

1 THE COURT: Dulberg versus Gagnon? Good
2 morning.

3 MR. ACCARDO: Good morning, your Honor. Perry
4 Accardo on behalf of defendants.

5 THE COURT: Your name, sir?

6 MR. DULBERG: Paul Dulberg.

7 THE COURT: Okay. That's for the record. I
8 know who you are, but we have to make it clear.

9 Did you file an appearance yet? Because I
10 didn't see one yesterday.

11 MR. DULBERG: I thought I had to file it today
12 before 5 o'clock?

13 THE COURT: Yeah, but I was wondering if -- I'm
14 assuming today. I don't recall what the date was.
15 Yeah, you have until today to file an appearance.

16 MR. DULBERG: I didn't know who to send it to.
17 Is that you?

18 MR. ACCARDO: Yes.

19 MR. DULBERG: Can I get an address or can I just
20 hand it to you?

21 MR. ACCARDO: (Indiscernible).

22 MR. DULBERG: I -- we're on a status check for
23 an attorney?

24 THE COURT: Actually, I just need an appearance.

1 And Tom, do we have an appearance over
2 there?

3 And seeing as how your appearance has
4 already been paid for, I just need the form.
5 Because just like you need his address, we need your
6 address, as does he. So that will be the purpose of
7 the appearance form.

8 SPEAKER: Judge, is this a pro se appearance?

9 THE COURT: Yeah, pro se.

10 While he's looking, whether or not you get
11 an attorney is your choice. I just need somebody to
12 file an appearance. You're here today. I'm going
13 to ask you to do it. And if you don't, then I have
14 to DWP the case, dismiss for want of prosecution.
15 So is it your preference to file an appearance?

16 MR. DULBERG: (Indiscernible).

17 THE COURT: Is it your preference to file an
18 appearance?

19 MR. DULBERG: Yes, it is.

20 THE COURT: Okay. The form should be
21 self-explanatory. If there's a problem, we'll tell
22 you what to -- we'll try and give you a hand. He
23 gets a copy of the document so he knows where to
24 send any pleadings or notices. And if you're going

1 to handle this matter for yourself or on your own
2 behalf, you have to send to him anything you file
3 with the Court. We don't do that. So if you file a
4 pleading, send a copy to him as well as to the
5 Court. We just take your copies and we put them in
6 the file. Do you have any questions about that?

7 MR. DULBERG: About this form?

8 THE COURT: Well, about the form or our
9 procedure.

10 MR. DULBERG: Just once I file this, what the
11 date will be that we come back.

12 THE COURT: Well, that's -- that's our next
13 step. That's the next thing I was going to talk
14 about. So where are we, status-wise?

15 MR. ACCARDO: Status-wise, I believe I've made
16 my (f)(3) disclosure. There's been no deposition
17 taken of my expert. I think there are some
18 subsequent records and a subsequent report that's
19 going to be coming from my (f)(3).

20 THE COURT: All right.

21 MR. ACCARDO: And then after that, we'd be ready
22 to set a trial date.

23 THE COURT: Okay.

24 MR. ACCARDO: But we're way far into it, so.

1 THE COURT: All right. Do you know what he's
2 talking about when he says --

3 MR. DULBERG: I don't know what an (f)(3) is,
4 no.

5 THE COURT: All right. An (f)(3) is shorthand
6 or slang for an expert witness. An expert witness
7 is somebody he has hired to review the records and
8 render an opinion. You have the same authority,
9 ability, right to retain such a witness. He has to
10 make disclosures as to what those opinions are,
11 according to the rules, specifically Rule 213(f)(3).
12 That's why we call them (f)(3)s.

13 Once that's complete, I have to set the
14 case for trial and it's your option to take the
15 deposition of that individual.

16 Have interrogatories been issued?

17 MR. DULBERG: I don't believe so, no.

18 THE COURT: Okay. Part of the problem is I
19 can't guide you through the case. And
20 unfortunately, I'm betting you don't know what you
21 don't know. So --

22 MR. DULBERG: I am working with another firm.

23 THE COURT: Okay.

24 MR. DULBERG: Just got the (indiscernible) this

1 morning.

2 THE COURT: Okay.

3 MR. DULBERG: And I still need the electronic
4 and regular file from my previous attorney.

5 THE COURT: Okay. I'm going to put it out --

6 MR. ACCARDO: I'm back in September --

7 THE COURT: Yeah, I want -- I'm sorry?

8 MR. ACCARDO: I'm back on September 8th,
9 which -- I'll just give you a date on that, but --

10 THE COURT: Yeah, I'm going to -- I'm going to
11 continue it to September 8th. And that will be for
12 trial setting as well as scheduling (f)(3) cutoffs.
13 He'll draft the order. Your attorney, if you get
14 one, will understand all that. (F)(3) cutoffs
15 merely refers to the date on which (f)(3) expert
16 discovery must be completed.

17 Do you have any questions about what I'm
18 talking about?

19 MR. DULBERG: No, I (indiscernible).

20 THE COURT: Okay. But I'm not going to do
21 anything. I'm going to continue it to
22 September 8th. That will give you additional time
23 to work out whatever plans you have with an
24 attorney, if you have one. Then I'm going to set it

1 for trial and you're on your own, and it is a
2 difficult proposition, I will warn you. Because he
3 has to follow the rules, I have to follow the rules,
4 you have to follow the rules, and you're not
5 familiar with the rules. At least we have the
6 advantage of knowing kind of what they are.

7 So that being said, I will continue it to
8 September 8th. Counsel will draft the order. Wait
9 for a copy. And you can fill out the appearance and
10 we can take that here and stamp it and give him a
11 copy of that. All right?

12 MR. DULBERG: Thanks.

13 THE COURT: Okay.

14 MR. ACCARDO: Thank you, Judge.

15 (Which were all the proceedings
16 had in the above-entitled cause
17 this date.)

18

19

20

21

22

23

24

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

3
4 I, CRISTIN M. KELLY, 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.

13
14
15 *Cristin M. Kelly*
16 Certified Shorthand Reporter
17 License No. 084-004529
18
19
20
21
22
23
24