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STATE OF ILLINOIS)
) SS
COUNTY OF McHENRY)

IN 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.)

ELECTRONICALLY RECORDED Report of
Proceedings had in the above-entitled cause before
the Honorable THOMAS A. MEYER, Judge of said Court
of McHenry County, Illinois, on the 3rd day of
April, 2013, at the McHenry County Government
Center, Woodstock, Illinois.

1 APPEARANCES:

2
3 LAW OFFICES OF THOMAS POPOVICH

4 BY: MR. ROBERT LUMBER

5 On behalf of the Plaintiff;

6
7 CICERO FRANCE BARCH & ALEXANDER

8 BY: MR. RONALD BARCH

9 On behalf of Bill and Caroline McGuire.

1 THE COURT: Dulberg vs. Gagnon.

2 MR. BARCH: Good morning, Your Honor.

3 THE COURT: Good morning.

4 MR. BARCH: Ron Barch on behalf of the McGuires,
5 defendants.

6 MR. LUMBER: And Robert Lumber for the
7 plaintiff.

8 MR. BARCH: We're missing Mr. Acardo, who
9 represents Gagnon.

10 MR. LUMBER: Which -- which is actually okay.
11 Counsel did present me with something regarding a
12 possible piece of evidence. So I did want to call
13 Mr. Mast on it before I agreed to part of the order.
14 So can we just pass it and see if --

15 THE COURT: Yes.

16 MR. LUMBER: -- the other attorney shows up?

17 THE COURT: Yes.

18 MR. BARCH: Thank you.

19 (Whereupon, other matters were
20 heard and the afore-captioned
21 cause was recalled.)

22 THE COURT: Dulberg vs. Gagnon.

23 MR. LUMBER: Judge, Robert Lumber for the
24 plaintiff.

1 MR. BARCH: And Ron Barch on behalf of the
2 McGuire defendants.

3 Your Honor, we can report that we
4 accomplished the party depositions and one fact
5 witness.

6 THE COURT: Uh-huh.

7 MR. BARCH: Actually, two, I believe. And
8 there's a couple more loose ends on fact witnesses;
9 and then there's some medical discovery that needs
10 to be done.

11 So we're hoping to come back in 60 days,
12 roughly, to take -- for completion of the fact
13 discovery and see how we're doing on medical.

14 And the other thing that we have to report
15 is back in August of 2012, there was a protective
16 order entered directing the McGuires to preserve
17 their chain saw, and also their -- and
18 (indiscernible) work associated with that. They
19 gave that to me; it was in my office since last
20 August.

21 But we did some depositions in early March
22 and presented the chain saw. It was photographed
23 and looked at and also the manual that was copied.

24 So I spoke to Mr. Mast and Mr. Acardo.

1 They were, at that point, amenable to allowing the
2 McGuires to put the chain saw back into use.

3 THE COURT: Okay.

4 MR. BARCH: Their only concern would be that
5 they would not sell or otherwise discard the chain
6 saw or paperwork without further order of the Court.

7 THE COURT: All right.

8 MR. BARCH: And we're amenable to that as well.
9 They just -- I don't want it in my office, and
10 they'd like to use it if they need it.

11 MR. LUMBER: And, Judge, the order as -- as
12 counsel as written here, I did talk with Mr. Mast
13 about it, and we're perfectly acceptable to that.

14 THE COURT: Okay. When did you want to come
15 back? June 5th?

16 MR. LUMBER: June 5th works.

17 THE COURT: And F1 -- does your order provide
18 F1 to be closed on that date?

19 MR. BARCH: It's for the completion of fact
20 discovery. We could close it, assuming we do get
21 there.

22 THE COURT: Yeah.

23 MR. LUMBER: Yeah.

24 MR. BARCH: The 5th works good in the morning,

1 Your Honor.

2 MR. LUMBER: Thanks very much.

3 THE COURT: All right. Thank you.

4 (Which were all the proceedings
5 had in the above-entitled cause
6 this date.)

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