

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

COPY

PAUL DULBERG,

Plaintiff,

vs.

No. 12 LA 178

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

FILED

OCT - 3 2012

KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

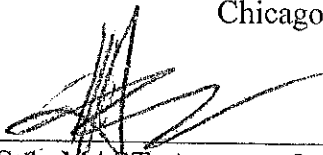
PROOF OF SERVICE

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
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6323 E. Riverside Blvd.
Rockford, IL 61114

Perry Accardo
Law Office of M. Gerard Gregoire
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HANS A. MAST, Attorney for Plaintiff

LAW OFFICES OF THOMAS J. POPOVICH
3416 West Elm Street
McHenry, IL 60050
815-344-3797
Attorney No. 6203684

IN THE CIRCUIT COURT FOR THE TWENTY-SECOND JUDICIAL CIRCUIT
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PAUL DULBERG,

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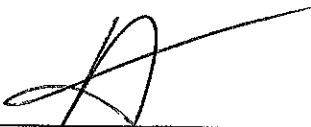
DAVID GAGNON, Individually, and as
Agent of CAROLINE McGUIRE and BILL
McGUIRE and CAROLINE McGUIRE
and BILL McGUIRE, Individually,

Defendants.

**PLAINTIFF'S RULE 237(b) NOTICE TO PRODUCE AT TRIAL
AND/OR ARBITRATION TO DEFENDANT, DAVID GAGNON**

NOW COMES the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW
OFFICES OF THOMAS J. POPOVICH, P.C., and pursuant to Supreme Court Rule 237(b), demands
the production of the following at the commencement of trial and/or arbitration:

1. Defendant, DAVID GAGNON to be called as an adverse witness under the applicable
rules.
2. Any and all documents previously requested pursuant to Supreme Court Rule 214.



HANS A. MAST, Attorney for the Plaintiff

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

3416 West Elm Street

McHenry, IL 60050

815-344-3797

Attorney No. 6203684

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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 REQUEST FOR
PRODUCTION TO DEFENDANT, DAVID GAGNON**

NOW COMES the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW OFFICES OF THOMAS J. POPOVICH, P.C., pursuant to Illinois Supreme Court Rule 201(b) and 214, and requests the production of the following documents within 28 days of service:

Definition: The word "document" as used in the following requests shall be defined as defined in Supreme Court Rule 201 (b)(1).

1. All statements (oral, written, or transcribed, signed or unsigned) by parties to this action given to some person or entity other than their attorney or insurer.
2. All statements (oral, written, or transcribed, signed or unsigned) from any person who:
 - a) Witnessed or claims to have witnessed the occurrence specified in the Plaintiff's Complaint;
 - b) Was present at the scene of the occurrence;
 - c) Has or claims to have knowledge of any of the facts of the occurrence specified in the Plaintiff's Complaint;
 - d) Has or claims to have knowledge of the condition of the Plaintiff; or
 - e) Has or claims to have knowledge of the location specified in the Plaintiff's Complaint.

3. All photographs, slides, motion pictures, videotapes, or other photographic reproductions taken subsequent to the alleged occurrence of the Plaintiff, any physical objects involved in the occurrence, the scene of the occurrence, and/or the occurrence itself.
4. All documents pertaining to the physical or mental condition of the Plaintiff prior and subsequent to the alleged occurrence including injuries sustained in other accidents.
5. Complete, unedited, and unabridged copies of any and all medical reports and documents pertaining to the Plaintiff, and purporting to diagnose, analyze and/or otherwise evaluate any and all injuries allegedly sustained by the Plaintiff in the occurrence specified in the Plaintiff's Complaint.
6. Complete unedited, and unabridged copies of any and all police, accident or incident documents and reports, including any supplementary or reconstruction reports prepared in conjunction with the occurrence set forth in the Plaintiff's Complaint.
7. All documents, articles, papers and textbooks you intend to use during the trial of this cause.
8. All rules, regulations, bylaws, guidelines of any public authority, inspecting or reviewing authority or other private body, which you intend to use during the trial of this cause.
9. All reports or documents which may contain the opinions, theories, conclusions, or estimates regarding the condition of the Plaintiff existing both prior to and subsequent to the incident in question or the matters in question.
10. All reports or documents which may contain the opinions, theories, conclusions, or estimates regarding the occurrence in question.
11. A certified copy of all liability insurance policies and declaration pages that covered the Defendant for the acts or omissions, as alleged in the Plaintiff's Complaint including the policies of members of the Defendant's household.
12. Each and every document, record, report, writing memorandum, physical object and the like revealed or referenced in this Defendant's Answers to Supreme Court Rule 213.
13. All maintenance or inspection schedules, records, logs, notes, charts, calenders, or other tangible evidence concerning the maintenance or inspection of the exterior of the premises described in the complaint including dates, locations, employees, and nature of such work.
14. All maintenance or inspection schedules, records, logs, notes, charts, calenders, or other tangible evidence concerning the maintenance or work described in the

complaint on the premises including dates, locations, employees, and nature of such work.

15. All incident reports, investigation or other tangible evidence concerning the accident alleged, witnesses etc.
16. Preserve and maintain the chain saw and any other instrumentalities of the accident or scene.
17. Any written invoices, payments or writings concerning hiring, retaining or otherwise with respect to David Gagnon and his work at the premises.

Defendant is requested to preserve and protect the stairs at the premises described in the complaint from alteration, modification or destruction until further order of the court.

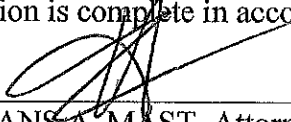
If any of the documents requested are in existence, but not in the possession, custody or control of a party, please indicate the names and addresses of the persons or firms in whose possession custody or control they presently reside.

If any document(s) requested are no longer in existence, please state whether such document: (a) is missing or lost, (b) has been destroyed, (c) has been transferred voluntarily or involuntarily to others, or (d) has been otherwise disposed of, and in each instance explain the circumstances surrounding the reason for and manner of such disposition and state the date or approximate date thereof.

If any document called for in this request has been destroyed intentionally at any time during the past ten years, such document should be identified and the reasons and date of its destruction noted.

Pursuant to Supreme Court Rule 201(n), if any documents called for in this request are not produced because of claim of common law or statutory privilege, please state the exact privilege being claimed together with the nature of the withheld information.

It is further requested that the parties in compliance with this request for production shall furnish an affidavit stating whether the production is complete in accordance with this request.



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

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McGUIRE and CAROLINE McGUIRE
and BILL McGUIRE, Individually,

Defendants.

**PLAINTIFF'S INTERROGATORIES TO
DEFENDANT, DAVID GAGNON**

NOW COMES the Plaintiff, PAUL DULBERG, by and through his attorneys, LAW OFFICES OF THOMAS J. POPOVICH, P.C., and pursuant to Illinois Supreme Court Rule 213, propounds the following interrogatories to Defendant, to be answered under oath, including full information known to you, your agents, and attorneys within 28 days of service:

In construing these Interrogatories:

1. If any discovery request cannot be answered in full after exercising due diligence to secure the information to do so, please so state and answer the request to the extent possible, specify an inability to answer the remainder of any such request and state whatever information or knowledge is presently available to you concerning the unanswered portion of said request.

2. All objections or answers to these Interrogatories that fail or refuse to respond to any Interrogatory on the ground of any claim of privilege or for any other reason shall:

- a. State the nature of the claim or other ground of objection;
- b. State all facts relied upon in support of the claim of privilege or other ground of objection;
- c. Identify all documents related to the claim of privilege or other ground of objection;

- d. Identify all persons having knowledge of any facts related to the claim of privilege or other ground of objection; and
 - e. Identify all events, transactions, or occurrences related to the claim of privilege or other ground of objection.
-
1. State the full name of the defendant answering, as well as your current residence address, date of birth, marital status, and social security number, and, if different, give the full name, as well as the current residence address, date of birth, marital status, and social security number of the individual(s) signing these Answers.
 2. State the full name and current residence address of each person who witnessed or claims to have witnessed the accident to the Plaintiff on the premises as described in the complaint.
 3. State the full name and current residence address of each person who witnessed or claims to have witnessed the work and/or conditions existing as described in the complaint at the location of the accident at the time and on the date of the accident described.
 4. State the name and address of the person(s) or entity that owned the property premises whereat the accident occurred as alleged, as of the date in question.
 5. State the name and address of the person(s) or entity that was involved in performing the work during which the accident occurred on the date in question, as alleged.
 6. State the name and address of the person(s) or entity that decided or chose to undertake the work at the time, as alleged on the date in question, including chain saw use and activity.
 7. State the name and address of the person(s) or entity that was to supervise or oversee the work at the premises at the time, as alleged on the date in question including chain saw use and activity.
 8. State the full name and current residence address of each person, who was present and/or claims to have been present at the scene immediately before, at the time of, and/or immediately after said occurrence.
 9. State the name and address of each witness that knows or claims to know the circumstances of the alleged accident, how it occurred or how the Plaintiff became injured - as alleged in the complaint.

10. With respect to the chain saw that was being operated on the premises at the time of the alleged injury, state as follows:
 - a. Who was operating the chain saw at the time of Plaintiff's alleged injury;
 - b. Who owned the chain saw at the time of Plaintiff's alleged injury;
 - c. Who requested that the chain saw be used to perform work at the time of Plaintiff's injury.
 - d. Purpose for the use of the chain saw at the time.
11. With respect to David Gagnon's experience in use of a chain saw prior to the date of the alleged accident, state as follows:
 - a. How many times had David Gagnon operated the same or similar chain saw prior to the date of alleged accident;
 - b. What formal training did David Gagnon received in use or operation of a chain saw prior to the occurrence alleged;
 - c. Who, if any, (names and addresses) trained David Gagnon in use or operation of a chain saw prior to the occurrence;
12. What was the scope of work or task David Gagnon was engaged in with use of the chain saw at or about the time of the alleged accident.
13. Who (names and addresses) requested or chose to engage Gagnon in the "task" of use and operation of the chain saw at or about the time of the alleged accident.
14. What instructions or guidance, if any, was given to Gagnon prior to Plaintiff's alleged injury/accident with regard to how he was to perform the chain saw work at the premises.
15. Were you (Defendant) covered under any policy of insurance at the time of the occurrence. If so, were you named or covered under any policy, or policies, of liability insurance effective on the date of said occurrence, and: State the name of each such company or companies, the policy number or numbers, the effective period(s) occurrence, including umbrella or excess insurance coverage, property damage and medical payment coverage.
16. Do you have any information:
 - (a) That any plaintiff was, within the 5 years immediately prior to said occurrence, confined in a hospital and/or clinic, treated by a physician and/or other health professional, or x-rayed for any reason other than personal injury? If so, state each plaintiff so involved, the name and address of each such hospital and/or clinic,

physician, technician and/or other health care professional, the approximate date of such confinement or service and state the reason for such confinement or service;

- (b) That any plaintiff has suffered any serious personal injury and/or illness prior to the date of said occurrence? If so, state each plaintiff so involved, state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered;
 - (c) That any plaintiff has suffered any serious personal injury and/or illness since the date of said occurrence? If so, state each plaintiff so involved, state when, where and how he or she was injured and/or ill and describe the injuries and/or illness suffered;
 - (d) That any plaintiff has ever filed any other suit for his or her own personal injuries? if so, state each plaintiff so involved, state the court, and caption in which filed, the year filed, the title and docket number of said case.
17. Were any photographs, movies and/or videotapes taken of the scene of the occurrence or of the persons involved? If so, state the date or dates on which such photographs, movies and/or videotapes were taken, the subject thereof, who now has custody of them, the name, address and occupation and employer of the person taking them.
18. Have you (or anyone acting on your behalf) had any conversations with any person at any time with regard to the manner in which the occurrence complained of occurred, or have you overheard any statements made by any person at any time with regard to the injuries complained of by plaintiff or the manner in which the occurrence complained of occurred? If the answer to this Interrogatory is in the affirmative, state the following:
- (a) The date or dates of such conversations and/or statements;
 - (b) The place of such conversations and/or statements;
 - (c) All persons present for the conversations and/or statements;
 - (d) The matters and things stated by the person in the conversations and/or statements;
 - (e) Whether the conversation was oral, written and/or recorded; and
 - (f) Who has possession of said statement if written and/or recorded.
19. Do you know of any statements made by any person relating to the occurrence complained of by the plaintiff? If so, give the name and address of each such witness, the date of said statement, and state whether such statement was written and/or oral.
20. State the name and address of each person having knowledge of Plaintiff's activities on the premises PRIOR to the accident in question.
21. State the name and address of each person having knowledge of Plaintiff's activities on the premises AFTER the accident in question.
22. Had the Plaintiff ever used or operated a chain saw on the premises or for the Defendant or others prior to his alleged accident. If so, state the dates and times such occurred.

23. Pursuant to Illinois Supreme Court Rule 213(f), provide the name and address of each witness who will testify at trial, and state the subject of each witness' testimony, giving the following information:
 - (a) The subject matter on which the opinion witness is expected to testify;
 - (b) The conclusions and/or opinions of the opinion witness and the basis therefore, including reports of said witness, if any;
 - (c) The qualifications of each opinion witness, including a Curriculum Vitae and/or resume, if any; and
 - (d) Identify any written reports of the opinion witness regarding this occurrence.
24. List the names and addresses of all other persons (other than yourself and persons heretofore listed) who have knowledge of the facts of said occurrence and/or of the injuries and damages claimed to have resulted therefrom.
25. Identify any statements, information and/or documents known to you and requested by any of the foregoing Interrogatories which you claim to be work product or subject to any common law or statutory privilege, and with respect to each Interrogatory, specify the legal basis for the claim as required by Supreme Court Rule 201(n).
26. State the name and address of each person at the premises (although at different location or not a witness to the incident) described at the time of the occurrence.
27. Was the Plaintiff struck and injured by the chain saw while in operation on the date and time alleged. If so, what caused the chain saw to strike the Plaintiff.
28. Describe what, if any, of the Plaintiff's conduct caused or contributed to his injury on the date and time in question.
29. Did the chain saw malfunction at any time during its use prior to Plaintiff's alleged injury.
30. Prior to Plaintiff's alleged injury, was the subject chain saw operating safely and properly.

Demand to Supplement: Pursuant to Supreme Court Rule 213(i), the party answering these interrogatories is hereby requested to seasonably supplement or amend any prior answer or response whenever new or additional information subsequently becomes known to that party or the party's attorneys or agents.



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 ID No.: 06203684

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STATE OF ILLINOIS)
)
COUNTY OF McHENRY) SS

_____ being first duly sworn on oath, deposes and states that he/she is a Defendant in the above-captioned matter; that he/she has read the foregoing document entitled Answers to Interrogatories; and the answers made therein are true, correct and complete to the best of his/her knowledge and belief.

Defendant

SUBSCRIBED AND SWORN to
before me this _____ day of
_____, 2012.

NOTARY PUBLIC