



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
Dunc-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
11/18 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

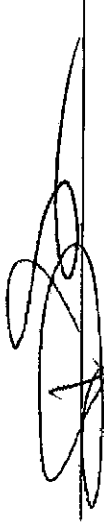
MDS INVESTIGATIONS, INC.

P.O. Box 309

McHenry, IL, 60051

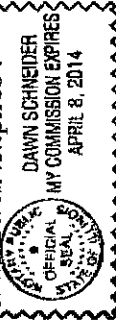
(815) 344-4657 (800) 988-6374 , (815) 344-4831

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,)

Case No. 12 LA 178

vs.)

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

Defendants.)

FILED

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

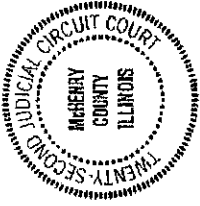
SUMMONS

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 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**

5/2/12

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.

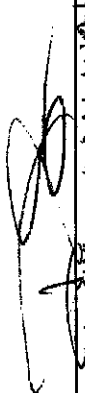
An additional copy of the within Summons Together With A Copy Of The Complaint In This Action was mailed to David Gagnon at the within service address (first class, postage prepaid).

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.

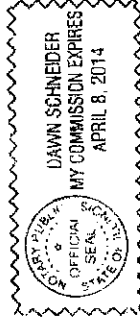

Mark R. Schneider, Licensed Private Detective

MDS INVESTIGATIONS, INC.

P.O. Box 309
McHenry, IL, 60051
(815) 344-4657 (800) 988-6374 , (815) 344-4831


Notary Public, State of Wisconsin, ILLINOIS
My Commission Expires :

Our Job Serial Number: 59137



2010

—

—

—

KATHERINE M. KEEFE
MCHEERY CTY. CIR. CLK.

— — —

—

—

—

—

PROOF OF SERVICE

in McHenry, Illinois, at or about the hour of 5:00 p.m.

DEPOSITIONS OF DEFENDANTS

ADDRESSED TO: Ronald A. Barch

Cicero, France, Barch & Alexander, PC

6323 E. Riverside Blvd.

Rockford, IL 61114



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)

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

FILED
JUL 11 2012

KATHERINE M. KEEFE
McHENRY COUNTY 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.

Case No. 12 LA 178

ANSWER TO COMPLAINT -
DEFENDANT BILL MCGUIRE AND
DEFENDANT CAROLYN MCGUIRE

ANSWER TO COUNT I

Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, make no response to Count I of Plaintiff's Complaint inasmuch as said allegations are directed at a separate and distinct Defendant.

ANSWER TO COUNT II

Defendants, BILL MCGUIRE AND CAROLYN MCGUIRE (improperly named Caroline), by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their Answer to Count I of Plaintiff's Complaint, state as follows:

1. Defendants admit the allegations of paragraph one (1).
2. Defendants admit that on June 28, 2011, they owned and lived in a single family home located at 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois. Defendants neither admit nor deny the remaining allegations set forth in paragraph two (2) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
3. Defendants deny the allegations of paragraph three (3).
4. Defendants deny the allegations of paragraph four (4).
5. Defendants admit that on June 28, 2011, Defendant David Gagnon was engaged in cutting, trimming and maintaining trees and brush on the premises at 1016 W. Elder

Avenue, in the City of McHenry, County of McHenry, Illinois. Defendants admit that David Gagnon was doing so at their request, with their authority and permission and for their benefit. Defendants deny the remaining allegations of paragraph five (5).

6. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. Defendants admit that they owned a chain saw on June 28, 2011. Defendants deny the remaining allegations of paragraph six (6).

7. Defendants deny the allegations of paragraph seven (7).

8. Defendants deny the allegations of paragraph eight (8).

9. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations set forth in paragraph nine (9). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.

10. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph ten (10). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.

11. Defendants deny the allegations of paragraph eleven (11).

12. Defendants deny the allegations of paragraph twelve (12).

13. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph thirteen (13). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.

14. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph fourteen (14). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.

15. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
16. Defendants admit that at all relevant times they owned and lived in the premises that are the subject of Plaintiff's Complaint. Defendants neither admit nor deny the remaining allegations set forth in paragraph sixteen (16) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
17. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
18. Defendants deny the allegations of paragraph eighteen (18).
19. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to whether Defendant David Dagnon was operating a chain saw with the assistance of Plaintiff Paul Dulberg. Defendants neither admit nor deny the remaining allegations set forth in paragraph nineteen (19) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
20. Defendants make no response to the allegations set forth in paragraph twenty (20) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
21. Defendants deny the allegations of paragraph twenty-one (21).
22. Defendants deny the allegations of paragraph twenty-two (22).

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, pray the court dismiss Count I of Plaintiff's Complaint and enter judgment for the Defendants for their costs of suit.

Defendants Hereby Demand A Trial By Jury

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

A handwritten signature in 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)

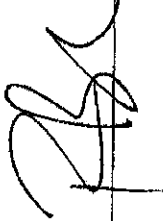
Cicero, France, Barch & Alexander, P.C.
6323 East Riverside Blvd.
Rockford, IL 61114
815/226-7700
815/226-7701 (fax)

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)
)

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 2D (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

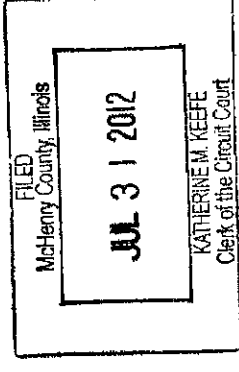
PAUL DULBERG,

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 *Jackie A. Oldenburg*
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

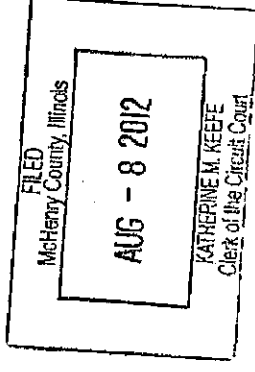
Chief Judge

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.)



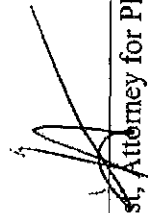
RE-NOTICE OF MOTION

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

Cagnon

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: _____

[Signature]
Judge



KATHERINE M. KEEFE
MCHEERY CTY. CIR. CLK.

vs.

Defendants.

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

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.

By 

RONALD A. BARCH (6209572)

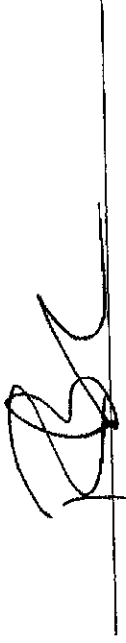
CERTIFICATE OF SERVICE

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)

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

AUG 22 2012

KATHERINE M. KEEFE
McHENRY CTY. CLK. CLK.

PROOF OF SERVICE

The undersigned, being first duly sworn on oath, deposes and states that on the **21st day of August, 2012**, the following described documents were served by mailing true and correct copies thereof in an envelope, addressed as is shown below, that said envelope was sealed, that sufficient U.S. postage for first-class mail was placed thereon, and the same was deposited in the U.S. Mail in McHenry, Illinois, at or about the hour of 5:00 p.m.

DOCUMENT DESCRIPTION: **PLAINTIFF'S ANSWERS TO DEFENDANTS'
SUPPLEMENTAL INTERROGATORIES**

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

NOTED

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

SEP - 5 2012

KATHERINE M. KUEFE
MCHENRY CTY. CIR. CLK.

Case No. 12 LA 178

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.)
)
)

KATHERINE M. KEEFE
McHENRY CITY, CIR. CLK.

SUBPOENA FOR DEPOSITION
(for Records Only)

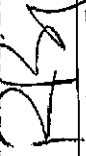
TO: Release of Information/Medical Records Custodian
c/o Associated Neurology, S.C.
1900 Hollister Drive, Suite 250
Libertyville, IL 60048

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)

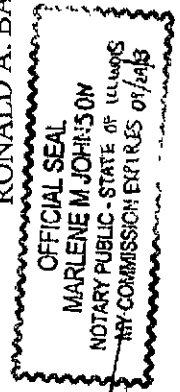
CICERO, FRANCE, BARCH & ALEXANDER, PC.
BY: 
RONALD A. BARCH (6209572)

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.

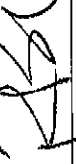
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DULBERG (B/D: 3/19/70) from January 1, 2006 to the present date, exclusive of x-ray films, in
your possession or control.

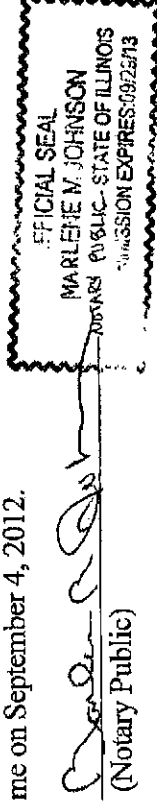
**YOUR APPEARANCE IS NOT MANDATORY IF SAID DOCUMENTS ARE
PROVIDED TO ATTORNEY RONALD A. BARCH ON OR BEFORE SEPTEMBER 18,
2012, AT 5:00 P.M. YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA
WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**

ATTORNEY RONALD A. BARCH CICERO, FRANCE, BARCH & ALEXANDER, PC.
6323 East Riverside Blvd.
Rockford, IL 61114
815/226-7700 815/226-7701 (fax)
BY:  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

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)

FILED

SEP - 5 2012

KATHERINE M. KEENE
MCHENRY CITY CIR. CLK.

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

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

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

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

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

CICERO, FRANGE BARCH & ALEXANDER, PC.

BY: [Signature]
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.

[Signature]
RONALD A. BARCH

[Signature]
(Notary Public)

NOTARY 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.

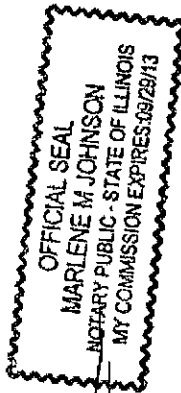
**YOUR APPEARANCE IS NOT MANDATORY IF SAID DOCUMENTS ARE
PROVIDED TO ATTORNEY RONALD A. BARCH ON OR BEFORE SEPTEMBER 18,
2012, AT 5:00 P.M. YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA
WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.**

ATTORNEY RONALD A. BARCH CICERO, FRANCE BARCH & ALEXANDER, PC.
6323 East Riverside Blvd.
Rockford, IL 61114 BY: RB
815/226-7700 815/226-7701 (fax) 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.**

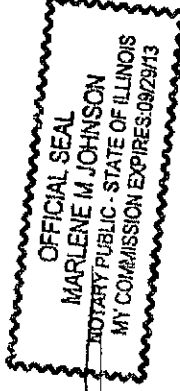
ATTORNEY RONALD A. BARCH CICERO, FRANCE BARCH & ALEXANDER, PC.
6323 East Riverside Blvd.
Rockford, IL 61114
815/226-7700 815/226-7701 (fax)

BY: RSJ 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)

PR

0245281968.1/SKO/ACCARDO/mr

STATE OF ILLINOIS)
COUNTY OF MCHENRY) SS
)

FILED
SEP 05 2012
KATHERINE N. CHAPMAN
MCHENRY COUNTY CLERK

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.

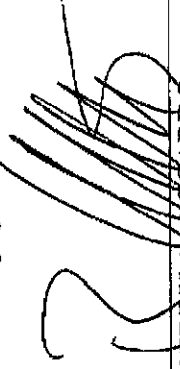
WHEREFORE, Defendant(s) pray(s) for judgment and costs in this lawsuit.

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

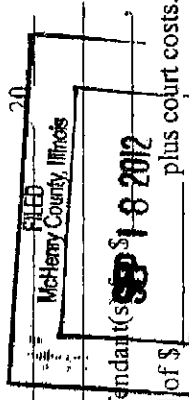
Circuit Clerk Use Only	
☒	ORD
☐	ORDJ
☐	ORDDWP

vs
David Gagon et al
Defendant

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 Nev. 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: _____

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. CIR. CLK.

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

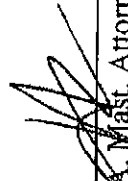
KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

**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 2ND JUDICIAL CIRCUIT
COUNTY OF McHENRY

OCT 04 2012

KATHERINE M. KEEFE
MCHENRY CTY. CIR. CLK.

PAUL DULBERG,
Plaintiff.

5A

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

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)

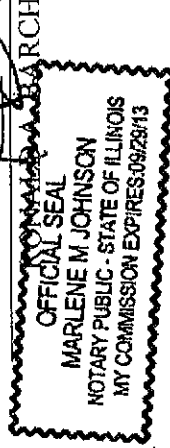
CICERO, FRANCIS BARCH & ALEXANDER, P.C.

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-Rapach
- ☐ 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 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).

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 _____ 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. Rem 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 \$ _____, plus interest of \$ _____ plus attorney fees of \$ _____ for a total of \$ _____ plus court costs.
- ☐ After trial of this case, the Court enters a Judgment for Defendant(s) against Plaintiff(s).

☒ COURT FURTHER ORDERS: All 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. 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.

**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

depn02.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)

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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)

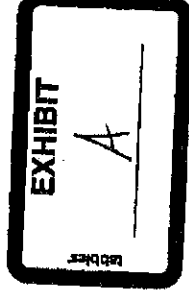
STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
COUNTY OF McHENRY

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)

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

FILED
JAN 28 2013
KATHERINE M. KEENE
MONTGOMERY CITY, OH, 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.

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 for Leave to File Amended Answer and Affirmative Defense; 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

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.

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

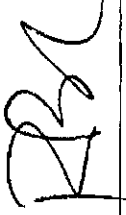
Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, hereby moves the Court for an Order granting them leave to file an amended answer and affirmative defense to Count I of Plaintiff's complaint. In support of their Motion, the movants further 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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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)

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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
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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:

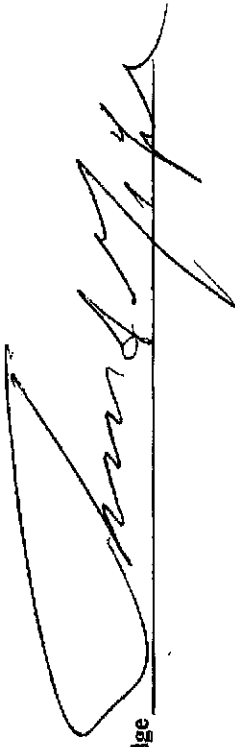
- (1) FOR MCGUIRE DEFENDANT'S MOTION FOR LEAVE TO
ADD AFFIRMATIVE DEFENSE IS GRANTED;
- (2) MCGUIRE DEFENDANT'S MOTION TO FILE CROSS-CLAIM
FOR CONTRIBUTION IS GRANTED;
- (3) MCGUIRE DEFENDANT'S MOTION TO COMPEL AS TO
DEFENDANT GAGNON IS GRANTED; DEFENDANT GAGNON
TO ANSWER WRITTEN ~~DISC~~ DISCOVERY BY 2/4/13;
- (4) CASE RESET FOR STATUS ON COMPLETION
OF PARTY DEPOSITIONS 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 COUNTY, ILL.

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)

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

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.

DEFENDANTS' ANSWER

ANSWER TO COUNT I

Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, make no response to Count I of Plaintiff's Complaint inasmuch as said allegations are directed at a separate and distinct Defendant

ANSWER TO COUNT II

Defendants, BILL MCGUIRE AND CAROLYN MCGUIRE (improperly named Caroline), by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their Answer to Count I of Plaintiff's Complaint, state as follows:

1. Defendants admit the allegations of paragraph one (1).
2. Defendants admit that on June 28, 2011, they owned and lived in a single family home located at 1016 W. Elder Avenue, City of McHenry, County of McHenry, Illinois. Defendants neither admit nor deny the remaining allegations set forth in paragraph two (2) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
3. Defendants deny the allegations of paragraph three (3).
4. Defendants deny the allegations of paragraph four (4).

5. Defendants admit that on June 28, 2011, Defendant David Gagnon was engaged in cutting, trimming and maintaining trees and brush on the premises at 1016 W. Elder Avenue, in the City of McHenry, County of McHenry, Illinois. Defendants admit that David Gagnon was doing so at their request, with their authority and permission and for their benefit. Defendants deny the remaining allegations of paragraph five (5).
6. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. Defendants admit that they owned a chain saw on June 28, 2011. Defendants deny the remaining allegations of paragraph six (6).
7. Defendants deny the allegations of paragraph seven (7).
8. Defendants deny the allegations of paragraph eight (8).
9. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations set forth in paragraph nine (9). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
10. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph ten (10). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
11. Defendants deny the allegations of paragraph eleven (11).
12. Defendants deny the allegations of paragraph twelve (12).
13. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to the truth of the allegations of paragraph thirteen (13). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.
14. The answering Defendants were not present and therefore lack sufficient

information upon which to form a belief as to the truth of the allegations of paragraph fourteen (14). Defendants therefore neither admit nor deny said allegations but demand strict proof thereof.

15. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
16. Defendants admit that at all relevant times they owned and lived in the premises that are the subject of Plaintiff's Complaint. Defendants neither admit nor deny the remaining allegations set forth in paragraph sixteen (16) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
17. Defendants make no response to the allegations set forth in paragraph fifteen (15) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
18. Defendants deny the allegations of paragraph eighteen (18).
19. Defendants admit that Defendant David Gagnon used a chain saw from time to time on June 28, 2011. The answering Defendants were not present and therefore lack sufficient information upon which to form a belief as to whether Defendant David Dagnon was operating a chain saw with the assistance of Plaintiff Paul Dulberg. Defendants neither admit nor deny the remaining allegations set forth in paragraph nineteen (19) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
20. Defendants make no response to the allegations set forth in paragraph twenty (20) as said allegations call for the admission of a conclusion of law rather than an allegation of fact.
21. Defendants deny the allegations of paragraph twenty-one (21).
22. Defendants deny the allegations of paragraph twenty-two (22).

WHEREFORE, the Defendants, BILL McGUIRE and CAROLYN McGUIRE, pray the court dismiss Count I of Plaintiff's Complaint and enter judgment for the Defendants for their costs of suit.

Defendants Hereby Demand A Trial By Jury

DEFENDANTS' AFFIRMATIVE DEFENSE

The Defendants, BILL McGUIRE and CAROLYN McGUIRE, by and through their attorneys, Cicero, France, Barch & Alexander, PC, and for their Affirmative Defense to Count II of Plaintiff's Complaint, state as follows:

1. That on the date and at the place alleged in the Plaintiff's Complaint, the Plaintiff, PAUL DULBERG, was guilty of negligence by failing to exercise due care and caution for his own safety, in that he:
 - a. Failed to use due care and caution as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches.
 - b. Failed to use due care and caution as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches when he knew and appreciated the dangers associated with chainsaw usage.
 - c. Was inattentive and unobservant to surrounding conditions and dangers as he assisted Defendant David Gagnon during the trimming and cutting of trees and branches.
 - d. Notwithstanding a reasonable opportunity to do so, failed to maintain a safe distance between himself and an operating chainsaw.
 - e. Was otherwise careless and negligent as will be demonstrated by the evidence at trial.
2. That by reason of the aforesaid negligence of the Plaintiff, PAUL DULBERG, and as a direct and proximate result thereof, the Plaintiff sustained the damages claimed.
3. That pursuant to the Illinois Code of Civil Procedure, Section 5/2-613(d) and Section 5/2-1116, the Complaint of PAUL DULBERG should be dismissed in that the contributory

fault on the part of the Plaintiff was more than 50 percent and, therefore, PAUL DULBERG's Complaint is barred.

4. Or, in the alternative, that any verdict against the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, should be reduced in direct proportion to the percentage of PAUL DULBERG's contributory negligence causing his claimed injuries.

WHEREFORE, the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, moves this Court for an Order dismissing Count I of Plaintiff's Complaint, costs being assessed to the Plaintiff.

Defendants Hereby Demand A Trial By Jury

CAROLYN MCGUIRE and BILL MCGUIRE,
Defendants, by their attorneys,
CICERO, FRANCE, BARCH & ALEXANDER, P.C.,

By



RONALD A. BARCH (6209572)

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

STATE OF ILLINOIS)
) SS
COUNTY OF WINNEBAGO)

RONALD A. BARCH, being first duly sworn on oath, deposes and states that he is one of the attorneys for the Defendants, BILL MCGUIRE and CAROLYN MCGUIRE, that he has read the foregoing Answer signed by him; that the allegations as to insufficient knowledge are true to the best of his knowledge and belief.

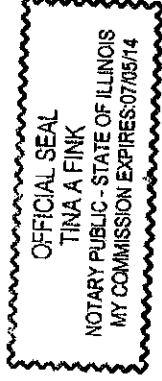


RONALD A. BARCH

Subscribed and sworn to before
me on 1-25-13.

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.

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

Defendants.

No. 12 LA 178

FILED
FEB - 6 2013
KATHERINE M. HERR
MASSACHUSETTS CITY COURT

NOTICE OF FILING

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

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 MCCGUIRE'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.








FEB - 6 2013

No. 12 LA 178

KATHERINE M. KEEFE
MCHENRY CTY. CIR CLK

**PLAINTIFF'S REPLY TO DEFENDANTS, BILL AND CAROLYN
MCCUIRE'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.)

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

FILED

MAR 12 2013

KATHERINE M. KEEFE
McHENRY CTY. CLK.

CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

STATE OF ILLINOIS
COUNTY OF MCHENRY } SS

1062 10

GEN. NO.

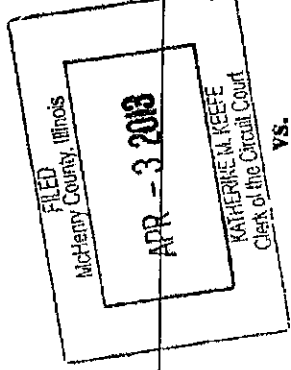
12LA178

☐ 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:

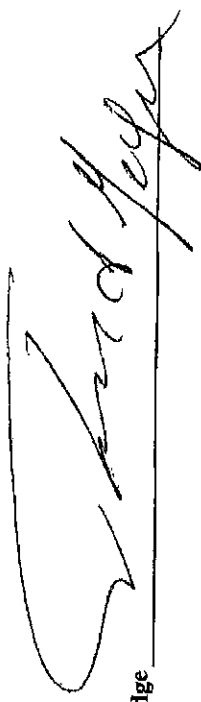
Cause is reset for status on the
completion of post discovery
(non-medical) for 6/5/13 at 9:00 AM.

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.

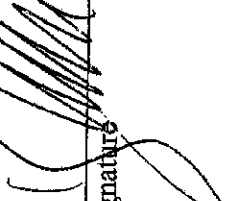
LAW OFFICE OF STEVEN A. LIHOSIT

200 N. LaSalle St., Ste 2550

Chicago, IL 60601

Telephone: 312/588-9821

ATTORNEY Bar Number: 6228720

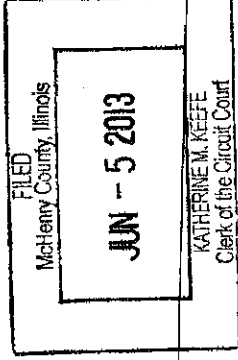


Signature

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.

Date 6-5-13 Plaintiff's R. Lurker Defendant's Perry Acando-Lagon
Attorney Hans Mark 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

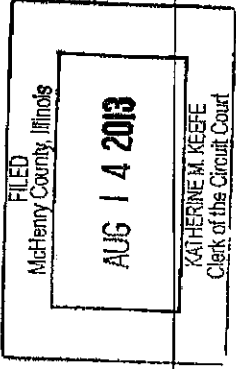
Attorney Registration No.:

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. for case to reset to 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 Ray Acosta, Phantel Biedt (for Sapan)
☒ Defendant(s) appear in person/by attorney Ray Acosta, Phantel Biedt (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 of the Court. 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 January 2, 2014 at 9:00 A.m. for Sapan Reopened

☐ 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

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)

1
Sup
FILED

NOV 06 2013

KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

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.
)
)
)
)
)
)
)
)
)
)

SUBPOENA FOR
DISCOVERY DEPOSITION

TO: MIKE THOMAS
460 Walbeck Drive
Twin Lakes, WI 53181

YOU ARE COMMANDED to appear to give your deposition before a certified court reporter at the Law Offices of Thomas J. Popovich, 3416 West Elm Street, McHenry, Illinois, on **January 17, 2014, at 1:00 p.m.**

YOUR FAILURE TO APPEAR IN RESPONSE TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

WITNESS, November 4, 2013.

ATTORNEY RONALD A. BARCH
Attorney for Defendants,
Bill McGuire and Carolyn McGuire
6323 East Riverside Blvd.
Rockford, IL 61114
815/226-7700 815/226-7701 (fax)

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

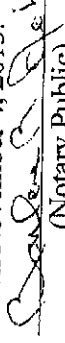
BY: 
RONALD A. BARCH (6209572)

CERTIFICATE OF SERVICE

I served this subpoena by mailing a copy to Mike Thomas via certified mail (return receipt requested) on November 4, 2013; and also mailed via regular mail on the same date. I paid the witness \$41.00 for witness and mileage fees.

RONALD A. BARCH
Cicero, France, Barch & Alexander, P.C.
Attorneys for Plaintiff/Defendant
6323 East Riverside Blvd.
Rockford, IL 61114 -- 815/226-7700

Subscribed and sworn to before
me on November 4, 2013.


(Notary Public)

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. Lihosit
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

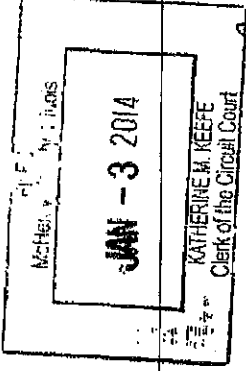
Attorney No. 6203684


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)

5

SA

— — — — —

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FILED
McHenry County, Illinois
JAN 22 2014

being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED;

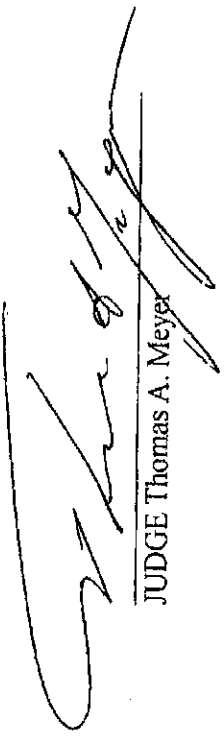
seq.

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
Ciccero, 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

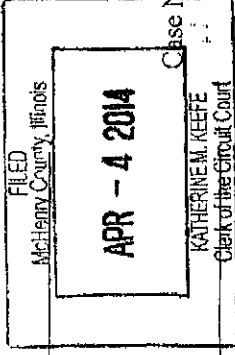
#2

DULBERG

Plaintiff

vs
GAGNON

Defendant



Circuit Clerk Use Only
ORD
ORDJ
ORDDWP

Case Number

12LA178

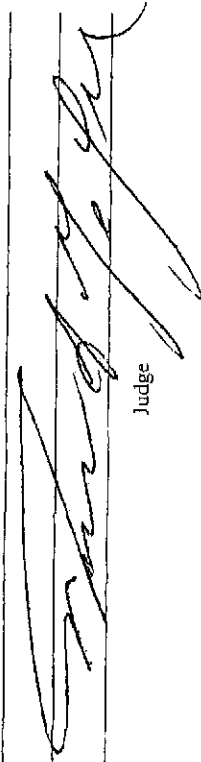
ORDER

- ☒ 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.

RA

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)

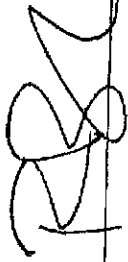
CERTIFICATE OF SERVICE

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.)

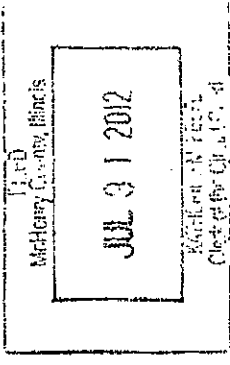
Plaintiff.)

vs.)

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 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 Borch
☐ 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.

EXHIBIT
B

Date:

Thomas A. Meyer
Judge

CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

STATE OF ILLINOIS
COUNTY OF MCHENRY } SSFILED
McHenry County, Illinois

APR -3 2013

KATHERINE M. KEEFE
Clerk of the Circuit Court

GEN. NO. 12LA178

☐ Jury ☐ Non-Jury

PAUL DUBBICKY

DAVID GAGNON, et al.

VS.

Date 4/3/13 Plaintiff's
Attorney

W. H. S. I

Defendant's
Attorney

W. H. S. I. - GAGNON

GAGNON → A C C A O O

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:

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

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

Prepared by: _____

Attorney for: _____

Attorney Registration No.: _____

EXHIBIT

b6
b7C

C

Judge

G. A. M.

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

PAUL DULBERG,)
)

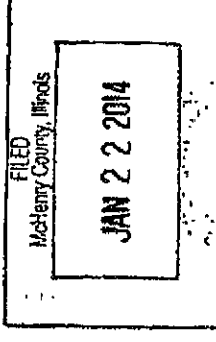
Plaintiff,)
)

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.)
)

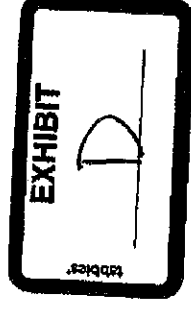


GOOD FAITH FINDING AND ORDER OF DISMISSAL

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:

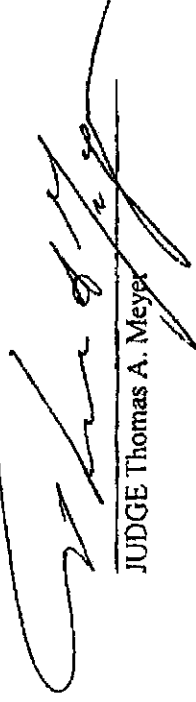
1. That settlement between Plaintiff Paul Dulberg and Defendants Bill McGuire and Carolyn McGuire (improperly named Caroline) constitutes a fair and reasonable and good faith settlement within the meaning of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 0.01 et seq.
2. That the good faith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

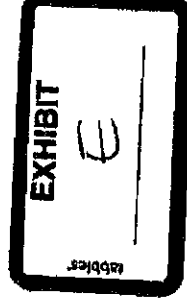
With my departure from the case I feel compelled to address the subject of the chain saw that was involved in Mr. Dulberg's injury. Early on in the case a protective order was entered which prohibited Mr. and Mrs. McGuire from destroying or otherwise disposing of the chain saw and any associated documentation. 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,

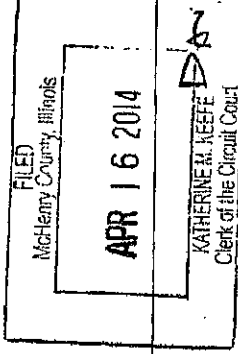
A handwritten signature in dark ink, appearing to read 'RAB', is positioned above the printed name.

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.

KATHERINE M. KEEFE
Clerk of the Circuit CourtDAVID GAGNON,
et al

Date 4/16/14 Plaintiff's HAN'S Defendant's RON BARACH - 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 BarachAttorney 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 \$ _____ 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 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 \$ _____ 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
McHENRY COUNTY, ILLINOIS

Paul DeLong
Plaintiff

Dave Aggan
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

pg 1 # 4

Circuit Clerk Use Only
ORD
ORDJ
ORDDWP

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

- ☒ Plaintiff(s) appear in person/by attorney R. Lumbie-Rpach
- ☐ 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 12/12 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

CIRCUIT COURT FOR THE 22ND JUDICIAL CIRCUIT

STATE OF ILLINOIS }
COUNTY OF MCHENRY } SS

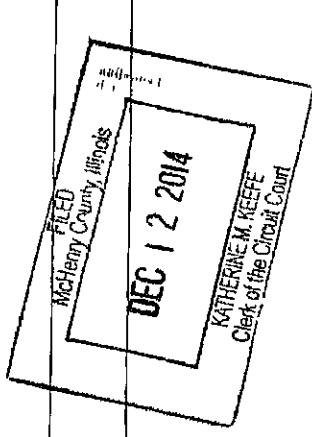
GEN. NO. 12CA178

☐ Jury ☐ Non-Jury

Dulberg vs. Gagnon

Date _____ Plaintiff's Attorney Mud 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

P/L 1

STATE OF ILLINOIS
COUNTY OF MCHENRY } SSFILED
McHenry County, Illinois

FEB - 4 2015

KATHERINE M. KEEFE
Clerk of the Circuit CourtGEN. NO. 12 LA 178☐ Jury ☐ Non-Jury

Dulberg

VS.

Gagwon

Date 2/04/15 Plaintiff's
AttorneyPopovich Defendant's
Attorney

Lishoski

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.

Prepared by:

Attorney for:

Attorney Registration No.:

Judge

Popovich
Plff

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

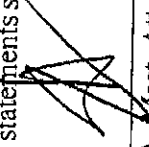
VIA CERTIFIED MAIL:

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

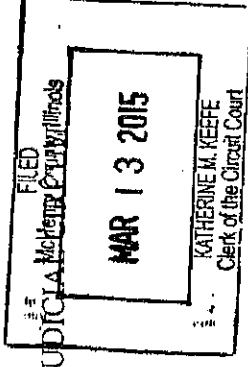
AFFIDAVIT OF SERVICE

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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Total For

Paul Dulberg
4606 Hayden Court
McHenry, IL 60051

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Street, Apt.
or PO Box

City, State, ZIP+4

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

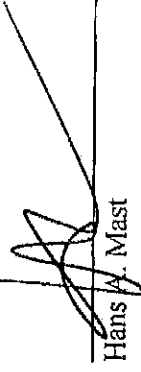
MOTION TO WITHDRAW AS COUNSEL

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: Plaintiff 4-4/9/15 present is present.Attorney 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

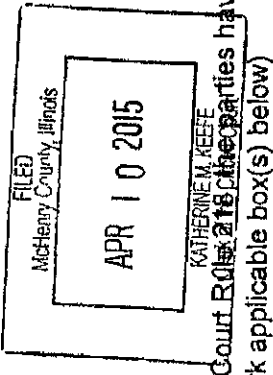
Phone 312-786-8063

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(s) 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

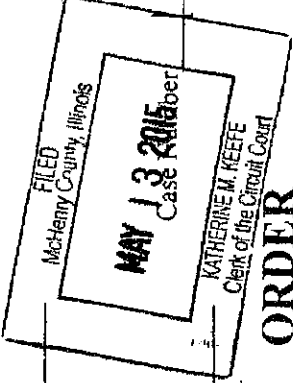
Plaintiff

vs

D. Gasnon

Defendant

Circuit Clerk Use Only
☒ ORD
☐ ORDJ
☐ ORDDWP



2 LA 178

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) _____
- ☐ 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).

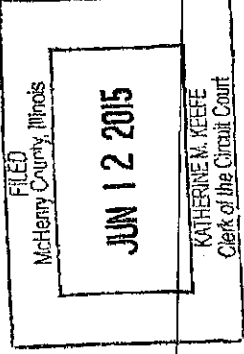
NOTICE TO DEFENDANT(S): THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THE TRIAL, OR ARBITRATION DATE AND YOUR OBLIGATION TO FILE AN APPEARANCE.

- ☐ 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 June 12, 2015 at 9 a.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 17

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.	
Enter the Case Number given by the Circuit Clerk.		D. GAGNON Defendant / Respondent (First, middle, last name)	
		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.
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.
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.
In 3b, enter the full name and address of the parties or lawyers you are sending a copy of this Appearance. If a party has a lawyer, you must send a copy of this Appearance to the lawyer.

1. I, PAUL First DUBBERG Middle DUBBERG Last enter my appearance in this case.

2. I would like a trial with:

☐ a judge

☒ a judge and jury

3. Delivery of Appearance

By signing below, I swear that:

a. At or before 5:00 P.M. on: JULY 10, 20 15 Date

b. I am sending this Appearance to:

Name: PEPPY First A. Middle ACCARDO Last

Address: 200 N. LASALLE ST STE 2500 City CHICAGO IL State IL Zip 60601

Email: _____

Name: _____ First _____ Middle _____ Last _____

Address: _____ Street, Apt # _____ City _____ State _____ Zip _____

Email: _____

Name: _____ First _____ Middle _____ Last _____

Address: _____ Street, Apt # _____ City _____ State _____ Zip _____

Email: _____

This form shall not be modified. It may be supplemented with additional materials.
Page 1 of 2

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

Mchenry, 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

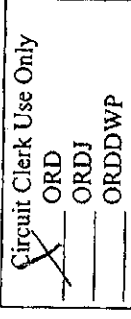
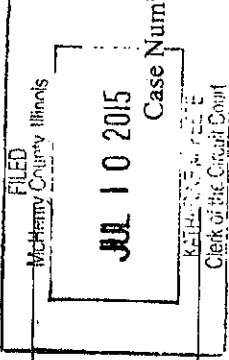
#13

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 \$ 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 9/8, 20 15 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