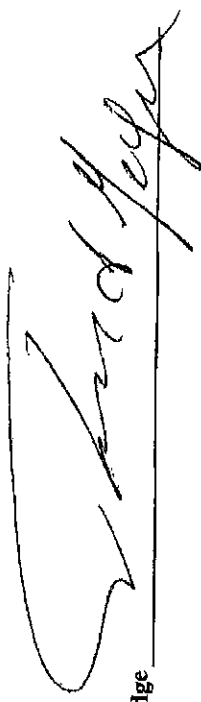
Cause is reset for status on the
completion of post discovery
(non-medical) for 6/5/13 at 9:00 AM.

Prepared by: _____

Attorney for: _____

Attorney Registration No.: _____

Judge



CHAA

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

PAUL DULBERG,

Plaintiff(s),

vs.

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

Defendant(s).

CASE NO. 12LA000178

FILED

APR 15 2013

CLERK OF COURT
McHENRY COUNTY, ILLINOIS

NOTICE OF NAME CHANGE

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

Attorney for Plaintiff(s) Paul Dulberg

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

Attorney for Co-Defendants, Caroline and Bill McGuire

YOU ARE HEREBY NOTIFIED, that effective April 15, 2013, the Law Office of M.
Gerard Gregoire will change its name, address and fax number to:

LAW OFFICE OF STEVEN A. LIHOSIT
200 N. LaSalle St., Ste 2550
Chicago, IL 60601
Telephone: 312-558-9800

Facsimile: 877-715-9317

PROOF OF SERVICE BY MAIL

I, PERRY A. ACCARDO, the attorney, certify that I served this notice by mailing a copy to the above named attorney(s), at the above address(s), and depositing the same in the U.S. mail at 200 North LaSalle St, Ste 2650, Chicago, Illinois, at 4:30 p.m., on 4/17/13 with proper postage prepaid.

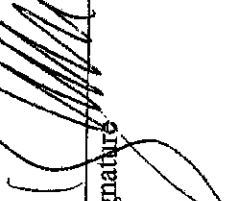
LAW OFFICE OF STEVEN A. LIHOSIT

200 N. LaSalle St., Ste 2550

Chicago, IL 60601

Telephone: 312/588-9821

ATTORNEY Bar Number: 6228720

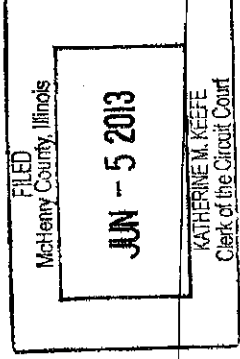


Signature

CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

#5, R1

STATE OF ILLINOIS
COUNTY OF MCHENRY } SS



GEN. NO. LA 178

☐ Jury ☐ Non-Jury

Dulberg

vs.

Lagon, et al.

R. Lurker Plaintiff's Attorney
Date 6-5-13 Hans Mark Defendant's Attorney
C. Bielster for
Ron Buch-McGuire

ORDER

This matter coming before the Court for status on non-medical fact discovery, all parties having notice and the Court being fully advised in the premises;

IT IS HEREBY ORDERED:

- ① Non-medical fact discovery is closed with the exception of witness Mike Thomas;
- ② The case is continued to 8-14-13 at 9 AM for status on F2 discovery.

Prepared by: C. Bielster (Ron Buch)

Attorney for: Defendants-McGuire

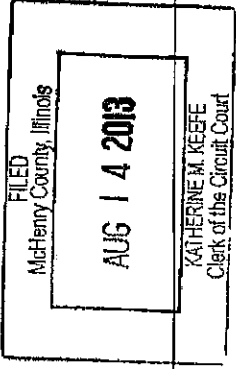
Attorney Registration No.:

Judge

Richard H. Hagan

CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

STATE OF ILLINOIS }
COUNTY OF MCHENRY } SS



GEN. NO. 12 LA 178
☐ Jury ☐ Non-Jury

Dunbar vs. GARNON et al

Date 8/14/13 Plaintiff's Attorney

Defendant's Attorney

ORDER

This case coming on for status on medical discovery, course for Plaintiff + the McGavin Defendants appearing, and the Court being advised,

IT IS ORDERED 10/30/13 at 9:00 AM. case is reset to for further status on medical discovery.

Prepared by:

Attorney for:

Attorney Registration No.:

Judge

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

18172

Paul Dubing
Plaintiff

vs

Dan Sapan et al
Defendant

Case Number

12 CA 178

Circuit Clerk Use Only

ORD
ORDJ
ORDDWP

ORDER

☒ Plaintiff(s) appear in person/by attorney B. Limber-Rapach
☒ Defendant(s) appear in person/by attorney Ray Acosta, Phantel Biedis (for Sapan)

☐ Summons not served; alias summons to issue; return date

☐ Summons has been properly served on Defendant(s)

☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ 0 plus attorney fees of \$ 0 for a total of \$ 0 plus court costs.

☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ 0 plus interest of \$ 0 plus attorney fees of \$ 0 for a total of \$ 0 plus court costs.

☐ Case set for ☐ trial ☐ arbitration on 20 at 10 m. in Courtroom

☐ Defendant(s) shall file an Appearance within 10 days of today's date, or without further Notice to

☐ Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL.

OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.

☐ Defendant(s) shall file an answer or other pleading within 10 days of today's date.

☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☐ By Agreement; ☐ Court;

to January 2, 2014 at 9:00 A.m. for showing Recorded

☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.

☐ Case dismissed with/without prejudice on Plaintiff's motion.

☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ 0 plus interest of \$ 0 plus attorney fees of \$ 0 for a total of \$ 0 plus court costs.

☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).

☐ COURT FURTHER ORDERS:

Date:

[Signature]
Judge

FILED

NOV 08 2013

KATHERINE M. KEEFE
MC HENRY CITY, CIR. CLK.

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

**NOTICE OF SUBPOENAED
DISCOVERY DEPOSITION**

TO: Attorney Hans A. Mast

Law Offices of Thomas J. Popovich
3416 West Elm Street
McHenry, IL 60050

Attorney Perry A. Accardo
Law Office of Steven A. Lihosit
200 N. LaSalle Street, Suite 2550
Chicago, IL 60601-1092

On **January 17, 2014, at 1:00 p.m.**, at the Law Offices of Thomas J. Popovich, 3416 West Elm Street, McHenry, Illinois, the subpoenaed discovery deposition of **MIKE THOMAS** will be taken before a certified court reporter on oral interrogatories for discovery in this case.

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


RONALD A. BARCH (6209572)

CERTIFICATE OF SERVICE

I certify that on November 4, 2013, I served this notice by mailing a copy to each person to whom it is directed.

cc: Deb Fisher Reporting

deprot.thomas.mike (mj)

PROS

FILED

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

NOV 15 2013
KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

PAUL DULBERG,)

Plaintiff,)

vs.)

No. 12 LA 178)

DAVID GAGNON, Individually, and as)
Agent of CAROLINE McGUIRE and BILL)
McGUIRE and CAROLINE McGUIRE)
and BILL McGUIRE, Individually,)

Defendants.)

PROOF OF SERVICE

The undersigned, being first duly sworn on oath, deposes and states that on the 13th day of **November, 2013**, the following described documents were served by mailing true and correct copies thereof in an envelope, addressed as is shown below, that said envelope was sealed, that sufficient U.S. postage for first-class mail was placed thereon, and the same was deposited in the U.S. Mail in McHenry, Illinois, at or about the hour of 5:00 p.m.

DOCUMENT DESCRIPTION: PLAINTIFF'S SUPPLEMENTAL ANSWERS TO INTERROGATORIES

ADDRESSED TO: Ronald A. Barch

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

Perry Accardo

Law Office of Steven A. Lihsosit
200 N. LaSalle Street, Suite 2550
Chicago, IL 60601-1092

LAW OFFICES OF THOMAS J. POPOVICH

3416 West Elm Street
McHenry, IL 60050
815-344-3797

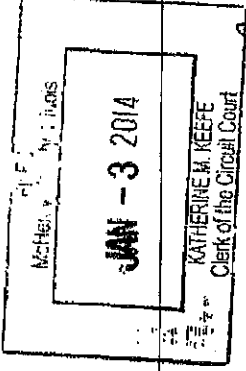
Attorney No. 6203684


HANS A. MAST, Attorney for Plaintiff

CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

②

STATE OF ILLINOIS }
COUNTY OF MCHENRY } SS



GEN. NO. 12CA178

☐ Jury ☐ Non-Jury

Duberg

vs.

Bagnon

Date 1/3/4 Plaintiff's Attorney

Defendant's Attorney Headla

ORDER

Now comes parties for case
Status:

IT is ordered.

This cause is continued to
April 4 2014 at
9:00am in 201 for further
status of discovery and trial
setting.

Prepared by: [Signature]
Attorney for: [Signature]

Attorney Registration No.: [Signature]
Judge

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.

FILED

JAN 13 2014

Case No. 12 LA 178

KATHERINE M. KEEFE
McHENRY CITY CIR. CLK.

NOTICE OF MOTION

TO: ATTACHED SERVICE LIST

YOU ARE HEREBY notified that on the 22nd day of January, 2014, at 9:00 o'clock A.M., or soon thereafter as Counsel may be heard, I shall appear before his Honor, Judge Thomas A. Meyer, in the room usually occupied by him as a Court Room (#201), or in his absence, before any other Judge that may be presiding in said Court Room, in the Courthouse in McHenry County at Rockford, Illinois, and then and there present: **Defendant Bill McGuire and Defendant Carolyn McGuire's Motion for Good Faith Finding and for Order of Dismissal with Prejudice;** At which time and place you may appear, if you so desire.

Dated: January 9, 2014

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By

RONALD A. BARCH (6209572)

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon:

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

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/9/14.

RRc

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

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 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.

FILED

JAN 13 2014

Case No. 12 LA 178

KATHERINE M. KEEFE
McHENRY CITY CIR. CLK.

**MOTION FOR GOOD FAITH FINDING AND FOR ORDER OF
DISMISSAL WITH PREJUDICE BY DEFENDANTS BILL MCGUIRE
AND CAROLYN MCGUIRE**

Defendants, BILL MCGUIRE (aka William McGuire) and CAROLYN MCGUIRE (improperly named Caroline), by and through their attorneys, Cicero, France, Barch & Alexander, P.C., hereby move this Court to dismiss all claims against them with prejudice and further request this Court to find that the settlement set forth in this motion was made in good faith and within the meaning and contemplation of the Illinois Contribution Among Joint Tortfeasors Act, 740 ILCS 100/1, et seq. In support of their Motion, Defendants Bill McGuire and Carolyn McGuire state as follows:

1. On or about March 15, 2012, Plaintiff Paul Dulberg filed a multiple count complaint seeking damages for personal injuries he generally attributes to a chain saw incident that occurred on or about June 28, 2011, at and upon the premises owned by Defendants Bill McGuire and Carolyn McGuire, known commonly as 1016 West Elder Avenue, City of McHenry, County of McHenry, State of Illinois.

2. Plaintiff generally alleges that Defendant David Gagnon injured him with a chain

saw while working under the supervision and control of Defendants Bill McGuire and Carolyn McGuire. Defendant David Gagnon denies any and all liability for Plaintiff Paul Dulberg's injuries. Defendants Bill McGuire and Carolyn McGuire also deny any and all liability for Plaintiff Paul Dulberg's injuries and further deny that Defendant David Gagnon was under their control and supervision and working or acting as their employee or agent at the time of the alleged chain saw incident.

3. On February 1, 2013, Defendants Bill McGuire and Carolyn McGuire filed a cross-claim for contribution against Defendant David Gagnon. The cross-claim for contribution seeks contribution from Defendant David Gagnon for injuries claimed by Plaintiff Paul Dulberg and is based upon the terms and provisions of the Illinois Contribution Among Joint Tortfeasors Act, 740 ILCS 100/1, et seq.

4. Plaintiff Paul Dulberg and Defendants Bill McGuire and Carolyn McGuire have negotiated a settlement of all claims which Plaintiff brought or could have brought against Defendants Bill McGuire and Carolyn McGuire. The settlement was negotiated at arm's length over a substantial period of time, and with the advice of counsel on the part of both parties. There is no collusion or fraud on the part of any of the parties to the negotiation.

5. Pursuant to Section 100/2(c) of the Contribution Act, an alleged tortfeasor that settles with a claimant in good faith shall be discharged from liability for contribution to any other tortfeasors.

6. Defendants Bill McGuire and Carolyn McGuire deny and continue to deny liability to Plaintiff Paul Dulberg and further contest the nature and scope of the injuries Plaintiff Paul Dulberg attributes to the subject chain saw incident.

7. The lump-sum payment of \$5,000.00 to Plaintiff Paul Dulberg by or on behalf of

Defendants Bill McGuire and Carolyn McGuire constitutes adequate consideration for purposes of a good faith settlement under Section 100/2(c) of the Contribution Act.

8. Defendants Bill McGuire and Carolyn McGuire respectfully suggest that the settlement with Plaintiff Paul Dulberg is and was made in good faith within the meaning of the Illinois Contribution Among Joint Tortfeasors Act, 740 ILCS 100/2(c).

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, respectfully pray for the Court as follows:

- (1) For an Order declaring that the settlement between Plaintiff Paul Dulberg and Defendants Bill McGuire and Carolyn McGuire was made and entered into in good faith within the meaning of the Illinois Contribution Among Joint Tortfeasors Act, 740 ILCS 100/1, et seq.;
- (2) For an Order dismissing all civil complaints, cross-claims, counterclaims and contribution claims currently pending against Defendants Bill McGuire and Carolyn McGuire, and arising out of or otherwise connected to the injuries claimed by Plaintiff Paul Dulberg, with prejudice;
- (3) For an Order declaring that any potential future claims against Defendants Bill McGuire and Carolyn McGuire, including, without limitation, claims for contribution arising out of or otherwise connected to the chain saw incident and injuries claimed by Plaintiff Paul Dulberg, are barred;
- (4) For an Order declaring for purposes of Illinois Supreme Court Rule 304(a) that there is no just reason to delay enforcement or appeal of the Dismissal Order; and
- (5) That this Court enter an order granting such further relief as this Court deems just.

CAROLYN MCGUIRE and BILL MCGUIRE, Defendants,
by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By 
RONALD A. BARCH (6209572)

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon:

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

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 1/9/14.

PRC

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

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SA

—

FILED
McHenry County, Illinois
JAN 22 2014

being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED;

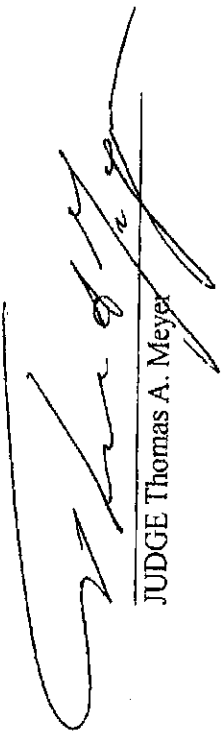
seq.

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

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

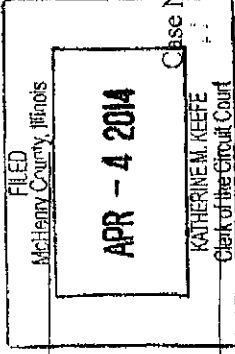
#2

DULBERG

Plaintiff

vs
GAGNON

Defendant



Circuit Clerk Use Only
ORD
ORDJ
ORDDWP

Case Number

12LA178

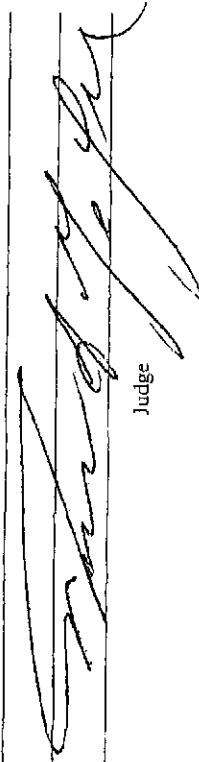
ORDER

- ☒ Plaintiff(s) appear in person ~~by attorney~~
☒ Defendant(s) appear in person ~~by attorney~~
☐ Summons not served; alias summons to issue; return date _____, 20____
☐ Summons has been properly served on Defendant(s) _____
☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ _____ plus interest of \$ _____ for a total of \$ _____ plus court costs.
☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
☐ Case set for ☐ trial ☐ arbitration on _____, 20____ at _____ m. in Courtroom _____
☐ Defendant(s) shall file an Appearance within _____ days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.

- ☐ Defendant(s) shall file an answer or other pleading within _____ days of today's date.
☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☒ By Agreement; ☐ Court; to 8/13, 2014 at 9:00 A m. for STATUS OF F-12
☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute. DISCOVERY
☐ Case dismissed with/without prejudice on Plaintiff's motion.
☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ _____ plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).
☐ COURT FURTHER ORDERS: _____

Date: 4/4/13


Judge

Notm

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

FILED

APR 08 2014

KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

PAUL DULBERG,

Plaintiff,

Case No. 12 LA 178

vs.

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

Defendants.

NOTICE OF MOTION

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

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

YOU ARE HEREBY notified that on the **16th day of April, 2014, at 9:00 o'clock A.M.**, or soon thereafter as Counsel may be heard, I shall appear before his Honor, Judge Thomas A. Meyer, in the room usually occupied by him as a Court Room (#201), or in his absence, before any other Judge that may be presiding in said Court Room, in the Courthouse in McHenry County at Rockford, Illinois, and then and there present: **McGuire Defendants' Motion to Vacate Protective Order**; At which time and place you may appear, if you so desire.

Dated: January 9, 2014

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By

RONALD A. BARCH (6209572)

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon:

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

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on April 4, 2014.



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

Motv

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

FILED

APR 08 2014

KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

PAUL DULBERG,

Plaintiff,

vs.

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

Defendants.

Case No. 12 LA 178

McGUIRE DEFENDANTS' MOTION TO VACATE PROTECTIVE ORDER

Defendants, CAROLYN MCGUIRE and BILL MCGUIRE, by their attorneys, Cicero, France, Barch & Alexander, PC, hereby move this Court to vacate the Protective Order entered on August 8, 2012 and modified on April 3, 2013. In further support of the Motion, Defendants Carolyn and Bill McGuire state as follows:

1. On or about May 5, 2012, the Plaintiff, Paul Dulberg, filed a multiple count complaint alleging he suffered injuries as a result of negligence on the parts of David Gagnon, Carolyn McGuire and Bill McGuire. In general, Plaintiff alleges he sustained severe and permanent injuries when a chain saw being operated by David Gagnon made contact with his arm.
2. On July 31, 2012, Plaintiff filed a Motion for Protective Order wherein he alleged that Plaintiff's counsel (Attorney Hans Mast) wanted an opportunity to photograph and inspect the subject "chain saw" and any parts, accessories and manual/paperwork pertaining to the saw. In his prayer for relief, Plaintiff requested a protective order declaring the "saw and its parts and

accessories and paperwork/manual be preserved and protected without destruction or loss until further order of this court." A copy of Plaintiff's Motion for Protective Order is attached as "Exhibit A."

3. On August 8, 2012, the Court granted Plaintiff's Motion for Protective Order. A copy of the Court's order of August 8, 2012 is attached as "Exhibit B."

4. On March 20, 2013, the depositions of Carolyn McGuire and Bill McGuire proceeded with counsel for Plaintiff (Attorney Hans Mast) and counsel for Co-Defendant (Attorney Perry Accardo) present. Prior to the start of the depositions the "chain saw" allegedly involved in the injury to Plaintiff was presented for inspection and photographing. Plaintiff's counsel photographed the chain saw and also photographed the Owner's Manual.

5. On April 3, 2013, the Court's protective order was modified to allow the owners to utilize the chain saw and Owner's Manual in the ordinary course. The protective order further directed that the owners shall not sell or discard the chain saw, parts, accessories and associated paperwork without further order of the court. A copy of the Amended Protective Order dated April 3, 2013 is attached as "Exhibit C."

6. Subsequent to the entry of the amended protective order the Plaintiff reached a settlement agreement with Carolyn McGuire and Bill McGuire as to all matters in controversy, whereupon the negligence claims and contribution claims against them were dismissed with prejudice. A copy of the Good Faith Finding and Order of Dismissal entered on January 22, 2014 is attached as "Exhibit D."

7. With the claims against Carolyn McGuire and Bill McGuire fully resolved, counsel for the McGuires issued a letter to Attorney Mast and Attorney Accardo seeking an agreement to

have the pending protective order vacated. A copy of the February 12, 2014, letter to counsel is attached as "Exhibit E."

8. During a chance meeting in the Winnebago County Courthouse shortly after the February 12 letter issued, Attorney Accardo advised informally that he had no objection to vacating the protective order. Counsel for the McGuires has not heard from Attorney Mast.

9. Counsel for Plaintiff and Counsel for Defendant Gagnon have both had an opportunity to photograph and inspect the subject chain saw. In addition, both attorneys have copies of the Owner's Manual associated with the subject chain saw.

10. The subject chain saw was brand new on the date of Plaintiff's claimed injury and Plaintiff does not allege or claim that he was injured due to a manufacturing defect associated with the subject chain saw.

11. No prejudice will result to Plaintiff or Defendant Gagnon should this Court vacate the Amended Protective Order.

12. No just reason exists to delay the McGuires' request to vacate the Amended Protective Order.

WHEREFORE, the Defendants, Carolyn McGuire and Bill McGuire, respectfully pray this court to vacate the Amended Protective Order dated April 3, 2013.

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By  _____
RONALD A. BARCH (6209572)

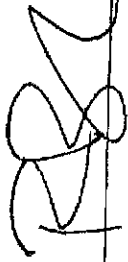
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon:

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

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

by depositing the same in the United States Post Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on 4/4/14.



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

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

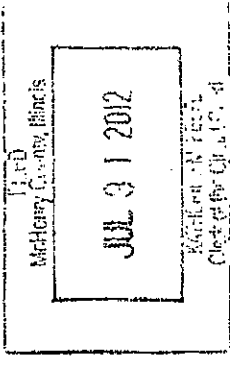
PAUL DULBERG.

Plaintiff.

vs.

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

No. 12 LA 178



PLAINTIFF'S MOTION FOR PROTECTIVE ORDER

NOW COME the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW OFFICES OF THOMAS J. POPOVICH, P.C. and for his Motion for Protective Order to preserve and protect the "chain saw" involved in the underlying occurrence along with all parts and accessories and manual/paperwork, and states as follows:

1. This suit arises from injuries suffered by the Plaintiff, PAUL DULBERG, on June 28, 2011, when he was negligently struck by a "chain saw" operated by DAVID GAGNON while working on behalf and/or at the request of the Defendants, CAROLINE McGUIRE and BILL McGUIRE at their premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois.
2. Plaintiff's counsel would like an opportunity to photograph and inspect the subject "chain saw" and any parts, accessories and manual/paperwork pertaining to the saw and moves that this court order the "saw and its parts and accessories and paperwork/manual be preserved and protected without destruction or loss until further order of this court."



WHEREFORE, the Plaintiff, PAUL DULBERG, respectfully moves this Court to enter a protective order against the Defendants, their agents, employees, staff and/or representatives and any others under its control, and its attorneys, to preserve and protect the chain saw and its parts and accessories and paperwork/manual, from any destruction, alterations, modifications, or other changes from its condition as presently exists, until further order of the court and to present the saw and its parts etc within 30 days hereof to the Plaintiff's counsel for inspection and photographing.

Respectfully Submitted:



Hans A. Masl, Attorney for Plaintiff

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

3416 W. Elm Street

McHenry, IL 60050

815/344-3797

ARDC. #06203684

Dulberg
Plaintiff

vs

Gagnon
Defendant

AUG -8 2012

KATHERINE M. KEEFE
Clerk of the Circuit Court

Circuit Clerk Use Only
ORD
ORDJ
ORDDWP

Case Number

12 LA 178

ORDER

- ☒ Plaintiff(s) appear in person/by attorney T. Freeman Papovich
☐ Defendant(s) appear in person/by attorney Ron Barch
☐ Summons not served; alias summons to issue; return date 20
☐ Summons has been properly served on Defendant(s)
☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$
plus interest of \$ plus attorney fees of \$ for a total of \$ plus court costs.
☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for
Plaintiff(s) against Defendant(s) for \$, plus interest of \$
plus attorney fees of \$ for a total of \$ plus court costs.
☐ Case set for ☐ trial ☐ arbitration on , 20 at m. in Courtroom
☐ Defendant(s) shall file an Appearance within days of today's date, or without further Notice to
Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in
favor of Plaintiff(s).

**NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL.
OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.**

- ☐ Defendant(s) shall file an answer or other pleading within days of today's date.
☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☐ By Agreement; ☒ Court;
to 9-18, 2012 at 9:00 a.m. for Stalces
☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.
☐ Case dismissed with/without prejudice on Plaintiff's motion.
☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$
plus interest of \$ plus attorney fees of \$ for a total of \$ plus court costs.
☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).
☒ COURT FURTHER ORDERS: Plaintiff's Motion for Protective Order is
granted as set forth in Plaintiff's Motion.

Date:

EXHIBIT

B

Judge

Thomas A. Meyer

CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

STATE OF ILLINOIS }
COUNTY OF MCHENRY } SS

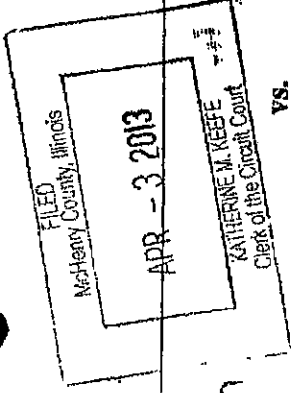
GEN. NO. 12LA178

☐ Jury ☐ Non-Jury

PAUL DUBBICKY

DAVID GAGNON, et al.

VS.



Date 4/3/13 Plaintiff's Attorney

Defendant's Attorney

WAGNER, GAGNON → A GAGNON

ORDER

Came for all parties appearing, and the Court being advised that the McHenry Defendant, GAGNON and others' manuscript presented for inspection, photographing and copying on March 11, 2013,

It is ordered:

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

The units of said chain saw and associated power chainsaw handle 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, manuals or} chainsaw without further order of the court.

Prepared by: _____

Attorney for: _____

Attorney Registration No.: _____



GAM

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

PAUL DULBERG,)
)

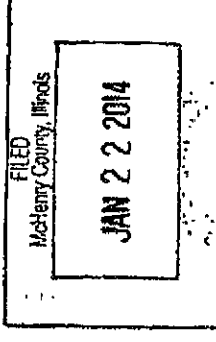
Plaintiff,)
)

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.)
)

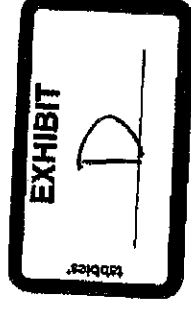


GOOD FAITH FINDING AND ORDER OF DISMISSAL

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

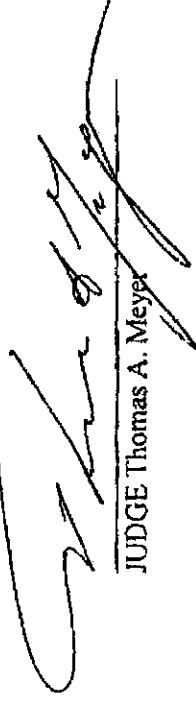
1. That settlement between Plaintiff Paul Dulberg and Defendants Bill McGuire and Carolyn McGuire (improperly named Caroline) constitutes a fair and reasonable and good faith settlement within the meaning of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 0.01 et seq.
2. That the good faith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



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

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

DATED: _____


JUDGE Thomas A. Meyer

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

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

A Professional Corporation

Attorneys at Law

6323 EAST RIVERSIDE BOULEVARD
ROCKFORD, ILLINOIS 61114

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

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

COPY

February 12, 2014

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:

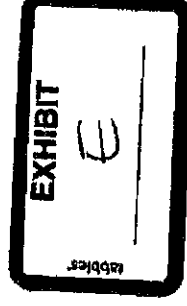
With my departure from the case I feel compelled to address the subject of the chain saw that was involved in Mr. Dulberg's injury. Early on in the case a protective order was entered which prohibited Mr. and Mrs. McGuire from destroying or otherwise disposing of the chain saw and any associated documentation. 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 photographs 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,

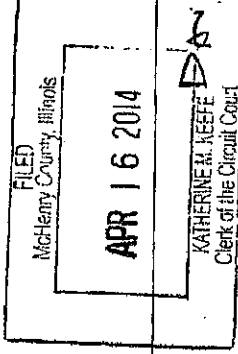


RONALD A. BARCH

RB:mj\44lr.OC

Encl.

CC Tom Malatia (13-2779-11)

STATE OF ILLINOIS
COUNTY OF MCHENRY } SS

GEN. NO.

124A 178

☒ Jury ☐ Non-Jury

PAUL

DULBERG

vs.

DAVID GAGNON,
Clerk of the Circuit Court

et al

Date 4/16/14 Plaintiff's HAN'S Defendant's RON BARICH - MCGUIDES
Attorney W. ROY Attorney PERCY ACHARD - GAGNON

ORDER

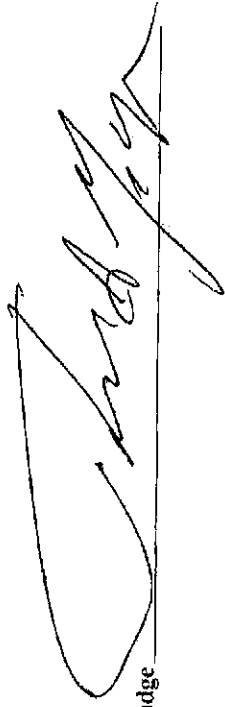
This cause coming on before the Court on the McGivie Defendants' Motion to Vacate Protective Order, counsel for Plaintiff & the Movant present, and there being no objection,

IT IS ORDERED:

- (1) The McGivie Defendants' Motion to Vacate the Protective Order (entered on 3/8/12 and amended on 4/3/13) is heard and granted.
- (2) Cause shall remain set for 3/13/14 at 9:00 a.m.

Prepared by: Ron BarichAttorney for: McGivie DefendantsAttorney Registration No.: 6209572

Judge



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

Dahlberg

Plaintiff

VS

Gagnon

Defendant

Case Number

12LA000178

ORDER

- ☒ Plaintiff(s) appear in person/by attorney
☐ Defendant(s) appear in person/by attorney
☐ Summons not served; alias summons to issue; return date _____, 20____
☐ Summons has been properly served on Defendant(s)
☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ _____ plus interest of \$ _____ for a total of \$ _____ plus court costs.
☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ _____ plus interest of \$ _____ for a total of \$ _____ plus court costs.

- ☐ Case set for ☐ trial ☐ arbitration on _____, 20____ at _____ m. in Courtroom _____
☐ Defendant(s) shall file an Appearance within _____ days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.

- ☐ Defendant(s) shall file an answer or other pleading within _____ days of today's date.
This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☐ By Agreement; ☐ Court; to Oct 1, 2014 at 9:00 a.m. for Trial setting.
☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.
☐ Case dismissed with/without prejudice on Plaintiff's motion.
☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ _____ plus interest of \$ _____ for a total of \$ _____ plus court costs.
☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).

COURT FURTHER ORDERS:

Date: _____

Judge

IN THE CIRCUIT COURT OF THE TWENTY-SECOND
McHENRY COUNTY, ILLINOIS

Paul DeLong
Plaintiff

Dave Aggar
Defendant

VS

OCT - 1 2014
Case Number

Plaintiff's EM. KEEFE
Clerk of the Circuit Court

ORDER

☒ Plaintiff(s) appear in person/by attorney R. Cumber-Pearcy

☐ Defendant(s) appear in person/by attorney

☐ Summons not served; alias summons to issue; return date

☐ Summons has been properly served on Defendant(s)

☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$

☐ plus interest of \$ plus attorney fees of \$ for a total of \$ plus court costs.

☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for

Plaintiff(s) against Defendant(s) for \$ plus interest of \$

☐ plus attorney fees of \$ for a total of \$ plus court costs.

☐ Case set for ☐ trial ☐ arbitration on , 20 at .m. in Courtroom

☐ Defendant(s) shall file an Appearance within days of today's date, or without further Notice to

Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

**NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL.
OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.**

☐ Defendant(s) shall file an answer or other pleading within days of today's date.

☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☐ By Agreement; ☐ Court;
to 11/01, 2014 at 2:00 P.M. for Hoked and Trial

☐ Case called. Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.

☐ Case dismissed with/without prejudice on Plaintiff's motion.

☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ plus interest of \$ plus attorney fees of \$ for a total of \$ plus court costs.

☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).

☐ COURT FURTHER ORDERS:

Date:

Judge

JICIAL CIRCUIT

Circuit Clerk Use Only
ORD
ORDJ
ORDDWP

1241 173

pg 1 # 4

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

PS 1 #2

Paul Duboy
Plaintiff

David Gagan, et al.
Defendant

vs

Case Number 12 LA 178

Circuit Clerk Use Only
☒ ORD
☐ ORDJ
☐ ORDDWP

ORDER

FILED McHenry County, Illinois	NOV 21 2014
	KATHLEEN J. FEESE, CLERK

- ☒ Plaintiff(s) appear in person/by attorney R. Lumbie-Popovich
- ☐ Defendant(s) appear in person/by attorney
- ☐ Summons not served; alias summons to issue; return date
- ☐ Summons has been properly served on Defendant(s)
- ☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ _____ plus interest of \$ _____ for a total of \$ _____ plus court costs.
- ☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ _____ plus interest of \$ _____ for a total of \$ _____ plus court costs.
- ☐ Case set for ☐ trial ☐ arbitration on _____, 20____ at _____ m. in Courtroom _____
- ☐ Defendant(s) shall file an Appearance within _____ days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.

- ☐ Defendant(s) shall file an answer or other pleading within _____ days of today's date.
- ☒ This case is continued on Motion of ☒ Plaintiff; ☐ Defendant; ☐ By Agreement; ☐ Court; to 11/12 2014 at 9:00 A m. for Stipulation of Discontinuance (31).
- ☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute. declined
- ☐ Case dismissed with/without prejudice on Plaintiff's motion. Am. del
- ☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ _____ plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).
- ☐ COURT FURTHER ORDERS: _____

Date: _____

Judge

Sharon G. Gagan

CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

STATE OF ILLINOIS }
COUNTY OF MCHENRY } SS

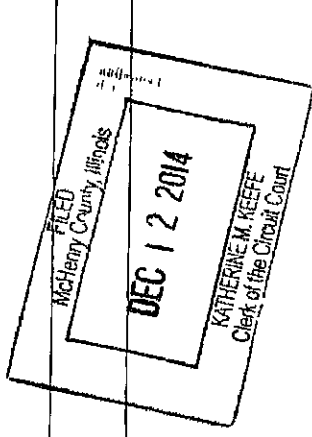
GEN. NO. 12CA178

☐ Jury ☐ Non-Jury

Dulberg vs. Gagnon

Date _____ Plaintiff's Attorney Med Defendant's Attorney

ORDER



It is ordered:

- ① The case is continued for status and trial setting February 4, 2015 9:00am in 201.
- ② Rule 213(d) witnesses to be disclosed by February 4, 2015.

Prepared by: [Signature]
Attorney for: [Signature]

Attorney Registration No.: _____ Judge [Signature]

201
17 ORJ

CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

Page 1

STATE OF ILLINOIS
COUNTY OF MCHENRY } SS

FILED
McHenry County, Illinois

FEB - 4 2015

KATHERINE M. KEEFE
Clerk of the Circuit Court

GEN. NO. 12 LA 178

☐ Jury ☐ Non-Jury

Dulberg

VS.

Gagnon

Date <u>2/04/15</u>	Plaintiff's Attorney <u>Popovich</u>	Defendant's Attorney <u>Lishoski</u>
---------------------	--------------------------------------	--------------------------------------

ORDER

THIS matter coming to be heard for status, IT IS HEREBY ORDERED:

① This matter is set for a pretrial settlement conference on April 9, 2015 at 1:30 p.m. in C-201.

(

Popovich

Prepared by:

Attorney for:

Attorney Registration No.:

Judge

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

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

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

NOTICE OF MOTION

TO: *VIA FIRST CLASS MAIL:*

Perry Accardo
Law Office of Steven A. Lihosit
200 N. LaSalle Street, Suite 2550
Chicago, IL 60601-1092

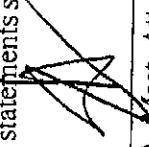
VIA CERTIFIED MAIL:

Paul Dulberg
4606 Hayden Court
McHenry, IL 60051

On **March 13, 2015 at 9:00 a.m.**, or as soon thereafter as counsel may be heard, I shall appear before the **Honorable Thomas A. Meyer** or any judge sitting in his stead, in courtroom 201 in the Circuit Court of McHenry County in Woodstock, Illinois and shall then and there present **MOTION TO WITHDRAW AS COUNSEL**, a copy of which is hereby served upon you

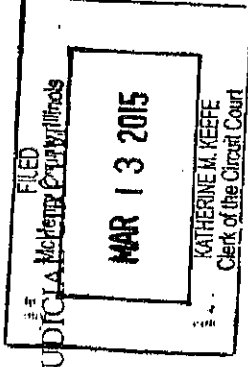
AFFIDAVIT OF SERVICE

I certify that I served this Notice by mailing to whom it is directed at approximately 5:00 p.m. on March 5, 2015 in McHenry, IL and further that the statements set forth in this Affidavit of Service are true and correct.


Hans A. Mast, Attorney for Plaintiff

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

3416 West Elm Street
McHenry, IL 60050
815-344-3797
Attorney ID No. 06208070



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Paul Dulberg
4606 Hayden Court
McHenry, IL 60051

Sent To

Street, Apt.
or PO Box
City, State, ZIP

PS Form 3800, August 2006

See Reverse for Instructions

7566 7669 7000 0570 4702

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

PAUL DULBERG;

Plaintiff,

vs.

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

Defendants. . .

FILED
McHenry County, Illinois
MAR 13 2015
KATHERINE M. KEEFE
Clerk of the Circuit Court
SCOUNSIL

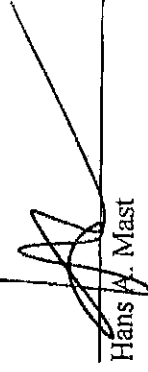
MOTION TO WITHDRAW AS COUNSEL

NOW COME the LAW OFFICES OF THOMAS J. POPOVICH, P.C., attorneys for the Plaintiff, PAUL DULBERG, and hereby move to withdraw as counsel for the Plaintiff in this cause pursuant to Supreme Court Rule 13. In support of said Motion, the attorneys hereby state as follows:

1. Communication between Plaintiff and Plaintiff's counsel has broken down resulting in an unworkable situation for both attorney and client.
2. By copy of this motion, Plaintiff is hereby advised that, to ensure notice of any further action in this cause, she should retain new counsel or within 21 days of the hearing of this motion and withdrawal of counsel, retain other counsel or file her own supplementary appearance with the clerk of the circuit court, stating an address at which service of notices or other papers may be had upon her.

WHEREFORE, the LAW OFFICES OF THOMAS J. POPOVICH, P.C. respectfully requests that this Court enter an Order granting the LAW OFFICES OF THOMAS J. POPOVICH, P.C. leave to withdraw as counsel for the Plaintiff, PAUL DULBERG.

Respectfully submitted,


Hans A. Mast

LAW OFFICES OF THOMAS J. POPOVICH
3416 West Elm Street
McHenry, IL 60050
(815) 344-3797
Attorney No. 06208070

STATE OF ILLINOIS }
COUNTY OF MCHENRY } SSGEN. NO. 12CA178☐ Jury ☐ Non-JuryDulberg

vs.

Gargan et al.

Date <u>3/13/15</u>	Plaintiff's Attorney <u>Spruck</u>	Defendant's Attorney
ORDER		
FILED McHenry County, Illinois MAR 13 2015 KATHERINE M. KEEFE Clerk of the Circuit Court		

This matter coming to be heard on ~~plaintiff's motion~~ plaintiff's motion, with law office of Thomas Spruck's motion to withdraw, with proper notice being been given and the court being fully advised in its present it is ordered:

1. Law Office of Thomas Spruck Motion to withdraw as Counsel for Plaintiff is granted.
2. Plaintiff Paul Dulberg shall have 21 days in which to return new Counsel or file Supplementary Appearance.
3. Matter N. Continued to Apr. 11, 2015 for status of Plaintiff's new Appearance.

Prepared by: R. Conner - SpruckAttorney for: Plaintiff4-4/9/15 present is StacumAttorney Registration No.: 6091707Judge [Signature]

STATE OF ILLINOIS

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

FILED APE

MAR 19 2015

KATHERINE M. NISSE
McHENRY CTY. CLERK

PAUL DULBERG

vs.

Case Number 12 LA 178

DAVID GIAGNON, ET AL.

APPEARANCE

I HEREBY ENTER THE APPEARANCE OF

PAUL DULBERG

(insert the name of the party for whom you are entering your appearance)

AND MY OWN AS

- | | |
|---|--|
| ☐ REGULAR COUNSEL | ☐ TRIAL COUNSEL |
| ☐ SPECIAL & LIMITED APPEARANCE | ☒ SUBSTITUTE COUNSEL |
| ☐ PRO-SE | ☐ COUNSEL IN FORCIBLE ENTRY |
| ☐ ADDITIONAL COUNSEL | ☐ APPELLATE COUNSEL |
| ☐ GUARDIAN AD LITEM | ☐ COURT APPOINTED COUNSEL |

AND AS (HIS) (HER) (THEIR) COUNSEL IN THE ABOVE ENTITLED CASE.

SIGNED

BB

(Signature of Attorney filing appearance)

Name BRAD J. BALKE, P.C.

BRAD J. BALKE

Printed Name

ARDC Number 6273304

Attorney for PLAINTIFF

Address 542 S. DEARBORN ST., STE. 310

City, State Zip CHICAGO, IL 60605

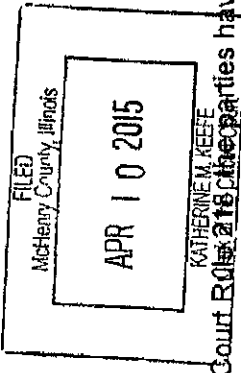
Phone 312-786-8063

AD
IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

P. Dulberg)
)
)
)
)

D. Gagnon

CASE NO. 12 LA 178



CASE MANAGEMENT ORDER

This case being heard for Case Management Conference, pursuant to Supreme Court Rule 213(g), the parties have been notified and the Court being fully advised, IT IS HEREBY ORDERED: (Mark applicable box(es) below)

- ☐ 1. That any and all Cross, Counter, and Third-Party Complaints shall be filed not later than _____.
- ☐ 2. That Plaintiff(s) shall disclose the identity of all Supreme Court Rule 213(g) opinion witnesses, together with their business address and opinions, not later than _____.
- ☐ 3. That Defendant(s) shall disclose the identity of all Supreme Court Rule 213(g) opinion witnesses, together with their business address and opinions, not later than _____.
- ☐ 4. That Cross-Defendants, Counter Defendants, and Third Party Defendants shall disclose the identity of all Supreme Court Rule 213(g) opinion witnesses, together with their business address and opinions, not later than _____.
- ☐ 5. That all discovery shall be completed not later than _____.
- ☐ 6. The Case Management Conference is continued to _____ at _____ M.
- ☒ 7. That a Settlement Conference/Pre-Trial is set for 5/13/15 at 11 a. M.
- ☐ 8. That the final Pre-Trial Conference is set for _____ at _____ M.
at which time each party shall tender a statement of the case, a list of witnesses who may be called at trial indicating their relationship to the case, their occupation and the city and state of their residence and/or employment, all motions in limine; a list of all marked exhibits to be offered at trial and the original exhibits themselves, a list of all evidence depositions to be offered at trial and a list of all objections to be ruled on by the court, and all proposed jury instructions.
- ☐ 9. That this cause is set for Jury/Bench Trial on _____ at _____ M.
- ☐ 10. All dispositive motions must be filed and set for hearing no later than 60 days before the date that the case has been set for trial and be in compliance with Local Rules of Practice, in particular Rules 2.01, 2.02 and 2.04.
- ☒ 11. _____

ENTERED: _____

20

ENTER

PREPARED BY: Balke

ATTORNEY FOR: IT

A.R.D.C. REGISTRATION NO. 6273304

JUDGE

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

P. Dulbers

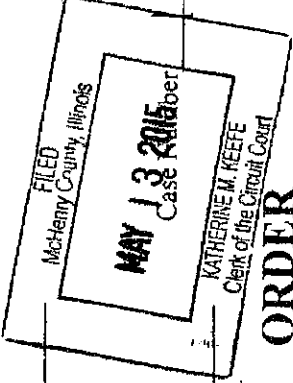
Plaintiff

vs

D. Gasnon

Defendant

Circuit Clerk Use Only
☒ ORD
☐ ORDJ
☐ ORDDWP



ORDER

- ☐ Plaintiff(s) appear in person/by attorney Balke
- ☐ Defendant(s) appear in person/by attorney Acca-da
- ☐ Summons not served; alias summons to issue; return date 20
- ☐ Summons has been properly served on Defendant(s) 2 LA 178
- ☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ for a total of \$ _____ plus court costs.
- ☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____ for a total of \$ _____ plus court costs.
- ☐ Case set for ☐ trial ☐ arbitration on 20 at 9 m. in Courtroom _____
- ☐ Defendant(s) shall file an Appearance within _____ days of today's date, or without further Notice to Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

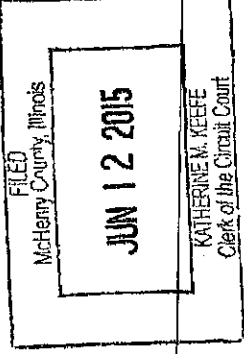
NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.

- ☐ Defendant(s) shall file an answer or other pleading within _____ days of today's date.
- ☒ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☒ By Agreement; ☐ Court; to June 12, 2015 at 9 m. for SEDS
- ☐ Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute.
- ☐ Case dismissed with/without prejudice on Plaintiff's motion.
- ☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ _____ plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).
- ☐ COURT FURTHER ORDERS: _____

Date: _____

[Signature]
Judge

7:00 am

STATE OF ILLINOIS
COUNTY OF MCHENRY } SS

GEN. NO. 12LA178

☐ Jury ☐ Non-Jury

P. Dulberg

vs. D. Gagnon

Date 6/12/15 Plaintiff's Attorney Balke

Defendant's Attorney Accord

ORDER

This matter having come to be heard on this
attorney's motion to withdraw as attorney of record;
IT IS HEREBY ORDERED THAT:

1. Atty Balke is granted withdrawal due to
breakdown of attorney - client relationship
and is no longer attorney of record;
2. Attorney Balke shall disburse settlement funds (\$3,333.33)
from prior Defendant settlement to Plaintiff
Dulberg who will ^{hold} ~~disburse~~ funds subject
to lien holders/creditors.
3. Plaintiff Dulberg has until July 10, 2015,
to file appearance of new attorney.
4. This matter is continued until
July 10, 2015 at 9 am.

Prepared by: Balke

Attorney for:

Attorney Registration No.: 0273304

Judge

APPS 117

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois courts.

STATE OF ILLINOIS CIRCUIT COURT		McHenry COUNTY	
Instructions ▼		APPEARANCE Pro Se	
Enter above the county name where this case was filed.			
Enter the name of the person or company that filed this case as Plaintiff/Petitioner		PAUL DUBBERG Plaintiff / Petitioner (First, middle, last name or Company)	
Enter the name of the Defendant/Respondent.		v. D. GAGNON Defendant / Respondent (First, middle, last name)	
Enter the Case Number given by the Circuit Clerk.		12 LA 178 Case Number	

For Court Use Only

McHenry County Illinois

JUL 10 2015

KATHERINE M. KEEFE
Clerk of the Circuit Court

In 1, enter your full name.	1. I, <u>PAUL</u> First <u>DUBBERG</u> Middle <u>DUBBERG</u> Last
In 2, check only one box to ask for a trial with only one judge or a trial with a judge and jury. You do not have a right to a jury trial in every case.	2. I would like a trial with: ☐ a judge ☒ a judge and jury
In 3a, enter the date you send this Appearance form to the other parties. You should send this form by 5:00 p.m. on the same day you file it with the Circuit Clerk.	3. Delivery of Appearance By signing below, I swear that: a. At or before 5:00 P.M. on: <u>JULY 10</u> , 20 <u>15</u> Date b. I am sending this Appearance to: Name: <u>PEPPY</u> First <u>A.</u> Middle <u>ACCARDO</u> Last Address: <u>200 N. LASALLE ST STE 2500</u> City <u>CHICAGO IL</u> State <u>IL</u> Zip <u>60601</u> Email: _____
In 3b, enter the full name and address of the parties or lawyers you are sending a copy of this Appearance.	Name: _____ First _____ Middle _____ Last _____ Address: _____ Street, Apt # _____ City _____ State _____ Zip _____ Email: _____

enter my appearance in this case.

In 3c, check if you will send copies of this Appearance by hand, by mail or by email.

CAUTION: You may only send documents by email if the other party has agreed.

Enter the Case Number given by the Circuit Clerk: 12 LA 178

c. By: ☒ Hand Delivery

☐ Regular, First-Class Mail, deposited into the U.S. Mail with postage paid

☐ Email

Check the box if you need language help and enter the language you speak.

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

After you finish this form, sign and print your name.

Enter your complete current address and telephone number.

OPTIONAL: you may enter an email address. By entering an email address, you agree to accept court documents by email.

DO NOT enter an email address unless you have your own email account and check it daily. If you do not check it, you may miss important information or notice of court dates.

Language Access

☐ If language help is available in court, I would like help. I speak: Language

I certify that everything above is true and correct to the best of my knowledge.
I understand that making a false statement in this form could be perjury.

Paul Dulberg
Your Signature

4606 HAYDEN CT
Street Address

PAUL DULBERG
Your Name

MARY, IL 60051
City, State, Zip

847-497-4250
Telephone

Email Address (optional)

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

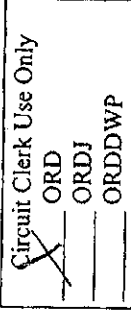
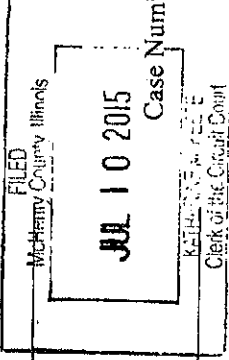
#13

DULBERG

vs
GAGNON

Plaintiff

Defendant



Case Number

13 CA 178

ORDER

☒ Plaintiff(s) appear in person/by attorney PAUL DULBERG

☒ Defendant(s) appear in person/by attorney PERRY ACARDO

☐ Summons not served; alias summons to issue; return date _____, 20____

☐ Summons has been properly served on Defendant(s) _____

☐ Defendant(s) appear and admit liability. Judgment for Plaintiff(s) against Defendant(s) for \$ _____

☐ plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.

☐ Defendant(s), having failed to appear or otherwise respond to the summons, is found in default. Judgment for

Plaintiff(s) against Defendant(s) for \$ _____, plus interest of \$ _____

☐ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.

☐ Case set for ☐ trial ☐ arbitration on _____, 20____ at _____ m. in Courtroom _____

☐ Defendant(s) shall file an Appearance within _____ days of today's date, or without further Notice to

Defendant(s), the trial date will be stricken and a judgment by default will be entered against Defendant(s) and in favor of Plaintiff(s).

NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL,

OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.

☐ Defendant(s) shall file an answer or other pleading within _____ days of today's date.

☐ This case is continued on Motion of ☐ Plaintiff; ☐ Defendant; ☐ By Agreement; ☒ Court;

to 9/8, 2015 at 9:00 A m. for TRIAL SETTING - SCHEDULED FOR

Case called, Plaintiff(s) fail to appear. Case dismissed for Plaintiff's failure to prosecute. FCJ Coster

☐ Case dismissed with/without prejudice on Plaintiff's motion.

☐ After trial of this case, the Court enters a Judgment for Plaintiff(s) against Defendant(s) for \$ _____

☐ plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.

☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).

☐ COURT FURTHER ORDERS: _____

Date: _____

Judge



Katherine M. Keefe
Clerk of the Circuit Court
22nd Judicial Circuit - McHenry County, Illinois
2200 N. Seminary Avenue
Woodstock, IL 60098
www.mchenrycircuitclerk.org

RECEIPT FOR PAYMENT

Receipt: 4861041

Date: Aug 25, 2015

Time: 11:29 AM

Received From: GAGNON, DAVID

Paid By: CASH

\$9.50

Total Paid:

\$9.50

Case Number: 91FA000011

PEOPLE EX REL. BAZILEWICH, NICOLE VS. GAGNON, DAVID

COPIES COST

\$3.50

CIRCUIT CLERK FEE

\$6.00

Total Paid on this case:

\$9.50

Balance Due:

\$0.00

**** The Balance Due can increase if a warrant or other court-ordered paper is served
by an arresting agency.**

STATE OF ILLINOIS)
)SS.
COUNTY OF MCHENRY)

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

PEOPLE OF THE STATE OF)
ILLINOIS (Ex rel. Nicole)
Bazilewich),)

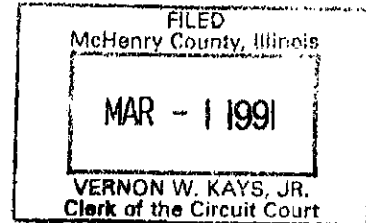
Plaintiff,)

Vs.)

DAVID GAGNON,)

Defendant.)

No. 91 F 11



AGREED SETTLEMENT ORDER

THIS MATTER coming on to be heard on stipulation and agreement of the parties for entry of an order herein with regard to the issues of the cause, both parties having consented thereto and approved by their respective counsel; the Defendant, DAVID GAGNON, not acknowledging the paternity of the child, COLIN J. BAZILEWICH, the Court having jurisdiction over the subject matter and having been fully advised in the premises;

FINDS:

1. The Complainant, NICOLE BAZILEWICH, alleges that the Defendant, DAVID GAGNON, is the father of the child, COLIN J. BAZILEWICH, born to the Complainant on June 26, 1990, out of wedlock.

2. The Defendant, DAVID GAGNON, respectfully states

that he does not believe that the Complainant has any legal claim against him as the father of the child, but nevertheless, desires to effect a compromise and settlement of the Complainant's claim.

3. The Court has reviewed the proposed settlement incorporated herein in light of the allegations made, the proposed evidence and the circumstances of the parties pursuant to Section 12.1 of the Illinois Parentage Act of 1984, and hereby determines that the best interests of the child and of the parties will be served by entry of an Order incorporating the settlement between the parties.

4. The Court is satisfied that the financial security of the child is adequately provided for and that the child and the mother are not likely to become public charges.

5. That the settlement agreement of the parties is hereby approved and is hereinafter set forth.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

A. That the Defendant, DAVID GAGNON, shall pay to the Complainant, NICOLE BAZILEWICH, as and for complete settlement and compromise of any and all legal obligations Defendant would have as and for Complainant's claim, the sum of THREE THOUSAND FIVE HUNDRED and 00/100 (\$3,500.00) DOLLARS in the

following manner, to-wit:

1) TWO THOUSAND and 00/100 (\$2,000.00) DOLLARS upon the entry of this Agreed Settlement Order;

2) The balance of ONE THOUSAND FIVE HUNDRED and 00/100 (\$1,500.00) DOLLARS within six (6) months from the date of the entry of this Agreed Settlement Order.

B. That all payments hereunder shall be made directly by the Defendant, DAVID GAGNON, to the Complainant, NICOLE BAZILEWICH, and not through the Clerk of the Court.

C. That in exchange for the payment made by the Defendant, DAVID GAGNON, to the Complainant, NICOLE BAZILEWICH, the above captioned cause shall be dismissed with prejudice upon the completion of the payment of THREE THOUSAND FIVE HUNDRED and 00/100 (\$3,500.00) DOLLARS.

D. That by Defendant's, DAVID GAGNON, signature hereto, Defendant, DAVID GAGNON, does hereby irrevocably and permanently surrender any and all claims or rights to custody and other parental claims and rights which Defendant, DAVID GAGNON, may have to the child, COLIN J. BAZILEWICH.

E. That the Defendant, DAVID GAGNON, by signing this

Agreed Settlement Order, acknowledges that he understands that he cannot, under any circumstances, change his mind and revoke or cancel his surrender of any claims or rights which he may have to custody or any other parental claims or rights which he may have pertaining to the child, COLIN J. BAZILEWICH. In that regard, Defendant, DAVID GAGNON, shall have no rights of visitation with said minor child.

F. By Complainant signing this Agreed Settlement Order, Complainant acknowledges a full and total release from any and all claims, demands, causes of action, known or unknown, which Complainant may have against Defendant, DAVID GAGNON, his heirs or representatives concerning the birth of the child, COLIN J. BAZILEWICH.

G. That this agreement shall inure to the benefit of and be binding upon the parties, their heirs, executors and administrators.

Dated: March 1, 1991

ENTER: Ward S. Arnold
JUDGE

AGREED:

Nicole J. Bazilewich
NICOLE BAZILEWICH

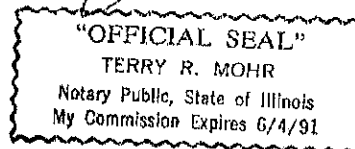
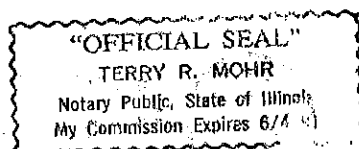
David A. Gagnon
DAVID GAGNON

Subscribed, and sworn to
me this 1 day of
MARCH, 1991.

Subscribed and sworn to before
this 1 day of MARCH,
1991.

Terry R. Mohr
Notary Public

Terry R. Mohr
Notary Public





Katherine M. Keefe
Clerk of the Circuit Court
22nd Judicial Circuit - McHenry County, Illinois
2200 N. Seminary Avenue
Woodstock, IL 60098
www.mchenrycircuitclerk.org

RECEIPT FOR PAYMENT

Receipt: 4865057

Date: Sep 01, 2015

Time: 02:06 PM

Received From: ACCOUNTING

Paid By: CASH

\$29.25

Total Paid:

\$29.25

Case Number: 15CP000009

ACCOUNTING - COPIES SEPTEMBER 2015

COPIES COST

\$29.25

Total Paid on this case:

\$29.25

Balance Due:

\$0.00

**** The Balance Due can increase if a warrant or other court-ordered paper is served by an arresting agency.**



RX# 2132245

Dear Loyal Friend : PAUL DULBERG

Thank you for inquiring about your Prescription records. Our research for records is conducted with your first and last name and complete date of birth. Social Security numbers are not used by Walgreens for retrieving Pharmacy records.

In processing your record request, we have carefully scrutinized two separate computer systems to locate both the past and current prescription items purchased in our Pharmacies or through our Mail Order Facility. The records we have enclosed represent a thorough search of all records available, pursuant to retention policies and periods assigned by the state in which you filled your prescriptions.

In some instances, we have been unable to find record of prescriptions filled. If you did not receive records with this letter, please check the enclosed information to confirm your name and date of birth were provided to us correctly. If they are not correct, please advise us and we will be happy to conduct a new search. It would be most helpful in locating your records if you would please provide us with as much of the following information as possible:

your first and last names, including a/k/a's, nicknames, maiden names, or other names you may have used to fill prescriptions;
any of your past address information (particularly city and state);
current address, telephone number and date of birth;
location of the Store(s) in which you filled prescriptions (street name, city, state);
current and past telephone numbers, including area codes; and
a copy of any bottle, labels, or receipts you may have kept from the past.

Please submit this information in writing to us at the address listed below.

So you are aware, the law requires us to retain your prescription records for a minimum of only two years, in some states. As a courtesy to faithful customers like you, we maintain your prescription records for at least 10 years to better service your needs. If there is anything further we can do for you, please feel free to contact us, and thank you again for entrusting us with servicing a portion of your medical needs.

Sincerely yours,

Corporate Custodian of Records

REPORT: RX0920

11/27/12

IL, WALGREENS PURGED DATA FOR STORE 05469

PAGE: 348489

PAT LAST NAME

FIRST

PAT ADDRESS

PAT PHONE# BIRTH DATE

RX NUMBER	DRUG NAME	DRUG MFR	CTL	PLAN	RX IMAGE ID	DOC PHONE#	DEA#	ENTER DATE	CIND	ENT/VER	FILL QTY	REFILL	CUST AMT	TOT AMT	FILL SOLD DATE	CLAIM #	PARTIAL CODE	PLAN
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DULBERG, PAUL 4606 HAYDEN CT MCHENRY, IL 60051-7918 (847)497-4250 03/19/1970

RX 2132245 HYDROCODONE /ACETAMINOPHEN 10-325 T WATSON
FORD, A 4201 MEDICAL CENTER DRIVE MCHENRY, IL 60051-7918
SIG: TK 1 T PO Q 6 H PRF PAIN
06/28/2011 20 0 5

C3 0546992130930000413
(815)344-5000 BF1085415

06/28/2011 SMC/TNT 20 ORIG 20.69 0.00 06/28/2011
RX 2132246 CEFADROXIL 500MG CAPSULES TEVA
FORD, A 4201 MEDICAL CENTER DRIVE MCHENRY, IL 60051-7918
SIG: TK 1 C PO BID FOR 5 DAYS
06/28/2011 10 0 5
06/28/2011 SMC/TNT 10 ORIG 27.99 0.00 06/28/2011

RX 0546992130930000413
(815)344-5000 BF1085415