

1 STATE OF ILLINOIS)
2 COUNTY OF McHENRY) SS

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

5 PAUL DULBERG,)

7 Plaintiff,)

8 vs.)

9 DAVID GAGNON, Individually, and)
10 as Agent of CAROLINE McGUIRE)
11 and BILL McGUIRE, and CAROLINE)
12 McGUIRE and BILL McGUIRE,)
13 Individually,)

12 Defendants.)

No. 12 LA 178

13 ELECTRONICALLY RECORDED Report of
14 Proceedings had in the above-entitled cause before
15 the Honorable THOMAS A. MEYER, Judge of said Court
16 of McHenry County, Illinois, on the 17th day of
17 March, 2016, at the McHenry County Government
18 Center, Woodstock, Illinois.

19 APPEARANCES:

20 UNIDENTIFIED SPEAKER

21 On behalf of Plaintiff;

22 MS. SHOSHAN REDDINGTON

23 On behalf of David Gagnon.
24

1 THE COURT: Dulberg vs. Gagnon.

2 MS. REDDINGTON: Defendant.

3 THE COURT: And Mr. Baudin coming?

4 A VOICE: He's supposed to be here.

5 THE COURT: Okay. All right. Have a seat.

6 We'll come back to it.

7 (Whereupon, other matters were
8 heard and the afore-captioned
9 cause was recalled.)

10 THE COURT: Dulberg?

11 MS. REDDINGTON: Good morning, Judge. Shoshan
12 Reddington for the defendant.

13 THE COURT: Good morning. Okay.

14 A VOICE: Mr. Dulberg is still not present.

15 THE COURT: Are we ready for trial?

16 A VOICE: Sure.

17 MS. REDDINGTON: Judge, I just received a 2-13
18 arborist report from counsel.

19 THE COURT: Uh-huh.

20 MS. REDDINGTON: I was just checking with him.
21 Because I'm still getting up to speed on this case,
22 and it's been ongoing for some time, that he had
23 leave of court to amend the 2-13 schedule -- because
24 looking back at some of the orders, and it seemed

1 that that had been, sort of, done a long time ago.
2 I've already dis- -- disclosed and produced my --

3 THE COURT: Uh-huh.

4 MS. REDDINGTON: -- 2-13 medical expert for his
5 deposition. So if, in fact, he's allowed to amend
6 the 2-13s, I would need time to take the deposition
7 of that arborist.

8 THE COURT: Yeah.

9 MS. REDDINGTON: And then counsel also indicated
10 there is some additional medical. It's not a new
11 expert, but it's a treater's that's going to be
12 coming as well.

13 THE COURT: A new treater?

14 MS. REDDINGTON: No.

15 THE COURT: No. Okay. Just --

16 MS. REDDINGTON: Just --

17 A VOICE: Just for purposes of permanency. It's
18 just updated --

19 THE COURT: All right.

20 A VOICE: -- treatment.

21 MS. REDDINGTON: So that was my first question
22 is if he had the authority to issue a new 2-13
23 expert at this juncture.

24 THE COURT: Am I being asked?

1 MS. REDDINGTON: Yes.

2 THE COURT: By plaintiff or by you?

3 MS. REDDINGTON: By me.

4 THE COURT: Okay.

5 MS. REDDINGTON: If that -- if that --

6 THE COURT: Well, he's disclosed a new expert.

7 Has 2-13 been closed?

8 MS. REDDINGTON: Well --

9 THE COURT: It's (indiscernible) --

10 MS. REDDINGTON: -- it seems that it was, but
11 there's -- there's been two prior attorneys, there's
12 been pretrials. So it's a little -- and this is a
13 2012 case. There's --

14 THE COURT: Yeah.

15 MS. REDDINGTON: It's a little unclear to me. I
16 don't know that I have every past order. So I just
17 wanted to make sure that that was, in fact,
18 allowable by the Court, and if so, then I would need
19 time to --

20 THE COURT: Yeah. I'm -- implicitly, I'm
21 allowing because I set trial starting F3, so I was
22 going to allow it.

23 MS. REDDINGTON: Okay.

24 THE COURT: All right. So are all plaintiff's

1 F3s completed?

2 A VOICE: This is the only expert.

3 THE COURT: All right. So as of today, yeah,
4 all plaintiffs. F3 disclosures must be made by
5 today.

6 MS. REDDINGTON: Okay.

7 THE COURT: How long do you need to depose his
8 expert?

9 MS. REDDINGTON: He lives out of state, so we
10 need to figure out how we're going to get his
11 deposition.

12 THE COURT: Okay.

13 MS. REDDINGTON: And I don't even know where I
14 would look for an arborist in response, but I may
15 have to do that. Probably I would start at the
16 Mortem Arboretum.

17 THE COURT: Okay.

18 MS. REDDINGTON: And then I want to get the
19 additional medical from the treater that he's going
20 to be getting for me and have my expert look at
21 that. He's already opined on some additional stuff
22 and said he had no new opinions, and I was sending
23 out a letter to counsel to that effect.

24 And then we would need to do discovery

1 deposition, his expert, possibly the treater, if
2 there's anything new. And then the evidence
3 depositions of various parties. And if I choose to
4 have a response to the arborist expert...

5 THE COURT: Okay.

6 MS. REDDINGTON: So if we do set a trial date, I
7 would like time --

8 THE COURT: Okay.

9 MS. REDDINGTON: -- to come back for all of
10 that.

11 THE COURT: All right. So how long -- I would
12 set -- the earliest date I think I could set this
13 case for trial would be September 26th. You'd been
14 number one.

15 MS. REDDINGTON: That sounds reasonable. Does
16 that sound reasonable to you? Mine's free at this
17 point. Maybe by then, I'll be done with my cold.

18 A VOICE: They just don't seem to go away. That
19 week looks clear.

20 THE COURT: Okay. October 26.

21 MS. REDDINGTON: Judge, typically, what would
22 you like to do in terms of a pretrial? The week
23 before?

24 THE COURT: Yeah. We'll do it the Friday

1 before. You'll be number one, so you'll be at 10:00
2 o'clock. 10:00 o'clock also on the 26th.

3 MS. REDDINGTON: Is there a specific order? Can
4 I just use the general order?

5 THE COURT: You can just use the general order.

6 MS. REDDINGTON: Okay.

7 THE COURT: Please have all discovery closed as
8 of August 1st. And --

9 MS. REDDINGTON: And what time is the pretrial?

10 THE COURT: That will be at 10:00 o'clock.
11 We'll do jury instructions and motions in limine.
12 With respect to jury instructions, I may just --
13 that you guys can work out the majority of those so
14 I don't feel the need to go through the ones you're
15 agreeing on.

16 If you -- if there are jury instructions
17 that you disagree on, those are the ones we could
18 address at that time. We'll need a statement of the
19 case, witness list. And if you can work out an
20 agreed statement of the case, that's fine.
21 Otherwise, I'll pick between the respective ones
22 you've presented.

23 Question?

24 MS. REDDINGTON: And then evidence depositions,

1 bring them to the pretrial --

2 THE COURT: If --

3 MS. REDDINGTON: -- if there's any objections?

4 THE COURT: Yeah. If there are objections that
5 I need to resolve, again, I rely on the attorneys to
6 discuss these beforehand so that they know whether
7 or not they are really going to pursue some of the
8 objections they've made. Most times, a lot of
9 objections are withdrawn, so there's no need to go
10 through all of them.

11 MS. REDDINGTON: Okay. Thank you.

12 THE COURT: All right.

13 A VOICE: Thanks, Judge.

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

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