

PAUL DULBERG,)
6)
Plaintiff,)
7)
vs.) No. 12 LA 178
8)
DAVID GAGNON,)
9 Individually, and as Agent)
of CAROLINE MCGUIRE and)
0 BILL MCGUIRE and CAROLINE)
MCGUIRE and BILL MCGUIRE,)
1 Individually,)
2)
Defendants.)

19 | APPEARANCES:

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On behalf of the Plaintiff;

On behalf of the Defendant David
Gagnon.

1 THE COURT: Okay. Come on up, Mr. Dulberg.
2 The other side is not here.

3 MR. DULBERG: They are not.

4 THE COURT: You haven't seen them?

5 MR. DULBERG: No.

6 THE COURT: Okay. Why don't you have a seat.
7 We'll pass and we'll give them a few more minutes.

8 (WHEREUPON, the afore-captioned
9 cause was recalled.)

10 THE COURT: Are we ready on Gagnon or
11 Dulberg vs. Gagnon?

12 MR. ACCARDO: Morning, your Honor, Perry
13 Accardo on behalf of defendant.

14 MR. BAUDIN: Randy Baudin II on behalf of
15 plaintiff. We've filed all the papers. I think
16 this was stuck in the --

17 THE COURT: All right. We'll take that.

18 MR. BAUDIN: So we had everything except the
19 actual appearance.

20 THE COURT: Okay. I was going to set it for
21 trial. Is there anything you need to do before we
22 go to trial?

23 MR. BAUDIN: Yeah, if you want to go ahead
24 and explain.

1 MR. ACCARDO: Yeah, we have I believe, and
2 I'm not positive, but I believe that we previously
3 disclosed a 213(f)(3) expert. I have to double
4 check and make sure that he has all the records,
5 that his report was -- was all pulled in. I spoke
6 to counsel. I know he is going to want to take
7 time to take his discovery deposition.

8 And then it's my understanding that
9 there is a possibility that plaintiff may want to
10 retain a rebuttal medical expert. I think they are
11 still in the process of reviewing the multiple
12 depositions of treaters that we took in this case.

13 And then I believe there is going to
14 be a liability expert disclosed by the plaintiff --

15 THE COURT: Okay.

16 MR. ACCARDO: -- as well. And I can only let
17 him address that.

18 MR. BAUDIN: Yeah, there is a person from,
19 you know, out west. He's an arborist and actually
20 a chainsaw expert who has agreed to take a look at
21 the case. I just want to first make sure that we
22 had -- we were in agreement with counsel and also
23 the Court on that before we would make arrangements
24 to have him come in.

1 Mr. Accardo and I's thought was
2 perhaps 60 days to maybe try to get some of these
3 experts, you know, lined up. I know it's going to
4 take a bit of time to get -- especially with
5 Thanksgiving and Christmas --

6 THE COURT: All right. So I will let you
7 crush my hopes of setting it for trial.

8 MR. BAUDIN: But if it does come for trial,
9 it's going to be an exciting one. You are going to
10 enjoy it.

11 MR. ACCARDO: Yes, we all will.

12 THE COURT: If I put it out 60 days, that's
13 not enough time because that's just January 5th.

14 MR. BAUDIN: Oh, geez, January 5th is only
15 60 days?

16 THE COURT: Yeah.

17 MR. BAUDIN: Scary.

18 THE COURT: Why don't we go to the last week
19 of January.

20 MR. BAUDIN: Okay. Sure.

21 THE COURT: 25th, Monday?

22 MR. BAUDIN: Monday the 25th, no trials on
23 that day. Yeah, 2016, that's right. The 25th is a
24 Monday, and it looks okay on my end.

1 MR. ACCARDO: Could we do the 28th?

2 THE COURT: Yeah.

3 MR. ACCARDO: I've got other plans on the
4 25th.

5 THE COURT: Yeah, I'm fine. I will continue
6 it for trial setting again.

7 MR. ACCARDO: By that time we should
8 certainly have firm dates --

9 MR. BAUDIN: Yeah.

10 MR. ACCARDO: -- and know where we stand as
11 far as --

12 THE COURT: I anticipate by that time, the
13 number one trial settings will be in October.
14 There will be plenty of number two's available.

15 MR. ACCARDO: Okay.

16 THE COURT: Rarely do cases go, but we'll
17 see.

18 MR. ACCARDO: Okay.

19 THE COURT: So I'll let you operate from
20 there.

21 MR. ACCARDO: All right. Thank you, Judge.

22 MR. BAUDIN: Thank you so much, Judge.

23 (End of proceedings.)

24

1 STATE OF ILLINOIS)
2 COUNTY OF McHENRY) ss:

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4 I, KRISTINE L. FERRU, an official Court
5 Reporter for the Circuit Court of McHenry County,
6 Twenty-Second Judicial Circuit of Illinois,
7 transcribed the electronic recording of the
8 proceeding in the above-entitled cause to the best
9 of my ability and based on the quality of the
10 recording, and I hereby certify the foregoing to be
11 a true and accurate transcript of said electronic
12 recording.

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-----*Kristine Ferru*-----

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