

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

3
4 IN THE TWENTY-SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

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

13 ELECTRONICALLY RECORDED Report of
14 Proceedings in the above-entitled cause before the
15 Honorable THOMAS A. MEYER, Judge of said Court of
16 McHenry County, Illinois, on the 6th day of
17 November, 2015, in the McHenry County Government
18 Center, Woodstock, Illinois.

19 APPEARANCES:

20 MR. W. RANDAL BAUDIN II

21 On behalf of the Plaintiff;

22 MR. PERRY A. ACCARDO

23 On behalf of the Defendant David
24 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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18 -----*Kristine Ferru*-----

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