

MEMORANDUM

TO: File

FROM: Hans

DATE: March 25, 2013

SUBJECT: **DISCOVERY DEPOSITION OF WILLIAM MCGUIRE**

CASE: PAUL DULBERG

On March 20, 2013, I took the discovery deposition of Bill McGuire before court reporter, Paula Erickson at Urbanski Reporting 312/977-1777. The transcript was ordered by defense counsel, we ordered a copy.

Bill McGuire is a very pleasant individual and will probably come across as a credible witness although he doesn't know a whole lot. He testified similar to his wife, Caroline to the following favorable and unfavorable points.

FAVORABLE TESTIMONY:

1. Prior to the accident he felt Paul was a credible and honest person and he had known him a long time because Paul was friends with his stepson, Dave.
2. Since the accident he has never known Paul to ask anyone to tell a lie or to fabricate any testimony.

UNFAVORABLE TESTIMONY:

1. He is not happy with Paul because he thinks Paul has filed suit against him for no reason and apparently according to his stepson, Dave Paul is not telling the truth about what happened although he doesn't know personally because he was not a witness.

Bill McGuire lives with his wife Caroline at 1016 W. Elder Avenue in McHenry. They have been married since 1991. He has no children, but Caroline has 3 including Dave Gagnon. He has known Dave Gagnon since 1984 when he first met his mother, Caroline at a marina. Bill has been retired since 2006 when he was a carpenter and hurt his back and could not return to work.

Bill has no experience using chainsaws. He has never used one in his life. Early 2011 he purchased a new chainsaw from Menards because he was thinking he might have to use one because of the storm maybe blowing trees or limbs down in his backyard. He also was going to have it available for anybody including his son, Dave who might need to use it.

The only time that he is aware of that the chainsaw was ever used was maybe in May 2011 when Dave had to cut an apple tree down in their yard. He believes Paul even used the chainsaw to cut the stump down a little bit further. After Paul's accident in June 2011, he only spoke to Paul once and that was at a supermarket when he saw him months after the accident and they said hi to each other. He doesn't know Paul's version of the accident. At first he called Paul a fibber because he filed suit against him but he realizes that maybe Paul isn't fibbing because he doesn't really know who is telling the truth or how the accident occurred. Paul never told him how the accident occurred in his words.

To his knowledge, Dave has used the chainsaw on a couple occasions on his property, one to cut the apple tree down a month before the accident and another time a day before Paul's accident to cut the branches from the evergreens. He explained that on June 28, 2011, he was in the house watching tv and he realized that Paul had arrived at some point because Paul was in the backyard helping Dave with the evergreens. He doesn't know when Paul first got there or how long he was there but apparently Dave started cutting the branches down the day before. Paul was there on this day to help Dave with the branches. He never saw them doing the work and therefore, he doesn't know who was doing what or when or how.

All of the sudden he heard a commotion in the backyard and saw that Paul and Dave were running to get in the car to get to the hospital. He realized that Paul was hurt. He was very unclear about when they arrived back from the hospital or if Paul arrived with Dave or whether Dave arrived back from the hospital alone.

But it wasn't until the next day that he spoke to Dave that Dave told him that Paul somehow caused the accident. He didn't specify what Paul did to cause the injury but just blamed it all on Paul and said Paul did something wrong. He never clarified what he meant by that.

One other time he spoke to Paul after the accident was maybe a week after the accident when Paul came over for about 2 mins and basically said that everything was fine. He didn't suggest that he was hurting anymore.