## STATE OF ILLINOIS IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> 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.	) )	

## 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 DULBER 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.,

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 Pos	st Office Box addressed as above, postage prepaid,
at Rockford, Illinois, at 5:00 o'clock p.m. on _	1/25/13
	RA

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