From: Julia Williams juliawilliams@clintonlaw.net @

Subject: Dulberg v Popovich; Documents Date: June 26, 2020 at 9:42 AM

To: Paul Dulberg pdulberg@comcast.net

Cc: Mary Winch marywinch@clintonlaw.net, Ed Clinton ed@clintonlaw.net



I am working to produce more documents to the other side as we indicated in your deposition and pursuant to our duty to continually update discovery. There appear to be some documents from the Gooch file that were not produced in discovery in the legal malpractice case and I want to make sure we have produced everything required to the other side. We are going to produce those now. Many appear to be duplicates.

I am continuing to work on the total supplemental production, but for now, I need your help with some files that I have attached.

- 1. David Gagnon Dep with Notes. Who wrote the notes on the deposition transcript?
- 2. Michael McArtor Dep with Notes. Who wrote the notes on the deposition transcript?
- 3. Paul Dulberg Dep with Notes. Who wrote the notes on the deposition transcript?
- 4. William McGuire Dep with Notes. Who wrote the notes on the deposition transcript?
- 5. Notes 1-5. Who wrote the handwritten notes from the five files of handwritten notes attached?

We appreciate your help with this.

Best Regards,

Julia Williams Of Counsel The Clinton Law Firm 111 W. Washington, Ste. 1437 Chicago, IL 60602 P:312.357.1515 F: 312.201.0737 juliawilliams@clintonlaw.net

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David Gagnon Dep wi...tes.pdf

Michael McArtor

Paul Dulberg

Dep Wi...tes.pdf Dep wi...tes.pdf Dep wi...tes.pdf

William McGuire Notes 2.pdf Notes 5.pdf





Notes 4.pdf Notes 3.pdf

OIBLERIEND -TRACY RUSSO HOLLYWOOD, ALA DAVID BEAT HER - A LIPAL INTA

Discovery Deposition of **DAVID GAGNON**

Date: February 4, 2013

Case: Dulberg v. Garage And Transport Land of measure don't pariable. The party of the control of the cont Congress of orders, services of the services o No south of Robbible

Reporting Company

Phone: 312-977-1777

NAME ONE camparoundin albus Compers TO USE ChainsAir THE FIRE WOODS

STATE OF ILLINOIS) SS.
COUNTY OF MCHENRY)

IN THE CIRCUIT COURT FOR THE TWENTY-SECOND
JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

PAUL DULBERG,

Plaintiff,

Vs.

Vs.

DAVID GAGNON, Individually,
and as Agent of CAROLINE

MCGUIRE and BILL MCGUIRE;
and CAROLINE MCGUIRE and
BILL MCGUIRE, Individually,)

Defendants.

Defendants.

LA 178

Illinois, purpose of pertaining Procedure 0 and Registered Professional Reporter, Margaret Maggie the provisions The deposition commencing and discovery to the the Orton, Ь О taking Rules of the a a а СТ the of DAVID A. Certified 1.123421 О Н Illinois depositions p.m. West Supreme Shorthand Reporter Εlm Code on February 4, GAGNON taken before Street, taken pursuant Court thereof of Civil for the McHenry, 2013.

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                                                              02
                                                              6T
                                      Bill McGnire.
 On behalf of the Defendants Carolyn McGuire and
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                     LAW OFFICES OF STEVEN A. LIHOSIT
                                                             9
                      On behalf of the Plaintiff;
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                        E-mail: hansmast@comcast.net
                                 Phone: (818) 344-3797
                               McHenry, Illinois 60050
                                  3416 West Elm Street
                                                             ε
                                      TSAM .A SMAH .AM
              TYM OFFICES OF THOMAS J. POPOVICH, P.C.
                                                             7
                                            APPEARANCES:
                                                             τ
bgd∈ 2
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	INDEX PAGE
	03 03
4 N O	DAVID A. GAGNON
ഗ ഗ	Examination by Mr. Mast4
ω	Examination by Mr. Barch 188
	Examination by Mr. Callahan 201
7	rther Examination by Mr. Mast
œ	rther Examination by Mr. Callahan
Ø	rther Examination by Mr. Mast
10	
, •	
12	EXHIBITS
13 (GAGNON DEPOSITION EXHIBIT
14	
1. 5.	2
16	3
17	
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6 H	
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21	
22	
23	
. 42	

1 1 1 1 1 1 1 9 1 1 9 1 1 9 1 1 9 1 1 9 1 1 9 1

-1	(Witness sworn.)
73	MR. MAST: All right. This is the discovery
m	deposition of David Gagnon taken pursuant to notice in
4	accordance with the applicable rules.
Ŋ	WHEREUPON:
Q	DAVID A. GAGNON,
7	called as a witness herein, having been first duly
œ	Sworn, was examined and testified as follows:
σı	EXAMINATION
.0	BY MR. MAST:
1	Q Mr. Gagnon, I'm Hans Mast. I represent Paul
7	Dulberg. I'm going to ask you some questions
m,	regarding this chain saw incident. Start out with
4	some background information. I just want to make
rζ	sure And I imagine you've never given a deposition
9	before; is that correct?
7.	A I have on my own behalf. I was in a car
ω	accident several years back.
	Q Okay. So you know the process?
0	A Fairly well, yeah.
₽	Q Okay. So really the process is simple.
7	Questions and then you answer the questions and we go
e	back and forth until we're done, okay?
4	A Okay.

v-1	Q I want to make sure, though, that your	ır
2	answers are responsive to my questions. So if you	you
m	don't understand the question, let me know. Otherwise	cherwise
4	if you answer it, we're all going to assume that you	at you
2	understood the question, okay?	

- I understand ø
- house aware You're H.S parents' You're case their house? this Your else. that at see what a Ct think, accident saw work |--| Let's about that happened, Paul's chain Okay. that? οŧ some obviously O.F during O aware ∞ $\boldsymbol{\sigma}$ 10 17
- that. Yes, I'm aware of K,

12

- me H. correct believe can Н you but that and obviously, Does believe, 2011? anything \vdash And 28th, Okay. on happened June I'm wrong O 47 13 4 15 16
 - Yes

 \bigcirc

- correct sounds sound right? that Yes, ⋖ 18
- week the O T day remember what noā 9 Okay. Ø 20 19
 - do not. Н No, was? 21

Þ

- Sunday? O H Saturday <u>ا</u>. Was \bigcirc
- the week, during It was was not. ا.. No,
- m, I sure. quite 23 24

page 6-

? DAVE'S GUTO BODY

FOR DAVE'S HITO BODY OF GENER SEAROH FOR DAVE'S AUTO BODY CITY, WLS CAME UP EMPTY + SEARCH FOR TELEPHONE # - BUSINEE ID #

29 YEARS SINGE HIS 18th BIRTHDAY. UNEMPLOYED FOR APPROXIMBTELY THE SS YEARS OF THE POST DAVID FAGNON HAS BEEN

- through g start now and t 0 like H'd Okay. Ø
- start ØΘ don't So why information. background some
- birth of date Your What's this: with
- A 4-3-67.
- today? how old yon that makes And O!
- 6 A I am 45

ហ

- Q Are you employed today?
- entire have been my Н ຊ self-employed am |---| Ø
- 9 life

10

 \vdash

- doing? in. self-employed you are What Ø
- repair collision and restorations auto ф Н ⋖
- own name? Your under that you do å \bigcirc
- Body Auto Dave's ΟĒ name the under do that Н K
- Q At home?

14

73

12

A Yes

35

76

- ο£ type some O L incorporation an that <u>H</u> Ø
- 17 formal --
- A No

18

9

- Q -- organization?
- A No. No.

20

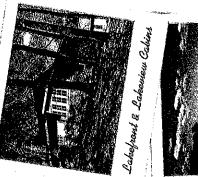
21

- auto How long have you been doing Okay. \bigcirc
- Auto Dave's under repair collision and restoration 22
- 23 Body, under that name?
- A Probably 20 years.

Nome LAST WITH CAME UP DIKON PAMELA'S

MATTIO BAENON

DAVID HAS A SON-OOLIN BAZILEWICH FLOR 122 MCHENRY COUNTY MOTHER: WICOLE - LIVES IN OHILD SUFFOR



Lake Mory frontage

	Õ	Has it always been full-time?
7	A	I would have liked it to have been. As work
M	comes, I	I work on that; otherwise, I fill the void with
4	other th	other things that I can perform.
ر س	Ø	All right. Have you had to fill the void
v	with oth	other things in the last ten years?
7	A	Yes, and I have been employed with other
∞	people in	n between.
6	Õ	Okay. So we'll get to that in a minute,
10	then, oka	okay?
; - 	Ą	Okay.
12	Ö	What is your current address?
13	K	39010 90th Place, Genoa City, Wisconsin.
14	Ol.	So that's right over the border here to the
الم م	north?	
16	Ø	Yeah. 53128 is the zip.
17	Oł	Who do you live with there?
18	A	My wife.
19	○ 4	What's her name?
20	A	Pamela.
21	O ^l	Anybody else live at that address?
22	¥.	No.
23	Q	Do you have any children?
24	A	No, I do not. Picheller

જે કરે તેણ

(~ 	2 And your Social Security number?
. N	A In full?
m	Q Yes.
4	MR. CALLAHAN: Can we do this off the record
ហ	then?
φ	MR. MAST: We can do it off the record.
7	BY MR. MAST:
œ	Q Let's say on the record, what are the last
on	four digits?
10	A 2535.
11	Q 2535?
12	A Yes.
13	MR. MAST: Okay. Give it to us off the record
77	now.
12	(Discussion off the record.)
16	BY MR. MAST:
17	Q Did you give us your
138	MR. CALLAHAN: Back on the record?
19	MR. MAST: Back on the record.
20	BY MR. MAST:
21	Q Did you give us your full Social Security
22	number off the record?
23	A Yes.
24	Q Okay. All right. Do you have any criminal

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FRIENDS, PAUL NEVER EVEN TALKED TO DAVID PRIOR TO THIS TIME. KNEW OF EACH OTHER STRETING ABOUT & YEARS AGO THEU PAUL'S DAVID GAGNON & FAUL DULBERG

THAN PAUL BY ABOUT 3 or Y YEARS TIME DAVID SAYS THEY MET ON BIKE TRAILS". DAVID WAS OLDER #19 PAKL WAS BEING BABYSAT AT SUE DVORAK'S HOUSE AT THE 9 DID NOT EVEN KNOW PANL 35 YEARS AGO

page 10

2. NO - From HAM DAVE TOLD PAUL HE WAS GOING TO CAUSE A DIVORCE BETWEEN DAVE + PAM IF HE SURD FOR THE INSURY TO HIS AREA

3. DAVE & PALL WERE NEVER GOOD OR CLOSE FRIENDS.

- today? standing since then till good
- don't know where Н right now O.F Yes, and as

 $^{\circ}$

- Was Hಭ spoken with him it stands. I have not ന
- directed not to.
- --ე. ე. least in your mind But at Fair enough. \bigcirc
- finish just me Let on. -- Hold good standing still in φ
- the questions. Is your friend- -- At least in your
- standing with good your friendship still in Ŋ. mind, ∞
- 9 Paul Dulberg today?
- A No.

10

금

- suit? the O T that because And is Okay. Ø
- A Yes.

12

13

- that. Okay. Fair enough. Understood about \bigcirc
- Your okay, was friendship with Paul Dulberg in good standing? suit was filed, the Until
- A Yes.

16

.

13

14

- the way for those 35 years a11 it been Had Ø
- 18 until the suit was filed?
- A Yes.

9

20

- where times any never Was there SO Okay. Ø
- that over tested seriously your friendship was 27
- 22 34 years?
- A No.

23

24

Q Is that correct?

#20 than 24-HERESAY.

BULLSHIT

SOREAN AT DAVID TO GET FILLED. TOLD DAVID ALL HE WANTED WAS TO GET PRESORIDTION FILLED AND WHEN HE LEFT THE HOSPITAL. PANL Was VERY DRUGGED UP HE HAD A PRESORIPTION FOR PAIN PLLS THAT HE HAD TO To SO HOME.

FLLES BUT REFUSED TO TAKE DAVE HOME AUS 1857EAS TOOK HIM BACK 94 cowes Paux's PERSORIDION TO BE DAVID FINDLY RELEVITES AUD To Blue & CAROLYN'S HOUSE

correct That's ď

 \sim

- say H 내 •러 щe correct can you And Okay. Q
- <u>н</u> Ŋ ---М О but accurate, not that's something
- View Paul's don't know what you though even feeling,
- against filed being suit this friendship is, Your O.F
- about mind your1 T feelings brought negative you has
- friendship? Your
- may1-1 4. T recently, onlyand Yes, ⋖
- ahead. 9 Okay. Ø

g

10

- situation this arisen, had ւլ. Ի**.** first when At d
- Was Н and another one to talking still were 딘
- whatever information, insurance both submitting 12
- at problem Ø there wasn't know, you because, requested 13
- said had Paul ಇ turned didn't really things But time. things that 14 15

some

with me well go ٥. S O

somewhere

OĽ

deposition

his

ı.

mean

You

Ø

10

that

me. t t Personally ø

 $^{\rm H}_{\infty}$

7

what you as X t t got I've guess H 1 then. # |were Well, those things Ø

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21

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ØΨ hospital and vehicle, because hospi (inaudible) the the condition his leaving t C place with After bringing him veryhis just being t t me took <u>გ</u> still 40 occurrence concerned turned Myself Okay. це heart being after this friend, had left. ø Zuι

TO CALL 911, THEY WENT IN THE HOUSE SLAMMED DOOR SHUT & LEFT DAN IN WOULDN'T ALLOW PAUL IN DAVID'S CAR BECAUSE PAUL DAVID & CAROLYN REFUSED WAS BLEEDING BADLY. MOR 12913

TOLD DAVID-THEN TAKE TRUCK, INEED TO GO TO HOSPITAL PAUL M THE

this. A a T money οĘ lot ಗ make can that we said and

 $\overline{}$

 \sim

- that during present anybody else Was Okay. \bigcirc
- conversation?
- A No. No.
- the from the way On Car Your i. that Was \bigcirc
 - 6 hospital?

S

- leaving the immediately at lot vehicle his in Was That Ø
 - parking theH still and hospital the ∞
- 9 hospital.

10

11

- of 1 accident Your οĘ day same the that Was accident? \bigcirc his
- A Yes

12

13

14

- 2011 in 28, Was June Þе and peen hospital have would the that Οŧ out So discharged Okay. was Õ hе
- yeah. driving, Was Н seat; Passenger's ⋖

car?

his

72

16

17

- OH time the à Car ർ have not You Did Okay. \bigcirc
 - 18 something?

19

20

21

- car, occurrence take my house Just the said, шX say, where a t vehicle was ре left, should and when we His H house, No. happened; mother's Þ
- after \vdash because saying You're Non stop saying. me Let understand what you're right. All \bigcirc

 the

to

took his vehicle

We

SO

22

23

- passenger ಥ <u>დ</u> him with car his drove injury you his
 - to the hospital?
- A Yes
- then you were and discharged, treated, got He \bigcirc
- mom's house? back to your going Car his H. back
- that. said ЦĢ and 10t parking the left Never ⋖
- Q No, I understand that -
- A Yes, but that's --

 ∞

g

- going? were you where that's but \bigcirc
- A Yes. Yes.

10

17

133

- and tryt t try not Let's All right. \bigcirc
- over talk t 0 not tryYou over you; talk won't 12
- the leaving you're So right. All
- your mother's ς 1 waythe цo car his in still hospital 14
- That's way? theÖ That's Right? going? You were right? house, where 15 16
- but we going, where we were lot. parking Right, that's not left the still had ø

17

 $\frac{1}{2}$

13

20

- where t C the way about anything C L Car the say다. didn't you're |--| saying right. H'H All were. O you
 - 21 Your mother's house, right?

Yes.

Þ

22

Q Okay

23

A Yes

you're and lot, the hospital parking statement? the οĘ left lot parking you that before made the hе TH. But when Car theØ that's

 $^{\circ}$

that during else Ş. anything say hе Did \bigcirc

¿ }

Yes.

∢

ហ

- like? O.F didn't extent you the that Was that | you So conversation that Okay. No. Þ Ø Ø
- anything case? this Οŧ aspects financia1 about said he that ∞ Φ
- about anything said Ъe time only the that H W \circ 덕

Yes.

ď

10

- like anything said he time case? next this theο£ ე. ე aspects When No. financial K \bigcirc 12 13 14
- **⊕** home, because his in after stopped him shortly Hand friendship, had visited in-Н still K were

that?

5

- and 16 18 17
- after months four or three about . ე this Oh, accident. ◁ the 20 21

accident?

the

after

Soon

How

Ø

19

- Okay. \bigcirc 22 23
- Was H Hcold. but day, Was H. what remember exactly \vdash say Now, can't Was \vdash S H winter Ø Was

#1 Thu #10 - NEVER HARDENED Populat 49982 43 Page 15

#13 - ATHE DAVE MADE PROFIT 2 WITNESSES- MKE MCARTOR SUGGESTION TO DAWL -4 TOM KOST

PAUL'S MOTHER WHO WAS IN COWERSATION TOOK PLASE IN BUSEDENT AWAY FROM THE KITCHEN

- possibly may This that, had mentioned hе and eaving
- \vdash because He to happen could that thing best the p.e
- 1ife. m_{Σ} J O rest the WOrk t C have won't
- α conversation that t 0 witness Any Ø
- A Yes, Michael Mcartor
- M O
- him with lives who Michael Mcartor, ⋖
- name? last the spel1 you ďО HOW Ø
- 口 쉱 民 0 [-1 異 ⋖ Artor, . ပ smal1 Z Capital K,

ð

- resides he but that spelling, Q Q certain quite not 10
- 11 with Paul there at his home.
- Q Where Paul's living now?

122

A Yes

13

14

- conversation that did And where Okay. Ø
- accident? after the place four months 5
- kitchen In his | kitchen where his In K

16

17

 $^{\sim}$

5

- regarding conversation this ψO extent theAnd Ø
- that 40 happened . ე about that talking thing that we're best the p p aspects might This financial said, the he

else?

anything

there

Was

else?

what

and

me,

20

21

22

23

- ο£ day another to work have not mayН Because life. Ճ Zuz
- Q Because I what?
- 11 my οf dayanother work ب have not MayK

WOULD PENENL DAVE'S STEET MA, BOX OR DNYTHING THAT WENT TO DAVE IS RZSIDEMBE WITH I-PAS TO TAKE A PIOTURE OF 12 du 20 -215

Ĺţ.	of this	
during tha	aspects	
g else	financial	
anythin	the	
say	about	
Did he	on now	
a	conversatio	accident?

A No.

wrong? that OL during uncomfortable else anything found that you sayNo. he Did No. conversation \bigcirc ⋖

<u>~</u>

 ∞

φ,

10

11

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16

- those said Ů. than has kind Paul described? other some that accident had other things already 0 L wrong this you've you believed were component to Any 1 Okay. we've financia1 that Ø that two
- when hе 2012 instance where in still in Was were 1. T believe here; we another another Н There was also along home, one going conversation with mγ a ک were visited me ⋖ things
- suit the After filed? you. stop Was just suit Let me the before Okay. OĽ filed \bigcirc Was
- yeah. filed, Was suit the after Was H Þ
- Q Okay.

19

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21

22

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24

 $_{\rm c}^{\rm c}$

1,7

- We шУ for shall me, something coaching easier, H. awarded not make ₩ -H did рe not would Н 뛰 -근 <u>.</u>...} Was that Н ٠ ۲ And he that i. reassuring me cooperation OT Þ say,
- that to witnesses any there Was Ø

PAUL HAD NO WAY AT THE TIME OF KNOWING WHAT & COULS HE SPORT #100,000

#1 them 24 - 216

just out α Q get have give you 10,000 hundred exact O L can 그 4 I wouldn't say awarded? got a hundred thousand dollars Was the all anything that on what you would 1. T you? Н know Ø M ON O say ው ይ that though, make payconditions pay you to me, I 11 you would 4-1 ----SO 2 need for problem with giving you \$10,000 1 communication for me, he promise testimony? t 0 goes well Н say? ! place how dollars. promise \$10,000 conditional Did he, the hundred thousand? assuming said. the did he well say didn't did hе What was \$10,000. If this for your рe Did he thousand goes that If he understand what Okay. Was What What communication? Yes. Okay Did No. No. He ا. H ΟĒ exchange H H wording hundred O! Ճ O O ⋖ O \bigcirc ď \bigcirc Þ \bigcirc ◁ said, that ų О 10 14 15 16 12 73 17 18 20 님 21 22 23 24

- ΟĒ honest That's very enough. Fair Okay. \bigcirc
- then question шУ ا. This that. appreciate \vdash You. $^{\circ}$
- else anything sayþе Did further. go me let Well, $^{\circ}$
- you anything about 2012 in conversation that during

9 H

you

for

uncomfortable

or

inappropriate

Was

felt

រោ

- Was he that interests financial to related Q
- A No.
- O. -- talking about?

 $^{\circ}$

g

10

- A No, he did not
- now? Paul with other conversations Any Okay. Ø
 - want |--| S O Mou incidents different three We've talked 든
- there Ŋ |-| everything. about talked I've sure make 40 12
- contact O H Paul had with conversation you've other any 13
- uneasy OK any uncomfortable regarding Paul with 77
- the either ¥0 to component relating other said some рe things O.Y. interests OĽ conversations financial E C 16
- 17 suit or claim?

18

 $\frac{1}{9}$

- p, P, and ImVďn him, came gave time where he 1-1 which information, one There was for asking Þ Was
- know H о О date φ me give Just this? Was When 40 O how 2122

insurance

20

say could just \vdash Н that date. incident ർ with Non last supply that cannot before |--| Was i. t Þ that

23

offering	
\$10,000	
and	
thousand	
undred	
the h	
ο£	
0 T	
spoke of	there.

- suit before or filed was suit after ₩ ₩ Was \bigcirc
- filed Was suit the after Was H Þ
- Q Okay.
- being that that, On look and ΟĘ Could front an being viewed being Was into our house camera like can with him, ПO Н not how you things camera residence though told ď me was Was and just σ шe there into techy things, മ വ there was showing me what proceeded $m\overline{Y}$ showing rear screen felt device, I at that Н showed up aware Was off. that Ø. this the then He thing Was aware and he was And he which he's front and οĘ again. and |---| that interest wasn't back but screen, inventoried. Q Q shut OD the Ø was iPad, H much Non and and the Was r. t a t

10

겁

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13

14

15

16

Q Okay.

7

138

9

- ssue ۳, other onlythe p_{\bullet} So that would ◁
- Q Okay. Fair enough.
- A Yeah.

20

21

22

23

- anything theregarding ರೆ OL say inappropriate Did he that. OK. wrong appreciate itself? Was ΟÊ felt Н and Non 다. \bigcirc that case

No

⋖

- interest financial about Nothing Okay. \bigcirc
- no, nothing time, that Not Þ

7

- off me doing cutting you're o.Ę and kind favor, you were just ಗ me Do but Okay. far, ი 0 \bigcirc good
- last the S

4

sorry H.H Ø

9

- say, make Ç to going want I'm |--| and full thing sentence ₩ the of understand part you Ø sure
- Can and you least, a t So right. A11

Off

other

cut each

to

not

let's try

SO

okay?

Ø

10

 ∞

- are there it, understand Н മ വ I'm wrong, me correct 듬
- any made where Paul conversations three just 12
- the οŧ parts feel financial t C pertaining uncomfortable 14

that made you

1

felt

that

statements

13

- lawsuit? 15
- Yes. ď

16

~

- enough? fair claim; the orOkay. Ø
- Yes. Yes. Þ

18

19

- hе where accident correct? the day of statement, the that was one-sentence And that Ø made 20
- Mm-hmm. Ø

21

Yes? Ø

22

Yes Yes. ◁

23

24

made hе later where four months that was And O

- thing best the рe could This about, statement that
- 10 have not might 1-1 because me t t happen could that
- work the rest of my life?
- A Yeah.
- Q Yes?
- A Yes
- ij Was that thing last the Was there then And \bigcirc
- hе although 1 said це where filed Was suit after 2012
- hundred $\boldsymbol{\omega}$ get \vdash Ч Hey, said, Ъе it, condition địdn't
- that? ΨO \$10,000 you give thousand, 10
- A Yes.

디

Q Right?

12

A Yes.

13

14

- including say, t t fair ре it would And Okay. \bigcirc
- ф You 41 H said, never he conversation, 2012 last that 5
- enongh fair You; for this ďo I III me, for this 16
- A Yes.

17

18

13

2.0

- Q Is that true?
- A That's true.
- make could You never So he Okay. O
- that, ರ್ to free you're and assumptions you want, 21
- said ever nothing he S. question шX but okay, 22
- him? for lie to Yon having him wanting ţ0 pertained 23
- W H object 10 I'm going BARCH:

argumentative, but go ahead.	MR. MAST: Go ahead.	MR. CALLAHAN: I'll join that objection.	BY THE WITNESS:	A No, he was blatantly asking me in	what he was asking me to do to make it easi	Q Right.	8 And making it easier for him would	be submitting the truth in my judgment, but	be submitting to what he would want me to s	it would be easier for him.	Q I understand what your judgment i	A Yes.	Q This is what I'm questioning, tho	question is what he said to you, okay. You	any assumptions you want from what he said	you're free to do that, okay. My question,	ever tell you that he wanted you to	him?	A He did not say he wanted me to li	no.	Q Okay. You took that from an infe	what else he said that you've already told	A Yes.
		it objection.		asking me in regards to			or him would not just	judgment, but it would			judgment is.		oning, though. $M_{ m Y}$	okay. You can take	it he said to you;	question, though, is	ed you to lie for		me		om an inference of	eady told me, right?	

MIC- M24 ON WIS
EMBELLISHME ON WIS
LIE

- hе from what you made inferences were correct? Those you, O told
 - Yes. ⋖
- me you want ರೆಂ Hey, say, ever you Did Okay. O
 - m, I way.this i. put ۲. د me summarize Well, let just to t for you tryto 11e going 40

S

- to you asked never he sayto fair i. S H
- him? for lie ∞
- correct ე ე That Þ

Φ

10

1

- to t_0 agreed sayyou would never цe what say for to fair exchange <u>,,</u> H S ᄓ money Non Ø give
- for him? say him 72

13

- H 'H that said Н that thing one more . ا recollecting now. There K 14
- Okay. Ŏ

13

- 40 me Was want Hand Non Saw what would chain ಥ freewheeling Well, said, Was $\vdash\vdash$ And Н igent? that ď negl: 9 17 $\frac{c}{c}$
- things make would would sure That said, hе And easy

13

20

- which that, say he did when And Okay. conversation? O 22 21
- the of spoke he \$10,000 when conversation the and dollars same thousand That hundred ⋖

24

- conversation? 2012 the that's SQ Õ
- A Yes. Yes

3

- talked already ۳**.** ٦ get me we've let that So filed? 1 conversation what Was And suit Okay. after 2012 The about was \bigcirc
- A Yeah.

IJ

- O.F saying \$10,000 say you're something, you What give he would awarded you would рe dollars, would ΙĘ says, he thousand 44 •H H N. right? said hundred O
- A Yes.

10

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- he did else what to 디 adding you're MOT And \bigcirc say'
- haven't said Was you truth_ Н Н would say, Н much or been with him negligent? the to what friendship щe tell Well, want 40 Was What would you going him, our and I then. that's basically where m'I t t Saw really very since said chain that. him \vdash from me? with ർ ф him He freewheeling not conversed spoke to would expect K And Н
- further straight me told fine. little you go that's just and ıά going saylet's but hе though, You're Ω Ο did right, more asking, right. what a11 said, I 'm All was, what question you \bigcirc what

- ₩ ;; Hey, than, other asking I, I asking. w, I what with
- give t C glad рф ٦. ا dollars, thousand hundred ಥ get Н $^{\circ}$
- what that, saying Paul than other that, Ų O \$10,000 Non
- 2012 that in saying Paul recal1 Non ರೆಂ else V
- 5 conversation at your house?
- A Nothing.

Q

 ∞

- then? said just what you Was Ηt okay. oh, O
- Way bysufficed Н after. said \vdash That's what ď,
 - would want? you what this E S example, οĘ g
- Ţ -make sure would That said, And he
- 11 easy.

10

- said. Ъe that something اط-ا then that Well, Ø 12
- trying I'm at, get to trying m, I what Ŋ. this Listen, Ξ
 - okay? said, he what out find υ (1 14

15

16

17

- that Ç easy. in response ٦. د. would make nothing sure said That $_{\mathrm{He}}$ Okay. said, hе except Þ
- again щe interrupting You're right. All Ø
 - 18 Let's go back at it again.
- A Okay.

9

20

- 40 want |--| because step β step go Ω (1 I want O
- Н say. t 0 going you're everything out find to 21
- okay? unturned, stones anyр Ф to there don't want 22
- A Yeah.

23

24

Бе conversation 2012 that in that me told You Ö

- <u>р</u> ਜ 'ਕ dollars, thousand a hundred get Н 41 H said,
- that what he S H that. ΟĒ \$10,000 give you t t happy
- said?
- said. hе what .H . that Correct, Þ
- say? you did to that, what response In Okay. Ø
- say, I was t C me you want would What said, Н ⋖

ø

- said, Н <u>isterendaceuramegenamentatar saw anno i was negiliganto</u>
- I will not do that.

g

- That's what Stop. All right. Okay. Ø
- response in in say Ъе did And then what okay. said, 10
- . A Nothing.

Q -- to that?

12

13

- Okay. Nothing, right?
- A Nothing.

14

5

17

- p, that said thought you Н Because Okay. Ø
- easier. H, that would make said, Well, 16
- closing his That was sorry. I'm Correct. ⋖
- 18 statement after I said that.
- Q So he did say something?

13

20

21

- sorry I'm did. цe Yes, Þ
- Mou again 1. L through go So let's Okay. \bigcirc
- A All right.

22

23

- want \vdash chronology, the make to I want Because \bigcirc
- to make that correct, okay?

house your a tt conversation 2012 the In α

Okay.

Ø

- you get Н ₩ ₩ that, statement ർ made Paul that said
- you give this, οŧ dollars thousand hundred
- that. o Ę this ο£ \$10,000 you give 40 happyрe
- Is that what he said?
- A Correct.

 ∞

- ф What said, you that to response In Okay. Õ
- and freewheeling was Н that say, t 0 you want me Q
- Your that Was that. ф not willН negligent? 10
- 11 statement?
- A That was my --

12

- ർ freewheeling said Ъe thought \vdash CALLAHAN: MR.
- negligent was Н that and Saw chain 14
- 15 BY MR. MAST:

16

- said? you what that N N Okay. Ø
- A Yes.

17

what that, to response in then And Okay. Ø 8

did

 19 he say?

20

21

- easy. H• د make would That said, He Þ
- 40 yon wants þе that's what say Did he Okay. O
- words? those sayjust he did OT say22
- words those said just He Ø

23

24

after then said ever he a11 that Н В Okay. \bigcirc

- conversation? that O.F end the àt conversation that
- Yes Þ

 $^{\circ}$

 \leftarrow 1

- easy? 1. T make would That was, he said All \bigcirc
- Yes. K

S

9

- three got we've So right. All Okay. \bigcirc
- h P where right? accident this, the a ک ٥f money day ф О the lot On ൯ conversations, one can make Μœ said,
- Correct. Ø

 ∞

Φ

- conversation that during said hе all That's \bigcirc
- financially O L uncomfortable or, uneasy Was that 5
- correct? motivated, 17
- Yes K

12

13

- later, months four conversation right house, Second his at him Okay. visited Q Non
- Yes Þ

12

9

14

- that O.F thing rest the the best WOrk to t **0** have may This not might said, \vdash And he me; t 0 happened Ø
 - life? Z, mY 9

 $^{\rm rd}_{\infty}$

디

Yes.

20

21

- OK uneasy case? this Was that to financially said h h that related a 11 that O R uncomfortable Ξ Ø
- Yes. ∢

22

24

23

₩ •H said You he then where and 2012 ten Was λ ou thing give he'd third hundred, theAnd ൻ gets \bigcirc hе

- want me you ďо -- What that sayН 4 what, Well, said,
- and saw, chain theit, I'm wheeling ₩ ₩ say, 40 \circ
- 3 negligent?
- ۳**.** make that would Well, said, þе And

5 easy.

Ø

- Is that everything out of that
- 임 uncomfortable uneasy, that was conversation
- 8 financially related?
- A That is all, yes

മ

10

- Q Okay. Have you now --
- did think he H object? Н Can CALLAHAN: MR. 든
- hе one the sorry, I 'm comment, one that off leave 12
- 13 said, I won't do that.
- 14 BY MR. MAST:
- you wouldn't said also you and Yes, Okay. \bigcirc 15

g

16 that after you --

17

18

- yes that, ф not would Н that said Н N.
- to response your After 1 Con-After your Ø
- that? g would not **|--**| you said, said, þе what 9
- A Yes.

20

- that everything Have we now covered Okay. \bigcirc
- made that accident after the about Paul talked and Non 22
- or financially related uncomfortable, uneasy feel you 23
- 24 to this accident?

- hard things too those That wasn't OU question a11 pe p good. that would final Veryone Okay. Yes, oh, No. A. O K. Ø
- those O.F either the said 40 you any witnesses than other there three conversations Were Ø

Okay.

Ø

- the 40 witness ಡ Mcartor was Mcartor Michael Michael Ø ∢ ∞ ባነ
- kitchen, second his ij Paul's home accident? àt the which was after months Yes, four ◁ one 10 디
 - other Yes 12
 - any to other witnesses Any Right. Õ $\frac{1}{2}$
 - communications? those No O F ď parts 14 75
- second the then and Paul and you Just Ø 19
- ۲. with Michael Correct. Was conversation ď 17 8
- Have with Michael? friends with Michael? friends Are you Okay. been ever O Non 9 20
- about probably Michael friends with been I've years Þ 25 21 22
- with Michael? friends yes know, still Н ದಿ Non far Are As \bigcirc d 23 24

		TO 12004
	Q Okay.	
	A This is	not related to him.
m	Q So the r	So the reason you're not friends with Paul
4	anymore is after t	the third conversation in 2012 where
ഗ	you said, I would not do	not do that, and he said, That would
φ	make it easy, you	You haven't spoken to him since; but in
7	Your mind it's not	not friendly because of what you
∞	thought he was ask	asking you to do?
თ	A Yes.	
10	Q Fair enough?	ıgh?
더	A Yes.	
12	Q Do you know in	low in his mind if he thinks you're
13	still friends?	
14	A I do not know.	know.
15	MR. CALLAHAN:	I'd just object as to relevancy
7	and as to speculation.	on.
17	BY THE WITNESS:	
& H	A I don't know.	.mom.
19	MR. BARCH: Jo	Join the objections.
20	BY THE WITNESS:	
21	A I haven't	spoken to him. I don't
22	Q Hold on.	Just let them give the All
23	right. They objected.	ed.
24	MR. CALLAHAN:	You may answer.

You may answer.

- you о П are guys question? Non thinks that t he. answer whether your not? mind or What's Paul's friends MAST: <u>н</u>. MR. Ø still know ΒŸ --1 $^{\circ}$ ന 4
- him with conversed I have not know. a while now. not ф Н quite ⋖ in

Ė

S

that Was he anything fourth thing 71.K0 what he do with looked ರಂ sure 40 didn't H. that really have just weren't iPad and then He something. And r U about didn't that; you but he had right. OK All right? videoing during talked statements O to, wrong Was you ď'n ∞

10

 \forall

12

- 13 A Right. 14 Q Okay. That didn't h
- with ф t 0 anything enongh? have fair anything; O.Y. Fair. statements K 5 16
- statements uncomfortable? the a11 covered feel you we 've made So that Okay. made Paul Ø that

7

18

Yes.

Ø

19

20

21

22

- peen Non have long HOWright. A11 Okay. married? Ø
- 16th August 2008, since been married I've ď,
- Paul know Pamela wife Your Does Okay. $\tilde{\circ}$
- 24 A Yes.

H	On a like a friendly hasis or inst sees
	I mean, how would you
m	just passin
4	A He's my friend and is friends with him is the
ហ	same; there was never anything between us until
· ·	Q I mean, did she spend as much time with
7	Paul
ω	A No.
Q	Q as you did?
10	A No.
11	Q Okay. Her contact with Paul was just passing
12	then? It wasn't where she would do anything with him?
13	A Correct.
14	Q Is that fair enough?
15	A Yeah, correct.
16	Q Okay. And she doesn't have any knowledge
17	regarding any communications Paul made regarding the
18	incident that were uncomfortable or financially
Ц Q	motivated?
20	A No.
2 1	Q Is that fair?
22	A That's fair.
23	Q Okay. Okay. What's the highest level of
24	education you have?

- Н DeKalb University a t accepted Was H ø
- to went Н then end, and its it until pursue didn't
- College of Lake County.
- Center Medical You mean Northern Illinois Ø
- Northern Illinois University?
- A Yeah, DeKalb College.
- 40 trying just I,m I know, All right. Okay. \bigcirc
- connect the dots here.
- Non but Northern a t accepted You were
- 10 never went there?

Q)

- OHO because 1 just and I there I went Oh, no, ◁
- not did personal, I life, events in my Ų O turns 12
- 13 finish, and --

14

that t 0 getting I'm not But right. AII \bigcirc !

- 15 point. I'm just -
- A Okay.

16

17

- the40 go nox did question was, where The Ø
- question the that's education, O.F level highest 8
- Northern Illinois a T accepted Was Н ⋖
- 20 University.

27

19

- there, You went accepted. weren't just You Ø
- 22 right?
- A Yes.

24

Northern to go You did How long Okay. Ø

just

- approximately? there, least program? you you at did that, or program were What DeKalb where was engineering year DeKalb, degree? Ç going And what what engineering 1985. to οĘ And ΟĒ Two months Mechanical University? going What type That was Program? Instead Okay. Okay. Okay. oh, 47 0 two months Illinois ٠٠ general Ø ď ⋖ Ø Þ \bigcirc Þ \bigcirc K. \bigcirc that? Ø ∞ Φ) 5 , -| 12 13 14
- body worker. 끄 Was H Autobody. auto an as Lakeland employment called pursued With who? Was Η |--| K. ⋖ Ø 9 음 17

after

after

g

- Illinois Volo, 28
- together? theyNo. ⋖

still

Are

 α

13

- there? you work dia years. How long Three Õ ⋖ 21 22
- auto body work? Doing O 23
- Correct. ⋖ 24

- supervisor? Who was your \bigcirc
- Schuman Brian supervisor and Owner Þ
- (phonetic)
- Q Brian what?
- A Schuman.
- Q Schuman?
- A Yeah, Schuman.
- you went DeKalb, two months of after So Ø

Ç

- 9 Lakeland Auto?
- A Mm-hmm.

10

Q Right?

11

- 12 A Yes, correct
- you said You to go Non did When Okay. O 13
- 14 went to another college?
- County Lake College of CIC, Ø

5

9

17

58

9

- Q When was that?
- A I believe that was 1987.
- at Lakeland? were you Sometime while Ø
- auto the a T was working Н Yes, Was Н Yeah, ⋖
- 20 body

21

22

- CIC? And how long were you at \bigcirc
- six months say to want K
- Q Okay. On what program?
- engineering mechanical Same, ⋖

24

high wasn't college? school? and working to after mentioned finished go Н and You other education any high which Non Did earn money, body. had completed, Any school graduate program? when Auto, Н You school? auto college ones CIC. to asking Lakeland you job, that the and to going sayaround high other needed did m, I NIO didn't physical than finish no. after not Where After somewhere That's what to doing Any other Completed, did What year? |--| colleges? Johnsburg not? Н You went you education Because Pretty |--| Okay. Okay. Okay. Okay. enongh 1985. Okay None WhyDid No, Not No. Was other assuming college earning school? \bigcirc Þ \bigcirc Þ \bigcirc ⋖ O ◁ Q K Q ⋖ ď Ø \bigcirc α \bigcirc ď べ any $^{\circ}$ IJ ∞ σ 10 17 12 13 14 13 16 17 18 19 20 22 27 23 24

Page 3 Page 3.	2 A I'm not sure what town it resides in.	3 Q And when did they let you go?	4 A They let me go just at Christmastime last	5 year.	6 Q 2012 Christmas?	7 A Yes.	8 Q . All right. Any other employment since high	ţ	A No.	l Q Okay. Do you have any training other than	being self-trained on working with a chain saw?	A No.	Q So you're Well, let me ask you this way:	How long have Well, strike that.	How long have you Strike that.	" When's the first time you operated a	chain saw yourself?	A Age 18.	Okay. About '85? No, wait. Is that '85?	MR. CALLAHAN: Yeah.	BY THE WITNESS:	A Yeah.	Q Yeah. About 1985 then?
r -1	62	m	4	ιΩ	Ø	7	ω	9	10	11	12	اسا	14	15	16	17	Π	13	20	21	22	23	24

|--|

- дд Was I 20 too, theirs цр fix 40 Someone wanted
- model old veryØ Was **٦**saw; chain Bradley David old $^{\circ}$
- said You that. HO. some missed \vdash Wait, \bigcirc

 $^{\circ}$

- sale garage ៧ from friend ൯ from got you that one had
- one? other the what was another, but S
- MR. CALLAHAN: No.
- MR. MAST: Sorry.
- 8 BY THE WITNESS:

മ

- and operated Н that one had Н had H No, A.
- sale. garage ൯ at picked one up Н then 10
- Q So you had two of them?

근

- them both sold |--| and them, 44 0 two had |--| Yeah, 4 12
- didn't one and One worked yeah. same time, the a t 13
- 20047 40 2000 from Was that And Ø

C

A Correct.

E C

14

76

- those use you did 2000-2004, During Okay. Ø
- Ø basis continual οĘ type any On Saws chain 17
- A No.

8

13

- had You because for there just They were O
- them have t 0 liked οĘ kind just you and ďņ them fixed 20
 - 21 around?

22

- were theybecause they were very useful No,
- ർ off trim to property \overline{m} On them nseq H and large
- fallen had that branch maple arge \vdash 24

them? used you ω Ο Oh, Ø

 $^{\circ}$

 $^{\circ}$

ហ

- other The working. that was one operational the nseq not Н Was K one
- from you owned working, Non that Was was working that Saw chain that the one one The 2000-2004, Q
- personal your O use personal OWI your for onlyused Ø
- property?
- A Yes.

α

Q)

- \vdash unti. 1985 from Saw chain ៧ used You Had \bigcirc
- 10 2000?
- A Yes.

딤

12

73

14

- Q Whose chain saws?
- ıα \vdash pe p wood, there would the cut and to myself camper elect α II 'III just again, would Once |--| when Þ time
- 15 just ...
- be will٦. way, maybe this i, ask Let me Ø 16
- easy a11 aren't these know Н because easier, 17
- your operated got first have Non you okay, when times would Before 2000, saw, how many questions. chain OWI 18 419
- years? 15 the over Saw chain ർ 20
- A At least a dozen times.

27

22

- trips; camping during a11 theyWere \bigcirc
- A Yes.

23

24

Ŋ SG el somebody allwere theyAnd Okay. Ø

Non	
and	
site	
camping site and	Wood?
n saw they brought to the ca	camping
たり	
ght	for
roni	an.
.d √	cut
the	40
saw	them
chain	used them to

Yes. Þ

You would Was ا. frequently because property? 2000 then beginning of on Your ι. Η· a little bit more you were using And Okay. and them Ø yours use

Yes. ⋖

 ∞

Ø

- OY OR forest for, -⊢ (1 Do you have some type of that you use something on your property Okay. Ø
- that when No, I have negligent neighbors \$ 070 mg ⋖ 10

don't they trees fall, H

Okay. Ŏ

12

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14

7

16

7

 $^{H}_{\infty}$

13

- to attend seem to the clearing myself. reallythey don't ဝှဝ to 1 opted ◁ |--| 80
- there? and tree here ൻ ďn clear So you Okay. \bigcirc
- Yes. Yeah. ⋖
- From 2000 go times way to οf easy ask the question. 2004 what would you estimate the number 1 know there's no way I still have to |-|. And this, but Õ 9
 - chain saw? ιQ used you 20

times.

Three

◁

21

22

23

- times total thetimes? 2004 about 15 until go os saw was right. chain All ർ used Ø You
- Correct. Ø

,		
-1	Ø	Okay. All right. From 2004 until this
7	accident	in June of 2011, how many times did you use a
<u>,</u> m	chain saw?	١.خ
4	Ą	Four times.
ις	Oì ·	And whose chain saw was it?
9	K	The first time was a friend's, on his
7	property;	second time, again, camping; third time on
· ∞	my property,	and
σı	mother's	place.
10	O O	Now, when you say your property, whose chain
11	saw was i	it?
12	A	That would be my friend Mike.
H 8	Oì	The first The first Well, okay. That
4	would be	the same friend that you operated the chain
15	saw on his	s property the first time that you were
16	spelling	these out?
17	A	After the 2004, yes. Yes.
18	O.	Yeah. So beginning in 2004 when you no
9	longer ow	owned a chain saw, the first time you used it
20	after that	t was with a friend at his house?
21	Ą	Yes.
22	Ø	And that's Mike's?
23	¥	Yeah. Not Mike Mcartor.
24	Ö	No, I

Þ

maybe? yon year house? the the know this out time at your house with Mike's before ർ at your of summer month, Correct. - what compared allows was was Second time was parents' last dayOK time incident. Н the prior the ಥ and incident Within your**Ч-**4 I'm just clarifying. fourth when was the1 but date? υ U that t t have been do, this yeah. time was that Okay. were Year that cutting up firewood? OĘ 2011, 40 ¥0 Was daytime was |--| . ന Datewise? estimate, year? saw before easiest thing Year fine. ¥7 •⊢ within the day 28, would And this incident? fourth It was the So ർ ൃ June That's Was Within Third Okay. Okay. Okay. ₽. ₩ Yeah, house oh. Some Yes. And Yes Was Η († So chain three years? saw? isn't the parents' incident camping Ø οŧ ∢ ൯ \bigcirc Ø Ø ⋖ Þ Þ \bigcirc ◁ Ø \bigcirc Ø ď K. chain used day α α S Θ 00 თ 10 17 디 12 133 14 C. 16 엉 19 20 21 22 23 24

A

Yes.

- Q Okay
- my ij branches some down took storm ർ Yeah, ⋖ yard
- you Your which that On summer? saw 2004, saw, chain the chain after during Mike's Q incident nseq 2010 Was you third i. in times one where that four the incident Was So out property spelled \bigcirc third
- A

10

11

12

Yes.

- θŦΟ day ៧ you used the saw? CIO O chain next time property parents' parents! thethen Your your And accident with On Okay. saw was Ø Paul's chain
- to attempt ever parents Your Did Okay. Ø 14

Yes.

Þ

S S 16

- Saw chain α operate to how On life? you train Your <u>-</u>T you or time educate any a T
- A No.

17

8

- Q Up till today?
- A No.

9

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21

22

- Q Okay.
- p p to Just and McGuire 1 say You Mr. mean me. you Excuse ф parents, CALLAHAN: his 照. clear,
 - McGuire? Mrs. and father his orMcGuire Mrs23
- different two are those So Okay. MAST:

- answers, I take it?
- MR. CALLAHAN: Yes
- that. through go So we'll right. A11 MAST: 照.
- We will go through that.
- 5 BY MR. MAST:
- it's Whether right. All any Well, O
- put just we'11 parents, biological real OĽ stepparents
- 8 them all in one group, okay.

മ

- real O K Your stepparents it's Whether
- meaning parents, Your parents, have biological 10
- You direct OL train you <u>ر</u> attempted ever either/or, H
- ജമ്യ chain ಥ operate t 0 proper method or way in the 12
- today? life until entire your 13
- A No.

14

H D

- parents go through your as well Might Okay. Ö
- your they are Carolyn McGuire, and Bill then. 79
- 17 parents?

 $\overset{\mathsf{1}}{\sim}$

19

20

- Carolyn My mother is my biological mother, ď
- father not my biological .⊢ Ω William McGuire McGuire.
- stepfather your :H William McGuire So Okay. Ø
- A Correct.

27

22

- living? father natural Your father Your H S Õ
- A No.

23

24

0. pass hе did When Okay. Ø

- anything to fair dia that had never H. S saws; hе assuming chain t 0 m I regard Okay. 1996. you with Ø \bigcirc with say?
- Carolyn McGuire the use 40 how that way. ÓΓ 40 William regard H. interacted interact with you with either Did We never Okay. saw? K \bigcirc chain ever

Q

your natural, parents, your დ დ say You? and William با ا H t 0 Carolyn when that fair SO and Carolyn Your E S passed Are about okay? your father Okay. talk then, just parents, Ø since I-11 10 1112 13

No.

⋖

 ∞

for going presently \vdash What was ф 1 parents parents your Your ф Have what oh, Okay. You? living? ask O 40 ಥ 9 15 17

to me

fair

рe

would

That

K

77

they'd been currently both retired long you know how 00 They're Okay. Q ø $_{2}^{\bowtie}$ 13

retired?

20

- Was She now. two years believe, Н Intermatic mother, MYаt employed 21 22
- and William McGuire Grove, Spring iπ K

Okay.

Ø

233

- an Was he. and Construction, Tempest last for industrial worked
 - drywaller commercial 3

 α

S

Ø

- We'11 them, have saws again, and ask parents chain OWIN we'11 and, their operating Your SO 1 οĘ OD. Soon your knowledge either **ا۔** H. them you know, doing experience deposing knowledge do $_{\rm L}$ house? O K end up Okay. expertise just, to your the probably except around but any
- trees that the They bought ΟĘ cutting property never have operated. the their that Q U done for specifically pe They to needed K tool that O)

10

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 ∞

- They then? ا، use to going weren't they1 And letting O were 12 <u>H</u>
- No ⋖

14

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η. Η ф you \bigcirc

0.

Right. Ø

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- Were \mathcal{C}^{\bullet} project Was Non their Saw that particular chain On Saw accident that chain that property, The Paul's for 1 parents they time of parents' 20 your theOkay. your a t ρζ purchased operating property, Ø
- known do then they had and done saw because **∵** be work bought to theychain need saythe wouldn't **p**e bought there would Н theyď, this, that
- \bigcirc

Н	A and I later was elected to do that.
7	Q So when they purchased the chain saw and,
m	again, I'll ask them these questions, but I'm
4	wondering what your knowledge is, when they purchased
ស	this chain saw, your parents, did they purchase it
ω	knowing that you were going to use it or just that
7	somebody else and not them were going to use it?
ω	MR. BARCH: Speculation, but go ahead, objection.
മ	BY THE WITNESS:
10	A I can answer that when they purchased it that
디	they didn't solely purchase it with intent for me to
12	use it.
13	Q Wait. I missed the beginning of that.
14	A When they purchased that, they did not solely
15	purchase it for my usage.
10	Q Okay.
17	A They had purchased it for trimming of trees
18	on their property
19	Q Right.
20	A and then when I was elected or became the
21	person who did the work, I used that chain saw.
22	Q I understand that. My question has one
23	little branch more to it. My question was, did they
24	purchase it thinking somebody else other than

\leftarrow	17 Camad 1	
		serves were going to operate that chain saw?
73	A	You would have to ask them that question.
т	Ol	So you don't know?
4	¥.	I do not know.
ເນ	Oi.	Okay. Fair enough. Had you known either of
ω	Your pare	parents ever to operate a chain saw before Paul's
7	accident?	٥.
œ	ď.	Neither one of them have ever operated a
۵,	chain saw.	W.
10	Oĭ	You know that?
11	ď,	I know that.
12	O ¹	Okay. What kind of Are they still living
13	in the sa	same house they were living at the time of the
Ţ-	accident?	
15	Ą	Yes.
9	Ø	Okay. What kind of property is that if you
17	describe	it? Is it like a small little half-acre
80	property,	or is it a larger
ø	A	It's a small one, third-acre residential
0	what is i	it called? ranch.
[]	Ol	Okay.
ZI.	A	Ranch home, full basement.
ξ	Ø	How many trees would you say are on their
4	physical	third-acre of property, if you had to give me

н а	an estimate? A I'	Page I'm going to tell vou.
м	; с	
l	K	Okay.
4	₹	Currently?
ın	Ø	Yes.
ω	A	Ten.
7	Oł	Okay. Prior to the day of Paul's accident
φ	how many	trees were on that property?
თ	A	12. Oh, 13.
10	Ø	So on the day of Paul's accident, did you
더	take all	three of those down then?
12	Ą	I didn't take any trees down that day
13	Ø	Okay.
4	A	or during this occurrence.
15	Ø	Okay. I see. Just limbs?
9	A	Yes.
17	Ŏ	Okay. We're going to get to that as we go
18	here. Ok	Okay.
.H 6		So even at the time Paul was injured,
20	there were	e still 13 trees on the property?
2	A	Yes.
22	Oì	But there were less limbs on the property,
23	take it t	then
24	A	Yes.

Н

just down; relevance, said trees accident 100 tree The property Was You accident? taken going way apple three H that trees. **(**\. Paul's the accident were Who took down those ਬੁਧ 1 were to parents' Bill 40 You're after Paul's pine gone was time of related trees there object property? question. I think, was Paul's and they were now on your three said that on. the40 only saying is J O the the Hold going later by, property a t tree assuming You were time reask said OID m, T right. little apple question right. right. TWO u,∃ the trees trees occurrence, though, you removed So I'm Please parents' at that BARCH: WITNESS: Yes. Okay right? ten A11 Yes All Yes And 73 Yes ahead with my other tree there were are Was your smal1 that THE g Þ Õ \bigcirc ⋖ \bigcirc \bigcirc ⋖ \bigcirc ⋖ Ø 4 ø there that far but $\mathbf{B}\mathbf{Y}$. Н ൻ ത 20 2 15 8 20 --- 13 14 91 21 22 23 24

- going you. me You're being helpful through those all, let tellnot Paul's is, and and trees to so it's thing to when The three trees that were apologize, So I'm just trying οĘ three all-inclusive apologizing day The to go this ì get don't know. Before the who took those appreciate that. going to have t t go through an idea. accident -- we'll don't have I'm just I'm in no hurry. for being .H S Okay. time. My question you kind of ĺН 1 It's okay ຽ you I'm still I know. that down the H again Okay. Okay. Sorry and No, since Paul's a11 give open, questions and cut though, \bigcirc ∢ α Õ \bigcirc K \bigcirc Þ K just and who to 10 ---12 14 5 16
 - taken down Paul down? you known had 2011, saw? June 28, chain so before ø operate accident, to ever 17 18
 - How frequently? know. don't Okay. Yes. ⋖ Ø ⋖ 20 21 13
- chain Q operated hе 4. T then you know did HOW Ŏ saw? 22 23

Saw

chain

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him operating

seen

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,		Page
ı	v wnere:	A Company of the Comp
2	A Camp	Camping, on his property, cutting telephone
m	poles that he	got for free to make use out of them.
4	. Q Okay.	. Had you known him to operate a chain
ហ	saw before the	day of his accident in a fairly
9	reasonable man	manner?
7	A Yes.	
∞	M He M	wasn't, like, dangerous swinging it around
Q	or anything li	like that?
10	A No.	
H	Q Okay	. So he would operate it, would you say,
12	in a safe manner	er before the day of the accident?
₩	MR. BARCH:	: I'm going to object to
4.	BY THE WITNESS:	•
15	A I'm not	not qualified
16	MR. BARCH:	: Let me object to the foundation.
17		But go ahead and answer.
18	BY THE WITNESS:	
9	A I'm not	not really qualified to determine what
20	safe is, I mean	
21	Q Everyone	one has their own definition. I'm just
22	asking you under	er your own belief of what safe is
23	A Yes.	
24	Q Let 1	me finish the question. Under your own

operated you accident, whatever times believe Paul manner? you safe ф ۲. ا ർ his in i safe Saw ο£ what day chain the of the before belief

 $^{\circ}$

- Yes. ď
- chain ത seen you operate campea accident? ever Paul his of Had dayOkay. the before Ø
 - Yes. Ø
- H ЦO also and 2. Multiple times camping Ø

that?

Where was

Ø

- property. mother's
- asked time on your mother's |-| accident let's go back then because when Saw chain of the theday you how many times you operated the 2004, you only described one that was on Well, and property Oi

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74

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97

18

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- include there's Because clarify it actually cutting wood? to 1 operating Does or starting
- didn't you 80 1 before didn't asked you that question but you condition it when I I'm going back. Fair \circ why
- Þ

20

21

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23

- Non 80 any way before H• ا. I'm glad to define clarify didn't going back. You J 1 can I'm just that's why I'm We Ø want.
- ď

John Secondary A

A Yes.

 $^{\circ}$

 $^{\circ}$

ம

- know what aside, other On You trips any than 40 tell Saw other camping want chain t O Non accident happy And putting the ൯ 41 operate I'm operate, his LS, ΟĘ seen you operate dayAnd before the Okay. trips? οf ever definition Paul camping Ö time that
- define chain can theyou using view but means please. $m\bar{Y}$ Operate 디디 Yes, you want. Þ O ወነ 10

wood.

믑

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16

any way

.H.

cut

to

saw

- that i, sure thought you meant saw and making it. Н chain That operating literally using ർ starting No, running. not running, Þ it's
- question ask the definition. me Let **1** the So let's have that we Okay. again now \bigcirc
- A Okay.

17

 $\frac{1}{2}$

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operating at object that than operate OID other other ಭ purpose, have you now, based operation seen you any accident cut ever saw as to cut wood or his define chain -- has Paul day of the that ever saw before Ø. S trips; 4. H Saw for definition, chain guess camping Ø chain \vdash

ď

H	Oì	Okay.
.4	K	No. No.
М	Ol	But when I've asked you about you seeing Paul
4	operate a	chain saw, you meant and referred to him
ស	using the	chain saw to cut things, right, that was
9	Your answer?	¿.I.e
	Ą	I've seen him using a chain saw to cut
ω	things, ye	yes.
თ	O [†]	Yeah, okay.
о Т	A	Yes.
 	Oì	So before the day of Paul's accident, setting
13	aside the	camping trips, Paul has seen you start a
13	chain saw	to get it running but not use it?
14	Ą	Yes Yes.
15	Oì	Okay. Under what circumstances?
16	¥	It's good to start a piece of machinery every
17	now and th	then and you may
8	O¥	Where and when? What are we talking about?
9	At your mo	mom's house?
20	ď.	Yeah, probably in the garage there at my
21	mom's house.	· O
22	O ²	Because they had the chain saw?
23	A	No, they didn't have the chain saw then.
24	noX m,I	You're talking about the chain saw that was in

wouldn't chain Did your In were accident happened saw? in. that Was way: trees though; Н you saw accident chain this they purchased purchase. cut chain that <u>۱</u> summer, incident. that t t saw ask about Paul's saw the they purchase the chain Let me back that chain the for talking June? And before talking if time of right? go The Sometime there Shortly before ಥ know. date. Let's sometime in enough. purchase you right. the chain saw, When did wasn't Correct. don't purchase are Are we Okay. م ک Okay. Fair Okay. Yes. Yes. A11 accident? orparents 28th, operating thegeneral? parents' enough? \bigcirc Þ Ø Ø K α Ø Õ Ø Ø ⋖ Ø Ø K 2011? Your know June the ∞ თ 10 11 12 13 14 15 16 17 18 13 20 24 22 23 24

- any OWIL parents your Your knowledge? did 2011, ΟĒ to summer saws chain the ij other Saw
- A No.

- have but parents start would Your you Paul saw? see that saw that chain his accident, Saw chain other chain the some the o£ рe OĽ daySQ would 2011 Okay. the in operate, seen before purchased O not
- saw. chain other some would be Η ⋖
- trips, camping that. theaside aside putting Putting talked, Where? Н remember Ø

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7.

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- A Yes, in my mother's garage.
- Q Whose chain saw was it?
- you know H, recollect. even don't
- Q Okay.
- to starting Was \vdash machine order. O T piece working ൯ It was good in r, t Ø keep
- Hand parents Your wasn't <u>1</u>. But Okay. Yours? wasn't \bigcirc
- A That's correct.
- start description you 8 6 6 he dia Your times under How many (L. use but not Okay. chain saw before? Ŏ

α

ر٠. times three O.Y. two maybe Couple, Ø

know.

don't

Н

⊄

23

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know. don't **|---|** know. don't Ø

ч

O

- enough; fair least once; At Okay. \bigcirc
- A At least once, yeah.
- chain Ø nseq ever Have you right. All Okay. \bigcirc
 - things cut saw, meaning chain your life? ൯ operated money in and Saw

for

- A No. -
- employment through your And, I mean, whether Ø
 - ф to t 0 fair you money that ы. В giving money; just it for through somebody never done you'd O. g 10
- A That's fair to say.

12

73

딘

- paid and we're work you Paul's being the work you were doing, οĘ but daynow, the The work you were on into that that parents 2011, was slowly get your Okay. for injury, June doing going to \bigcirc were
- compensated being Was Н Yes, Þ

not?

or

for

16

17

8

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- contrary that -- isn't then? that me gave doesn't you just So Okay. answer the Ø t 0
- -- NO --

20

21

- form. to object just H'À CALLAHAN: MK.
- 22 BY THE WITNESS:
- that before ŗ. did Н H -니 asked because you Ø
- incident.

24

- but ever, My word was ever. did |--| No, \bigcirc
- Htruth the want just Н it, Look again. μ, Η, Say
- - |--| question, ζm understand don't you J H care. don't ന
- 4 restate it.

M

- you 44 •H think, H question before, My
- ıΩ operated ever you had said record, the a t looked ø
- the before maybe you meant Now, money. for saw chain
- 8 accident --
- A Yes, I did.

Φ

0

- waythat اء. 1 phrase didn't Н but O
- A Okay.

님

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- Me Okay. ⊢. ∵ correct and back go So let's Ø
- 13 can do that.

14

- Your in means ever រុន, question The
- for Saw chain ď operated ever Have you lifetime. 15
- 16 money in your lifetime?
- A Yes.

17

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- H. did you times the ŀ that And was Okay. Ø
- parents? Your with only that Was money, for ~|
- we're that occurrence the yep, one, That ⋖
- paid. was \vdash that time was the only that of, speaking 21
- accident? the οĘ dayThe \bigcirc

22

23

- A The day of the accident.
- the ΟĒ daythe Before Okay. right. A11 Ø

щe Let that. Strike 1 cut ever You had get accident, me Let

 α

accident, Your 당 day the Before

you

had

limbs

O.Y

saw

chain

ಡ

down with

trees

any

cut

ever

- parents youràt Saw chain Q with trees, ΟÉ parts
- 6 house? Before the date of --
- A Reask that question
- Q Pardon?

 ∞

a)

10

- question? reask that you please Could Þ
- accident Paul's o F day the Before Okay. \bigcirc
- A Yes.

믑

7

13

- Your a T ೫೩೫ chain things; ಥ you ever operated cut t 0 meaning -- had house, parents O
- A No.

14

Q Okay.

딘

A No.

16

- dayfirst theWas accident the ΟĒ day the So \bigcirc 17
- cut 4 saw chain ಥ ever operated you life in your 8
- enough? fair house; parents' Your a T things 19
- A Yes.

20

21

- given assuming, So I'm right. A11 Okay. Ø
- Paul for true would hold answer same the answer, that 22
- cut to Saw chain ಥ operated and/or assisted never Paul 23

his

οĘ

day

the

before

Your parents' house

at

things

- accident; is that fair to say?
- A Yes.
- 17 Your that caught anybody else, at .പ ე never trees accident; you (P. sure of meaning down OL his make whether yourself cutting H 0 t 0 assisted, day want the or Н trees before And used the word anybody, Okay. trimming of house assisted parents' correct? Н \bigcirc that the
- A That's correct. --

11

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- 4. T ask visiting let me the рe before Well, your knowledge, the year Paul Did in frequent t t Okay. Paul, parents' house? Okay. How would way:accident Q this Your
- A At least twice a month.
- OR you be sometimes when you wouldn't with to visit only рĢ Your knowledge? ا. And would there рe to would he ·O there,
- there. wasn't there when I рe He would Ø
- Q When you weren't there?
- A Yeah.

20

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that you're not parents house when I 'm what Your relationship with parents' and that's Your his -to the come Was his what's What him .∺ Ω what would make there, about, \circ not

there same the Was àt Н assuming that they worked since He would show up and knowing my mother ⋖

 $^{\circ}$

m

S

LΩ

- would basis hе that a friendly there, On employment, interacted them speak with and just οĒ place sit
- Your with friends good he was So Okay. Ö
- 6 parents?
- A Yes.

 ∞

- ho1d still your parents Do you know if Okay. O
- changed? has that whether O.K today him to goodwill g
- MR. BARCH: Speculation.

10

BY THE WITNESS:

딛

12

3

- them, ask to You'd have don't know. Н К
- overheard parents have your you know if Do Ø
- OĽ uncomfortable anything that was sayPaul 14
- α a111 аt claim this 40 relating financially motivated 15
- not. that they have believe |--| No, Ø

16

7

- think we \vdash same with your wife? And Okay. Q
 - right? that, about talked already $\frac{1}{2}$
- A Correct.

9

- Your 다 any reason, have Paul Would Okay. O
- weren't you when parents to visit your knowledge, 21
- not happened you there and go know he'd |--| Now, there? 22
- Was mean, Н them; but, t (t talk he'd 80 there to be 23
- parents take him to your would that anything there 24

H 00 M	house if he knew you weren't going to be MR. BARCH: Speculation. BY THE WITNESS:	there?
4	A friendship.	
īŲ	. Q Go ahead.	
Q	A Friendship again.	
7	Okay. So would there be times	Paul would
∞	visit your parents' house merely to visit	them and not
σı	even whether you're there or not?	
10	A No, he would arrive there with	the purpose of
[seeing me and me not being there, he would	stay bei
12	congenial and friendly towards my mother.	Day e
13	Q Okay. And that's why I asked	the other
14	question; let me say it again. My question	on is, if
15	Paul knew you weren't going to be at the	house, would
16	there be any ever any instance where you	ou know that
17	he would visit your parents' house anyway?	٠٠
8	A That would be between Paul and	my parents
13	then.	
. 70	Q So You don't know?	
21	A I don't know.	
22	Q Okay. That's what I was trying	to get at.
23.	A Okay.	
24	Q Okay. Do you know if Paul ever	worked at

- o. day the before anything doing house parents' Your
- his accident?
- A Yes
- your at ဝှ рe things would for work? O. types What house parents' 0
- that Was đo st11 Н that large like another provider; wood elm tree would ಥ οĘ onto pile Н **٦.** large said, large helped him load λq ಹ and he that yard there was believe their name, front |-| Well, the trailer and I So in firewood. know removed ಠ not
- Q Okay.

property.

his

OIL

sits

10

- οĘ some used He's extent. To some Þ
- been? have that would year What Ø

14

A Just 2010.

15

j

Q Okay.

16

- Was she where incident this before Just ⋖
- know Non home, the upgrading O T into the mode getting

18

17

- the peen would have So it then? accident ٦. ب get this before Ø 19 20
- A Yes.

21

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- Q Okay. So --
- same that been have may H. may<u>ب</u> 0r⋖
- Summer. (

1 Q Okay.

 \sim

 $^{\circ}$

₹!

S

- Off better рe probably question would mother That $m\overline{\lambda}$ ζq answered Þ
- don't know time, the You know happened? don't Hthat is, answer when answer the So Your that's \bigcirc

happened?

that

when

Ø

- shortly and occurrence this before Was H that. before ⋖ ထ
- in describing collect ಥ onto house H T 40 pile parents' simply you're and Was the work that Your цр accident cut house? at been did his his already Paul his But t O H O answer that <u>.</u> ₩ Okay. daytake had the that truck to before \bigcirc that wood σ 10 딤 12 Ξ_3
- A Correct.

14

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- parents property? more Your parents' question was for any work Your Zm. a T guess ф itself Paul Н So did property Okay. toward the designed for Ø O.Y.
 - A Yeah, he --
- onto wood accident? o F Load large his ΟĘ ൯ the day moved ре Before Yes, Ø ⋖
- OWID his for property their from i. removing trailer 21
 - usage.

23

- Q Okay. Just once?
- several made Мe dayThat the Was dayThat ⋖

- trips.
- Q What day?
- that what right possibly that's as to day, occurrence O T uncertain don't know exactly what before this we were and it was I summer. Н disbut in Þ there same Was

ເດ

9

- saying, you're what accident . ც this Paul's So before right. All saying you're Ø
- A Yes

9

10

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13

- or p down cut before, cut the house? Was Year collect tree the his elm to OĽ, t t trips take that year an where more truck to instance whether O L one pickup made an Was Q Paul O U O there wood and
- A Correct.

14

[]

19

17

 $\overset{\bowtie}{\sim}$

9

- WOrk ٥. accident other any his has Paul done ΟĒ daythe before Other than that, parents' house Your Q 디이
- of. aware ∐.∏ that None Þ
- O. experience any have parents trees? cutting down your 9 Okay. in L expertise Õ
- A No.

20

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22

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the O£ from type before Ø --firewood house; other or two occasions parents' $an\lambda$ than hauling did the never one house, other Paul ОПО their accident, S house Okay. around parents' his errands O.F \bigcirc your day

- that fair to say?
- ahead. go but Foundation, BARCH: MR. \sim
- 3 BY MR. MAST:
- obviously you know of That Ø
- 5 A That I know

¥Ö

- Q None?
- A That I know of,

none.

- ۵ ۲ have your parents lived How long Okay. Ø
- 9 that house?

10

- there lived has mother, biological My mother, ∢
- 11 since 1971.

12

- S K დ 0 the house οĘ address the And give us Q
 - 13 could have that.

14

16

- \vdash 600, Illinois Elder, McHenry, West 1016 ℧
- changed may have Ιt now. 5 think it's, 15
- that's And 1 that once ω H And Okay. Ø
- Was she. where that's passed, father After your 77
- then, correct? there and began to live remarried $\frac{1}{2}$

Was

she

No,

remarried be-

She was

A,

9

- passing his before remarried 20
- Q I see.

21

A Yeah.

22

23

- house, the ¥, out moved Non until S Okay. Ø
- entire Your almost that house α t lived had Non

- right? childhood,
- old years 30 I was lived there until |---|
- Q Okay
- Н 1 s t June 1999 years old. 29 29. 29. Þ
- a T live currently my new residence, which I moved to
- years four about From 1 your From Ø

old,

- 7 right?
- A Yeah.
- ⁹ Q Okay.
- 10 A Yes.

Η

- O.F daythe you to take let's And right. A11 \bigcirc
- strike Well, first you When were accident. the 12
- 13 that.

14

- the OIO accident, the οĘ daytheOn
- already you did nodu vodu came accident occurred, the 5
- saw? chain ಥ purchased parents had Your know 16
- A Yes.

1

 $\frac{H}{\infty}$

- whyo Ę purpose do you know the And Okay. O
- 19 they purchased it?
- and asked being as object just H.a CALLAHAN: M.
- 21 answered.

22

20

- But you may answer
- BY THE WITNESS:

23

24

A I don't know. I don't know.

- 0 z

When did you first know that they	parents wanted you to cut do	at?	Actually, I offered my services to them.	rebuild a shed and with the shed	an opportune time for trees to come		shed down, what do you mean?	was an old shed that if since it was	because it was in disrepair, planning to	there was an opportunity to now drop	there was a clear field, clear area	enough. When was that that you offered	to cut the trees down?	days before the occurrence.	Were you at their house when this	arose?	was.	Was Paul with you?		just you and your two parents?		r
-----------------------------------	------------------------------	-----	--	----------------------------------	-------------------------------------	--	------------------------------	--------------------------------------	--	--------------------------------------	-------------------------------------	--	------------------------	-----------------------------	-----------------------------------	--------	------	--------------------	--	--------------------------------	--	---

- issue? the ц they bring did O. sue Ŋ ---
- ongoing discussed an just Was do that. H. ٦ Was mentioned, i. о Ц time and the property an opportune I've <u>ო</u> Well, 뛰 :S upgrading NOU Þ that

 $^{\circ}$

Ю

 $^{\circ}$

- H -H issue, the ďn down? who brought trees thewas, cutting question about MYknow, O Non
- A I did.
- those now's cut Hey, g K something like, don't whydown, Was shed ۱. And the good time with Okay. down? α trees 00 φ, 10
- A Yes.

근

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- were there And Okay. were that that. particular like Something three trees in \circ
- A TWO.

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- question. in particular two? onlythe there were finish trees three Let me just saying there were you're right. question was, down and A11 cut Ø MYto
- that since that trees three gone. are MOU There are occurrence A
- Q Right.
- occurrence the i, involved which were trees. Two of which were pine Þ
- what occurrence, the in involved sayyou When \bigcirc
 - do you mean?

. 	Ø	The ones that were being trimmed up, that
23	were bein	being considered to be removed at that time.
m	O	Okay. So let's go back to the conversation
ザ	two days	before Paul's accident when you brought up
Ŋ	the issue	of cutting the trees down, was the topic of
G	cutting t	the trees down involving only two trees at
7	that point?	
ω	A	Yes.
<u>თ</u>	Ø	And they were pine trees?
0	A	Yes.
 	O	Okay. And how tall were the pine trees?
7	A A	I would In my best guesstimate, I would
co.	say 50 fe	feet tall.
4	Oł	Both of them?
ιΩ	Ø	Yes.
vo.	Ø	And they had been on the property ever since
7	you knew?	
ω	ď.	Yes. I watched my mother plant them herself.
თ	Oł	Oh, okay. So when you were a very young
0	child?	
ь	A	Yes.
8	Ol	Okay. And what necessitated that they be
m	removed g	given the rebuilding of the shed?
ਈ	Ą	At that time they had become large and an

- space ο£ lot Q ďņ taking Just overburden. O
- ⊻es d
- way? the in and Ø

⋖

- were to adjoining needed theybut They area all, nuisance. the à over decaying Hanging ಥ They were They weren't full. Yes. too neighbors. were down. they
- over about trees have been would the So Ø 10
 - time? the at Yes. then Yes. old years Ø 25 디
- good health? 디 they were But Ø 12
- elective Was H. Yes. SO A. \bigcirc 13 14
- ർ Was down, that them -- Well, taking なり in g S a necessity correct? Was I T necessity,

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- Was shed said, the H ສຸ mean, Н time. opportune gone, so the
- that O.F saying elective meaning safety for the taken down more taken down for enongh? m, I were being fair **9** н. С have to sake; get they convenience's didn't \vdash anybody, Ø they
- you know. 44 14 CALLAHAN:

accident, Οť Paul's tree, what kind after tree. down that? third apple taken tree was The an third tree that was It was Okay. Ð, kind Ø ₫ what ∞ Q 10 드

No.

Þ

- then, least issue a t the shed taken down, with And that tree being ф 40 nothing had your view, \bigcirc right? 12 14 13
- Right? Yes. Ø Þ 79 17 $\frac{1}{8}$

at all

Nothing

Þ

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accident earlier the because trees, at shed? pine down And that's why you described thethis accident the time of the two take trees room for trees, the in relation to at to accident to make trees down intent was two deposition the the taking down Okay. at least of the taken you were the Ø time Were in-O.Y.

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already standing before the shed was No, べ

- disrepair 디 it was torn down because Was T T that.
 - were Was that H• though trees time to take down these seemed as torn down, it overgrown. large and opportune being Ηt

ന

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S

Ø

- the take down We take don't to said, Hey, why good time said yes, right? ർ It's So you theythe trees now. Okay. trees, and \bigcirc down two
- Yes. Ճ

 ∞

- would H. long them how tellDid you do the work? Okay. 40 \bigcirc ወ 10
- No. ⋖

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- trees they two pine Did theYou some money to take payt C Did they offer you pay you 40 \bigcirc offer down?
- How much? Yes. Þ \tilde{O} 5 16
- how an hour as far \$15 <u>დ</u> hourly wage, discussed any scope matter of Was there ൻ Was H K Õ

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- work? do the t) 0 take you to going No was 1. T ◁ long Н 20
- it would time frame on how long Any Ø 21 22
- you take 1. t ф 40
- ტ დ least a that the work οf scope the And \bigcirc

No.

⋖

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٣		
-i	discussed	was just taking the two pine trees down,
7	correct?	
m	K.	Yes.
4	Q	All right. And that would include the limbs,
Ŋ	cutting i	it up into wood, and then hauling it off the
9	property?	
7	A	Not hauling it off the property; that's why I
ω	was cutting	ng up the limbs to stack it on the property.
. о	Ø	Okay. So that Just fair enough. I just
10	want to g	get the scope of it. The scope was cutting
11	the tree	down, including all limbs and parts of the
12	trees, the	e two trees, and getting them cut up into
13	stacks and	d then stacking the wood?
14	K,	Yes.
15	Ø	And then that would be the end of the work?
16	₹	Yes.
17	O	Okay. And it only involved those two pine
8	trees, ri	right?
<u>م</u>	ď	Yes.
20	Oł.	Are you aware of any photographs that show
Н.	those pine	e trees before they were cut?
2	R	No.
m	Oł	Or during them being cut?
4	Ą	No.

- cut? were theyafter No. Or \bigcirc
- today? are theyhow No. Or \bigcirc ⋖
- were days before Your You -U how much step two the next discussed and the work? WOrk what was the Non Once accident doing for doing paid, Okay. get preparation going to O Paul's
- about 40 цp trees trimmed the myself βŽ Н ◁ 40 O

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- the the far I 'm So On too then, ďn step. jumped showing off next You them the later 1 cut said You went days to H readytwo 1 just would be No. getting right? No. Let me step property, assuming, \bigcirc ahead. next
- A Mm-hmm.
- Q Yes?

17

A Yes.

9

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- something? dо. interim 40 had or. thegloves what you in set of anything out find ಥ Anq you do to g trying Did like just prepare, Ø I'm
- A No.
- and Size this goggles? Q U trees Wear cut to you you have When ф Okay. down, nature \bigcirc

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- the work began start \vdash day and theback know, рe You 111 day, that the said On Н pre-K Ø
- the Paul's before days two დ H• which happened. incident ⋖
- to start to do, going and t t the going cost, blah-blah-blah, when you were days before were two about what you So we're two days in. come back decided to H• I ' 11 going talked how was say, Right. Was work? Non you or it the accident, work, did how much O start then the

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- ďn You à showed 1 for work a free $\vdash\vdash$ really decided. ďn ΟĒ show It's kind work to to got began wasn't It's my mother. I've and like H accord isn't o'clock. OWn i, ◁ $m\bar{y}$ 10:00 know, at
- Q That's all I'm asking you.
- A And then I --
- You when цр showed You S0. fine. right? That's to, \bigcirc wanted
- A Yes.

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- that day preset anyWOrk? there wasn't thestart SO t C Okay. going were Ø You
- . A No.

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correct? Is that \bigcirc

H	A	That's correct.
8	Q	Okay. And when you showed up on June 28,
m	2011, w	was that the only thing you were going to do
4	there t	that day at your parents' house is cut those two
ſΩ	trees d	down?
ø	A	That day that I showed up, I was only going
. 1	to trim	the branches off of the trees.
œ	O .	Prepare them for, like, the next day's work
Ø)	of start	starting to cut them down?
10	ď.	Yes.
 	O.	Okay. Were there a lot of branches on each
. 77	tree;	
13	A	Yes, it's a pine tree.
14	Q	Okay.
15	A	There's many branches on pine trees.
91	Q	And the branches can get thick as well,
	right?	
8	A	Thick by way of
o,	Ø	By way of being just thick.
0	A	Diameter?
Ħ	Ø	Yeah.
2	Ą	No, not really. Branches
m	O	I mean, we're not talking like a half an inch
4	around.	We're talking they can be several inches

\leftarrow	around e	even on the branches.
7	A	There were no limbs on that tree that were
m	probably	over 3 inches in diameter.
4	O ¹	Okay. Fair enough. Let me ask that then,
Ŋ	just it :	sounds like you have some understanding. Of
φ	the two t	trees, how many trees would you say were about
7	3 inches in	in diameter on both trees?
∞.	K	How many branches?
δJ	Ŏ.	Were 3 inches in diameter at one side or one
0	end?	
≓ \	ď	Between the two trees?
12	Õ	Yep.
13	A	Six
7.4	Ø	Okay.
15	A	The lowermost were the thickest.
97	Q	And were you going to start at the bottom and
27	do do ok	start at the top and go down?
ω _.	A	Start at the bottom and go up.
o,	O ²	Okay. So if the first day of work And
0	that was	the day Paul was injured, the first day of
r d	work, rig	right?
2	A	No. The first day of work that I performed
/ M	on those	trees was the day before Paul showed up. I
7	had already	dy cut down all the limbs off the trees.
	-	

	: TO / F DITO TOOK OART STAD: SEED SEED SEED SEED SEED SEED SEED SE
	With city to the city of the c
Q	A Yes. It was preparatory work won
	DOY ALONG LACORTAGE CONTROL
10	Q I understand that, but I want to go step by
17	step. So on June 27 you show up at your parents'
7	
L3	A Yes.
7	Q Which is two days after you first talk to
5	them about this and you showed up to do the
9	preparatory work?
7	A Yes.
ω	Q Okay. And how long were you on their
တ	property that day, on the 27th?
0	A Four hours.
- 	Q And what did you do during that four hours on
2	the 27th?
ന	1 OV 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
í	T
4	707

	Ø	;dn
7	¥ .	Up. From the bottom going up.
m	О	You've got to let me We've got to go back
4	and fort	forth with this because I'm not going to
ភេ	understand	nd you. You're saying from the ground up
9	40 feet	40 feet high you trimmed all the trees off of those
7	two trees	s all the branches off those two trees on
8	June 27th?	¿۲
o,	A	Yes.
10	O	And they were now all on the ground, those
T ====================================	limbs?	
13	Ą	Yes.
ال ع	O1	Correct?
14	A	Yes.
15	Oì	How many limbs are we talking?
16	A.	I don't know.
17	Ø	Like 30, something like that?
18	A	I would say more than that. You're talking
13	about 40	or 50 feet and if a pine tree has a limb at
20	every foot	or so, you can pretty much figure out i
21	probably	
22	Ø	Hundreds of limbs?
23	A	Yeah.
24	Ø	Okay. Varying sizes?

.,,			Page 87
	₩.	A	Yes.
·	 	Ol 1	Okay.
	m	A	Decreasing in diameter as we went higher, of
	4	course.	
1	ſΩ	Ö	Okay. And did you work by yourself on that
argh.	Ġ	day, the	27th?
	7	A	Yes.
", 	∞	O.	So Paul was not on the property on that day,
·	ወ	correct?	
10	0	Ø	Correct.
H		Qi	By the time you were working on the property
12		on June 2	27th, 2011, did Paul know the work you were
13		doing?	
<u>+</u>		Ą.	I don't know.
15	10	Oł	Okay. When did you first talk to Paul about
16		what work	work you were going to do on your parents' house
7		with these	e trees in June?
∞ ⊢i		A	On the 28th I had made my travels to my
<u>ا</u>		mother's house	louse after doing the preparatory work on the
20		27th, and	and I figured that Paul, since he was sitting
21		idle and 1	and unemployed and we worked together on trees
22		before, tl	before, that he would possibly want to give a hand in
23		helping me	helping me to get rid of the scrub) that was already on
24		the ground	·F

Loser wrothinks He is Sovething

DOES DAVE KNOW What SCRUB MEANS -TO RUBOR WESH? V

- trees some house? cutting parents' m, I Your home. Hey, you called him? home? ب his say, getting λq Paul Non stopped did Was Before And And Yes Yes So O ⋖ \bigcirc Þ \bigcirc ⋖ Ø down
- O.F differently some clean else you want to help anything said. say you ф \vdash what Did parents', That's Okay. $\overline{\Lambda}$ ۵, ۲ ċ₫n Ø Ø μ. Η· 10 7
 - hand brush ൯ the give ď to clean you like to help me basically would said? property just I've mother's No, cut down. than what K mYàt |---|

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- <u>=</u> Were Н weren't ponse 4-4 • 1-4 you me Paul's but Non correct cut? down, accident, my assumption is at already can at least that conversation tree Now, my assumption, you you cut the him deal with what was him to help day of his but helping wrong, asking \bigcirc the
- take <u>ب</u> not Were day that ByC intentions Okay. Yes. Our Ŏ ◁

ground

the

ON

the brush

clean up

to

Was

down; it

trees

- day before the cut already Н that itself
- t 0 28th, the day, that O U intention chain your the Was Ø ф

saw?

use of anyø

Yes.

- limbs the ďμ cut to ground? going were the You On already Okay. were \bigcirc that
- Yes. Ø
- theOU limbs the Ψ, cut any t 0 you begun before? the day Had ground \bigcirc
- OWID mYO U cut already had Н ones larger sections. The ď into

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 \vdash

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- 27th? theOn \bigcirc
- yeah. 27th, the On Ø
- Okay. \bigcirc

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- help. need t O going m, I And then realized Þ
- Okay. Ø

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- here. lot ർ there's You know, K
- You four-hour work the 27th now, the SO Ø
- Yeah. ⋖

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 $\frac{1}{2}$

- the 27th then On the are and on that each tree did limbs four-hour work you On larger feet cutting them up? the up 40 ΟĒ trimming -- the some ďn now included trimming ground O
- ⋖ 24

and realize	you could	
Then you get to the 28th	/ big amount of work to do, you c	
Q Okay.	this is a pretty big	use some help?

Yes <\f

S

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Oł	Okay. And	Q Okay. And what specific task did you expect	pect
Paul wou	ld be needed	Paul would be needed to do at your parents' house when	when
you spok	te to him that	you spoke to him that morning before going to the	
house?			

4 house t O simply \vdash like get Hstacked and dayt C just he'd ground, that just ₩ -H Н р<u>е</u> doing Q L asked him could outline. thefirewood Was On it Was n O 80 Hand that for brush that really pile house C T my chores ಥ 1. T into Was friend's cut There Was **∵.** Ç with H• د idate like α him щe 4 Þ consol would help told went

chain chain the using him O G planning Non Were \bigcirc

a11? at 1

No. ď

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use to one theD D to going were You Okay. Saw? chain O the

Yes Þ

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day? that Saw chain the use ever hе did And O

No. K

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he accident, his οĘ daythemean saw? Н And chain Okay. ಥ used O never

the Q saw chain the use not did he accident. Correct, his o.f Þ

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- word mean the the Non you use cut brush, you when that clean up Now, ground you right. the help On All having Paul are Okay. that right? limbs before, \bigcirc brush,
- Ø

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- stuff and themselves? leaves bunch of limbs actual ർ just the Not limbs, Okay. the Was Ц Н
- yes. limbs, actual The Þ
- give while the 2 Saw going limbs chain Was the Paul the hold using to that that assistance рe Was going to accident, the ;đn since he wasn't So them his cut \bigcirc O.F day you
- 40 got we both were of to be that way just kind that We technique intended . 0 to do wasn't the him comfortable with that's direct Ιt and didn't Þ Work
- Okay. Ø

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- with forward moved from there then and doing that. ◁
- when didn't Paul ' house you σĘ him, parents' the morning to talk your to So to house got enongh. Non Paul's before Fair 40 accident went \bigcirc Non

}	ome	can	•	
	need s	house,		
	talk details, you just said, Hey, Paul, I need some	help cutting up some brush at my parents' house, can	you give me a hand?	Voc - Dave Deve the moin
	talk de	help cu	you giv	d

Jever . DAGES DAVE Yes. Þ

yeah? said hе And Okay. Ø

Yes said He ◁

hе volunteer arrangement where 40 him for on any just ا، work Was you or paid Did get \bigcirc would

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about questions DO L there was time that At Ø

money 10

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you **뉴** assumption then, Your Was What Okay. any? \bigcirc had

the before done job the get Can We That maybe over Was Þ day

maybe already <u>გ</u> described the limbs that you had which you hundreds in plural ground, the all SO ОП were hundreds, \bigcirc that

right. Mm-hmm, A.

a11 those get least à t, C were hoping You day? that ďn O cut

Yes. Þ

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as You far ijŢ გ გ Paul, know. assumption pay don't to Your \vdash going him anything? And what was you were anything, payOkay. t O going ¥; ••⊢ Ø what, were

	ď	Fage y Equal to what I was being paid, \$15 an hour.
7	Ol .	Oh, so your parents were going to pay now
m	both of y	you \$15 an hour?
4	₫.	I was assuming that they would.
ហ	Ol.	Okay. Did they ever agree to before Paul's
9	accident?	
7	A	No.
ω	O t	Okay. Had you ever talked to Paul about that
ູ ດາ	arrangement	nt before his accident?
٦ 1	Ø	No.
H .	O	Okay. That was just your kind of your
17	Ą	Yeah, I was going to
13	Oł	Hold on. Hold on. Let me finish the
14	question.	That was just your kind of own assumption?
15	∢	Yes.
9	Ø.	Okay. Did Paul leave with you to go to your
17	parents' 1	house or did he come at a different time in a
∞	different	vehicle?
13	Ä	He came about a half-hour after I had asked
2.0	him to in	his vehicle. Could have been more.
2	O)	Okay.
22	A	Somewhere between a half-hour and an hour
23	before he	arrived.
24	O	Fair enough. What time did you arrive at

- the ono accident Paul's ΟĘ daythe O U parents' Your
- 28th?
- noou. Before o'clock. 11:00 10:00, N
- Q Okay.
- recollect can Н best the That's Þ
- Was ಭ Ļ, trees anticipate these ďn you cut did t 0 two how long both you And completely? require Okay. said going to O you
- A I have no --
- Q These limbs. I'm sorry

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- friend ന need with o r Work in my mind ţ, going estimate was just done. пo H I had the job one. construct get Þ and
- 7. T that though, expecting, you done that day? Were Okay. would be Oⁱ
- expecting wasn't Н hoping. Was Þ
- to from 10:00 you're accident, arrived you Paul's '| So οĘ that day Okay. Okay. sometime Ø 11:00
- 40 10:30 around somewhere arrive would Paul saying
- 20 11:30?
- A Yes

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- car? his ᄓ alone arrived he And Ø
- A Yes.

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some use to have to going And we're Okay. Ø

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- hе occurred, trees these accident ď helping you cut Paul's when And ¥, the midst in \bigcirc Was
- right?

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Yes ◁

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in. also you Were cut helping and Non Other than down cutting Okay. o£ midst Q the

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trees

the

ďn

- Was \vdash 'đn showed Yes, when he process of working. Was Н theYes, in already Þ
- occurred, accident when Paul's SQ CX right. All \bigcirc Ò
 - these đn cut ů together You were working of both 10
- trees? \vdash
- く

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- two? you working with else anyone Was O
- agartier No. \ ď
- two You watching anyone else Was \bigcirc 5
- No. A

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- house the 0£ out or in parents your Were \bigcirc
- time the t C ďn arrived had Paul the time that during 18
- injury? his οĘ 49

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- the house. Lie-poth were the H. They were べ
- knew even parents your you know if ОД. Okay. Ø
- over? Was Paul 22

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- told \vdash arrived Н when because did they Yes, ø
- шe help to over coming ф would Paul that them

the O Was he that know did they Yes, property ⋖

they know that? did HOW \bigcirc

\$ 13.2 Big and outside parked Was vehicle his Because Z,

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there Was vehicle see that his could visually

Φ Ct Ď |--| dots; the connect can And they Okay. Ø

ř. 터

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Sorry Okay. him. 8 0 0 They ⋖

me Let talking. talk while you're can't

I know. Þ

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 \bigcirc

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looked that aware could have Paul' your parents were the time of Even they at My question was, their property? 내 - H you know do ЧO accident Was \bigcirc hе

they

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you know

but do

get it,

Н

car,

the

SAW

and

out

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aware? were

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know. don't \triangleleft

Paul aware his ĘĘ O Was that you know anyone on your parents' В Okay. Q Was

time the a t property You? than other accident

not know ф \vdash No,

- for O.F or witnesses time house thethe work on the property at your parents' ۵ T Were there any visitors the hour Paul was there leading up and Okay. accident? O his
- A No.
- O£ are aware and that the circumstances leading up to the accident 40 Okay. So the only witnesses you're accident itself, the only witnesses Cosolini Cosolini Paul, right? Correct. and Paul's \circ you

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- £ew it's just questions we always ask in these depositions these Q ask K So it's nothing against you, questions that -- don't take it personally but t O got All right. Now, I've just we always ask these. of witnesses, okay? Okay. Ø are
- I don't drink alcohol.-IBallarchinks alcohol to drink that day? Any Ø
- Any medications? None. - IDait Knows. Okay. Ø
 - Q Any drugs anyway?
- A No. profe Know
- Q Any type of drugs?
- Paul, for same question Paul,
- know, drugs, alcohol?

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a	١
č	
	5
Д	4

m	A Paul's not a drinker to my knowledge and T	
73	e I'm	
m	not himTwee	
4	Q Okay. Did Paul seem to be acting normal	
ហ	leading up to the time of his accident?	
9 .	A Yes.	
7	Q Were you having any internal stressors or any	
ω	You at the time of this?	
ወ	A NO Didn't Dave Have expectations of what we wonded to	
10	Q Okay. Were your parents keeping any type of	
(watch over the work you were doing to kind of see how	
12	things progressed?	
13	ΥΥ	λ,
14	7.0-	g ·
15		3 87
19	trees up was done under your own supervision, under	
17	Your own control?	
18	A Under my supervision.	
6	Q Yeah. Was anybody telling you what to do and	
.20		
21	A No. Parks with the Parks	
22	Q Were your parents in any way telling you how	
23	ıp the	
24	A No. 185, They wanted to Born the Branches - Dave insigted on	`

		·					6,	
Q How you did it, the method and means for	cutting up the trees, was that done under by your	own control and your own decisions?	A By my own decisions. May by my own decisions.	Q Okay. The manner in which the work was being	done at the time of this accident, was that done in	the manner that you wanted it to be done?	A Until Paul arrived.	Okay. How about when Paul arrived, did he
~~	0	$^{\circ}$	4	LΩ	Q	_	∞	9

because 一人はいます OWIL many <u>+</u> take up his with 80 fashion(for along 40 I went chose good and He ർ in helping, chose together to that. OR He technique worked previous we.

things?

change

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okay, property? accident, the wrong working at the time of his anything to ďņ Leading doing No. Paul Ø Ø Was

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- appropriately? everything doing Was he . SO seemed Okay. H Ø Þ
- were work leading two room in the mon him You criticize do things differently because doing his to did you have Paul was accident? way his And the οĘ instruct him to Okay. happy with the time Ø to not ď'n

ţ, gave no instruction basically Н No, K

Devial again

Page 10 Q You left it up to him to do the best for hi	101 him
and you did the best for you?	
A We've worked well together in the past.	N. C.
	<u></u>
understanding of two men working together.	
Q Okay. But is my question correct, you left	T.
Paul to work appropriately under his own control and	ಌ
you were to work appropriately under your own	
control	
A Yes Divid God Specific Methodishly	
Q correct?	- ·
A Yes.	
Q Okay. And leading up to the time of Paul's	<u>.</u>
accident, did you notice Paul doing anything unsafe o	or
wrong in your view?	·
A No.	
Q Leading up to the time of the accident, did	.ц
you believe you were doing anything unsafe or wrong i	u.
the process of the work leading up to Paul's accident	nt?
A No.	
Q Okay. When Paul was Well, Paul was	·
eventually cut by your chain saw, correct?	
A Paul was cut by a chain saw.	
Q A chain saw that you were using and	<u>, , , , , , , , , , , , , , , , , , , </u>

H C H H

H

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, -1	operating, right?
··	9
m	Q Okay. I said your chain saw and you're
4	probably saying well, it wasn't my chain saw; that's
ហ	what you're thinking, right?
v	A That's correct, yeah.
7	Q Okay. But it was When I meant your chain
α	saw, I meant the chain saw you had control of,
σı	correct?
10	A Then that's what I'll agree to yes
□ 1	Q All right. So you're agreeing and accepting
12	the fact that Paul was, during the process of working
13	at your parents' house, cut by a chain saw while you
14	were holding the chain saw and while it was running,
15	correct?
16	A Yes.
17	Q Okay. And Oh, here it is. I was looking
∞ ~	all around for these; they're right in front of me.
19	These photographs were marked during
20	Paul's deposition, okay? All right?
27	A (Nodding.)
22	Q You have to answer a word.
23	A Yes.
24	Q All right. Do you know, without looking at

raph, where Paul was cut by the chain saw	operating at the time of his accident on	011, on his body, where?
ograpl	opera	2011,
the photograph,	you were	June 28,

- Selving C. exactly where. Where? Yes, Ø Þ
 - right forearm. On his K
 - snorth Hove (Indicating.) Okay. O ⋖
- cut? only place he was that the Yes. E Ø Þ

Ъе photograph that injury ൽ show you same the 40 it's I'm going to make sure about, okay? Okay. want talked O just

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- Thanks look? ಗ take Can I CALLAHAN: MR. MAST: 展. BY
- 2B, 2A, what's marked as Exhibits okay? 2J, 2I, 2н, got 2G, We've 2E, 2F, Yes. 2D, \bigcirc ◁ 2C, 16 17 ∞. ⊢₁

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- about his the show ask you his βŻ 40 cut time of appear all I'm going to Was the scarring where he does that operating at 2A, aren't page, you were the These first and arm Saw accident? the \bigcirc right chain but
- Yes 24

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	חורים המעם
on	June 28, 2011, right?
	A Yes, about a half an hour.
	Q And by that time, when Paul arrived at your
ŭ	
	A Yes Not the Later thanks and
	Q Okay. So you had the chain saw in hand and
) Y & Y	You were cutting things or not?
10/4/S	A NO.
pay!	were you doing?
estai 12/11/1	A I was sorting Selection to the selection of the sele
ducs hastra suc 9	Q You were what?
C1 9-0	A Sorting the branches. When you have pine
20, A'S	rees, they get snaggled, snarled, and tangled
_	together. I was placing them so that they could be
	ed in a safe manner as, you know, to lift it up and
to	work with it he did this never the sector that the north
the court over the court of the	Q Okay. What was the manner which you wanted
to	use to Well, strike that.
	Having Paul come and assist you, did you
hē	have an expected manner in which you preferred to have
him	assis
	A (NO pe was softing to be the in some mine
	Q So you just left it up to him to decide?
	A Well, he showed up and as I had said, we just

		Page 106
~ I	worked we	well together. We understood one another.
71	Q	But my question was
ო	A	I didn't specifically have any expectations
4	or did I	direct him to do anything.
ហ	Ø	So my question then was, did you just leave
9	it up to	him to decide what to do and how to help you
7	or did yo	you have to tell him, Hey, hold that branch.
ω	I'11 cut	that branch?
Ø	Ą.	I left it up to him.
10	Ø	So how would he know what branch you wanted
11	to cut un	unless you told him what branch to cut?
12	¥	He didn't cut. He held DA
13	Ø	How did he I'm sorry. I didn't say it
14	right. H	How did he know what branch to hold unless you
5	told him	0.20
. 91	ď	I didn't tell him. He chose - 13 pe mont
17	Ö	How would he know then is the question.
18	戍	You'd have to ask him. I don't know.
19	Oì	Well, was he supposed to just guess what
50	branch to	hold on to?
21	Ą	There was no guessing, but
22	Q	How was he going to know then? $\sqrt{2}$
23	A	Because we've done this before. We've
24	watched each	ach other work. We've worked with tools Pand Tools, Power tools

Chainsaws

		,
\vdash	O	Okay.
7	A	No.
m	O ,	Did you want him to hold the branches or did
4	you not	want him to hold the branches or did you not
ហ	care?	
φ	A	It wasn't a matter of not caring. He chose
7	to and t	then we went with it In Inches of his project
œ	Oţ.	Okay. So was that appropriate for you that
മ	he hold	the branches for you then?
01	A	It seemed to be appropriate at the time, $\sqrt{e^5}$?
	Q	Okay. I'm just trying to find out whether he
77	was holding	ing these branches
€.	K,	I understand.
₫	Ø	Hold on. Hold on. I'm trying to find out
<u>ب</u>	whether	he's holding these branches against your will
91	or not.	Obviously there was some
1	ď.	No, he was not holding them against my will.
ω	He was h	was helping
တ	MR.	CALLAHAN: Wait until he finishes the
0.	question	•
딙	THE	WITNESS: Okay. I thought he was finished.
22	BY MR. M	MAST:
<u></u>	Ø	So he was holding the branches ultimately and
4	eventually	ly with your acceptance and permission; fair

1 A

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Φ appropriat an in the work doing Was And he O

way to you, correct?

A Appropriate?

Q Yes.

A To me?

Q Right.

appropriate about know don't Acceptable. ď

οĘ definition いてもちのどのいぞのないたが 大の名が大 the saint to vacan . Д 1. 1000000 what appropriate. - south Me of look up to you want

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the word know what don't just You Okay. O

different ಥ use can H 1 can H Because Okay. means. 12

13 word.

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the it's means, word the know what Н no, oh, ø

deemed \vdash that me telling You're way you're using it.

Were doing different Was actions what he anything ф telling him to appropriate that his me without <u>+</u>

that moment. .പ დ I'm saying one have just what and Let me not okay,] friends okay or two

Q Go ahead.

мфо doing, our rking together guess were we knew what we friends working and I situations, that two in similar Was And it was .⊢ ⊢ assumption in worked Д, have

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Paul

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1 jeopardize himself or me and likewise. — He Put of the form of the part of t	4 Q So my question is, was Paul doing everything	5 leading up to the time he was hurt in an acceptable	6 fashion to you?	7 A Yes.	8 Q Was he doing anything inappropriate before he	got hurt?	10 A No.	11 Q Okay. Had he been doing Had Paul been	12 doing something inappropriate prior or at the time he	ž	ار م	A Again, inappropriate, I don't under	16 Q Okay. If he was doing something unsafe, you	e told him	That wasn't orron no.11 good all the	I'm honestly telling you that it wasn	thought in my mind at the time.	22 Q I'm not asking you if you considered it. If	you can say Hold on. Wait. You stopped. Let me	24 go. If you don't know, you can just say I don't know
		Q So my question is, was Paul doing	Q So my question is, was Paul doing leading up to the time he was hurt in an acc	O So my question is, was Paul doing leading up to the time he was hurt in an acc fashion to you?	leading up to the time he was hurt in an acc fashion to you? A Yes.	So my question is, was Paul doing everythin leading up to the time he was hurt in an acceptable fashion to you? A Yes. Was he doing anything inappropriate before	leading up to the time he was hurt in an acceptable fashion to you? A Yes. Q Was he doing anything inappropriate before got hurt:	leading up to the time he was hurt in an acceptable fashion to you? A Yes. Q Was he doing anything inappropriate before got hurt? A No.	leading up to the time he was hurt in an acceptable fashion to you? A Yes. Q Was he doing anything inappropriate before got hurt? A No.	leading up to the time he was hurt in an acceptable fashion to you? A Yes. Q Was he doing anything inappropriate before got hurt: A No. Q Okay. Had he been doing Had Paul been doing something inappropriate prior or at the time h	leading up to the time he was hurt in an acceptable fashion to you? A Yes. Q Was he doing anything inappropriate before got hurt; A No. Q Okay. Had he been doing Had Paul been doing something inappropriate prior or at the time h got hurt, you would have told him not to do that,	leading up to the time he was hurt in an acceptable fashion to you? A Yes. Q Was he doing anything inappropriate before got hurt? A No. Q Okay. Had he been doing Had Paul been doing something inappropriate prior or at the time he got hurt, you would have told him not to do that, the correct?	leading up to the time he was hurt in an acceptable fashion to you? A Yes. Q Was he doing anything inappropriate before got hurt? A No. Q Okay. Had he been doing Had Paul been doing something inappropriate prior or at the time h got hurt, you would have told him not to do that, correct? A Again, inappropriate, I don't under	leading up to the time he was hurt in an acceptable fashion to you? A Yes. Q Was he doing anything inappropriate before got hurt? A No. Q Okay. Had he been doing Had Paul been doing something inappropriate prior or at the time h got hurt, you would have told him not to do that, correct? A Again, inappropriate, I don't under Q Okay. If he was doing something unsafe, y	So my question is, was Paul doing everything to the time he was hurt in an acceptable or you? Yes. No. Okay. Had he been doing Had Paul been ething inappropriate prior or at the time how would have told him not to do that, Again, inappropriate, I don't under Okay. If he was doing something unsafe, yething to the told him not to do something unsafe, yething unsafe,	So my question is, was Paul doing everything to the time he was hurt in an acceptable to you? Yes. Was he doing anything inappropriate before thing inappropriate prior or at the time how would have told him not to do that, Again, inappropriate, I don't under Okay. If he was doing something unsafe, e told him not to do something unsafe, mhat wasn't own.	leading up to the time he was hurt in an acceptable fashion to you? A Yes. Q Was he doing anything inappropriate before got hurt? A No. Q Okay. Had he been doing Had Paul been doing something inappropriate prior or at the time h got hurt, you would have told him not to do that, correct? A Again, inappropriate, I don't under Q Okay. If he was doing something unsafe, y would have told him not to do something unsafe, y would have told him not to do something unsafe, y would have told him not to do something unsafe, and have told him not to do something unsafe, and have told him not to do something unsafe, and have told him not to do something unsafe, and have told him not to do something unsafe, and have told him not to do something unsafe, and have told him not to do something unsafe, and have told him not to do something unsafe, and have told him not to do something unsafe, and have told him not to do something unsafe, and have told him not to do something unsafe, and have told him not to do something unsafe, and have told him not to do something unsafe, and have told him not to do something unsafe, and have told him not to do something unsafe, and have told him not to do something unsafe, and have have have not really considered.	So my question is, was Paul doing everything to the time he was hurt in an acceptable to you? Yes. Was he doing anything inappropriate before was he doing anything inappropriate prior or at the time how would have told him not to do that, you would have told him not to do that, how would have doing something unsafe, ye told him not to do something unsafe, ye told him not to do something unsafe, that wasn't even really considered. It	So my question is, was Paul doing everything to the time he was hurt in an acceptable or you? Yes. No. Okay. Had he been doing Had Paul been ething inappropriate prior or at the time hyou would have told him not to do that, Again, inappropriate, I don't under Okay. If he was doing something unsafe, e told him not to do something unsafe, That wasn't even really considered. It I'm honestly telling you that it wasn't a n my mind at the time. I'm not asking you if you considered it.	So my question is, was Paul doing everything to the time he was hurt in an acceptable to you? Yes. No. Okay. Had he been doing Had Paul been ething inappropriate prior or at the time hyou would have told him not to do that, Again, inappropriate, I don't under Okay. If he was doing something unsafe, ye told him not to do something unsafe, That wasn't even really considered. It I'm honestly telling you that it wasn't a n my mind at the time. I'm not asking you if you considered it. I'm not asking you if you considered it.

m 1.0

- t him not something directed doing unsafe, would you have told him or Paul was Ч •Н unsafe? question is something but the ф
- Yes Þ
- ф 10 your what correct? So Paul once asking. prior to his injury on that property, testimony is that you never told II.I That's all Okay. O
- the form of to ลูซ I just object CALLAHAN: MR.
 - MR. MAST: question $\mathbf{B}\mathbf{Y}$ 10
- not? correct or that Ω H Ø
- answer may You CALLAHAN: MR.

- THE WITNESS: BX
- please again, question Ask the ∢
- Strike that. I My under-O

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- how chain OL the ဝှဝ to βŽ Paul what got hurt by being cut Did you ever tell accident of his do it before he saw on the date 40
- did not. - Н No,
- No, I did not. Demial toll pe's Dead. \bigcirc

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- Þ
- Never told him what to do? Ø

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- 1898'S No. K
- 11: Never told him how to do \bigcirc

No. Unbell schle

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- let's first arrived at, did? 11:30, what was the first thing he So when he Okay. \bigcirc say,
- وريده وقدول فراريو والرارية watching me sort the branches do to help? And I said - Com He was watching me said, What can I ⋖
- he was So Okay. watching you sort branches, right? Let's go step by step. Ø
- ou sort branches, right?

 Yes. The the Didn't be charte earlier that he had sontes all to go Back. \vdash step now and going to get toward the accident just step by Okay. I want to go because we're 4 O

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A Okay.

too fast, okay?

go

don't want to

- got there. You mean putting them He step here. step by sorting branches. go So let's were piles? \bigcirc You
- had ·<u>).</u> cut ends like this, you can easily be addressed or orientated. If you put branches like this, it's going to pull out unsafely. So if you 10 Н when you cut it, it needs <u>ო</u> and p:14 1.100 X Q already in addressed or orientated. pull them off one another. They were(mentioned earlier, pine, stack them with the No.

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it would that sorting, so That's why I was - Dave And explant go

Okay.

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Page 117	2 Q How many sawhorses do you have?	3 A There was two there.	4 Q And how far apart were they spaced?	5 A Four feet.	6 And were you going to be putting them on the	7 sawhorses too or was that only what Paul was going to	Fried Andrew Arthur Cop 8	ζ , χ	10 from the sorted piles onto the sawhorses.	11 Q And when he puts them on the sawhorses, you	were going	13 A Yes. Two 300 PC.	14 Q Okay. Who told Paul or who gave Paul that	15 job task? Was that you?	16 A (Yes.)—Drect On Le Land, from	17 Q Okay. So the next step, piles are sorted	18 now, let's start cutting the branches. Paul, why	don't you put the branches on top of the sawhorses and	me, meaning you, I'll cut these branches on the	sawhorses up with the chain saw. That's the what's	22 going on, right? $\sqrt{g^{3}}$.	23 A Yes. Jugar	24 Q Okay. How long did that occur?	
----------	-------------------------------------	--------------------------	---	----------------	---	---	---------------------------	---	--	--	------------	-----------------------	--	----------------------------	------------------------------------	---	--	--	---	--	---	-----------------	-------------------------------------	--

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and the tenter of the content of the price of the content of the c on the second of the control of the <u>itrom time-atop down, to the ground retolandaring and anomon and the </u> say it again then. saying you're let me sawhorses, SO Okay. these using \bigcirc 3 ᆔ

- chosen way that he was that was Paul's going to hold the branches? And Ø
- Yes.

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- any objection to him Did you in any way voice that way? doing it O
- period of time were Paul ground cutting these branches in that manner where holding them up with his left arm to the You were cutting them from the top down? ൻ And for how long Okay. O_i Non and Was
- about 12:20, So now we're at (20 minutes: Okay. \circ 13
- mthat about right? H correct. 1.S math
- Hans? BARCH: M.
- Ses MR. MAST:
- these are ask, just Can I BARCH: 照.
- are we talking OL horizontal cuts

	MR. MAST: Well, I was going to get to that. I	
21	want to first get the time line down. Yeah, we'll get	
	to that, but I will ask it now then.	
	BY MR. MAST:	
	Q So Paul is holding the limb the branches	
10	up with his left arm over his head, the branch is now	
	from his left arm and hand going down to the ground	

the ₩ O off the branches cutting Was H No, Þ limb.

cutting

and

hand

starting up below his

and you were

inches?

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every

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- wow were cutting the horizontal branches in a vertical So you were cutting vertically ap While he was holding the tree vertigally Got it. Sad Cown O
 - from a top to a bottom? . Se ∡ Eashion-O Ø 15 10 17
- imagine each branch has probably 30 Н And \circ

Yes

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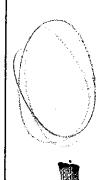
- would 40%。50年至18年18年 Н ⋖
- Oranches offorter \bigcirc 22
- say would Ø

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question finish the Let me on. Hold Ø

\vdash	A Okay	· Sorry.
73	Q Let	me say it again now. Eve
m	limb or what	whatever that Paul's holding above his head
4	with his left	t arm, I'm assuming those branches, if
ſΛ	they're read	reaching to the ground, are going to have 30
φ	to 40 little	branches coming off of it horizontally,
7	correct?	
∞	A Not	t that many.
۵J	Q Okay	ay. Maybe 20 then?
10	A Or	less.
더	Q Okay	ay. So those are the 20 little branches
12	coming off of	f that branch that Paul was holding
ار ج	vertically the	that you were cutting?
14	A Yes	· w
15	Q And	d then the branch would be benieved one of
10	from bis heam	from his handate ground?
17	A	しいれるのよう
18	Q And	廿
19	then, set it	on the sawhorses to be cut up?
20	A Set	t it off to the side. We never got to
2.1	actually cutt	cutting up the whole load of wood because of
22	what	
23	Q Hag	Happened?
24	A	happened, yeah.



- Okay \bigcirc
- happened what that's 1 that's And K
- sounds that one happened, right? the that's Now, accident enongh. Fair his where O like
- Yes ď

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- 41 •H time Because accident task, the task by about Okay. saying his p P 4 through the see. which would ARRIVED AT HOSPITAL you're Н Because 11:30, going 12:30 reached at around Okay. arrived where we happened Ø right? Paul
 - かかかれる いっぱい The Although and the second 10000 Yes. ⋖
- working the branches the the å T λq left hand still holding that injury with being cut horizontal were you doing he's his still the branches up with where the So cutting You're ₩ O Okay in the manner Paul's you. and you're branch? injury? got ο£ his time that 1-1 ೫೩೫ head Ų. the οĘ \bigcirc limbs chain time his off
- the ο£ time the a t doing were WO what That's injury. ◁
- thought something that |--| and did something doing only Non were did said Non Non Non say then Because t, C and going minutes were \bigcirc you 20

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that?

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that

ر میست پاپسر زیسم

- A Yes
- minutes 20 about for that did You said You \bigcirc
- A Yes
- Branc R branches 200 separate ۲ الا 30 ナアカス t 0 25 Less did Non Right? And Ø right?
- A Estimating, yes.

when that holding ı, did Wass that you Paul last branch that branch the The that Okay. ·터 cut? fashion, Ŏ was hе

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A Yes

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- little 30 we're hurt, t0 you his around ወ Ŋ know got 4.1 else \sim was those time said Paul \vdash something \vdash whyand you cut the you time i. 12:00, H O but the this inclusive there was minutes times, that by around Because 20 OIU àt . ე thought after for estimates said minutes right? Oh, okay. 1 then 1-1 You did then, SO 20 doing doing Non branches; confused. that injury \bigcirc 12:00 just were but ---15 16 8 12 13 4 17
- A Yes:

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- accident щe gave right? Non his about frame until sound time 11:30 thethat at really arrived does minutes; 80 Paul Okay. time 50 themore \bigcirc from Was
- frame time Was the 0 There recollect time. the t to hard à relative really It's wasn't ₩. († K when

please. that finish, understand Let me H⋖ \bigcirc

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- the get time most 땅 to U O U Was aware Was Was did happen it happened because what There Н Was job done nor that time when it the hospital. the getting time that φ Ļ important 띵 C C frame exact him
- SOUTH TOTAL A TO COLDENS 1 that only time I understand the And α ⋖ α
- 本でも only time the into And the clock is when we checked the room. checked emergency W that

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- NEWS OFFICE 2:40 pr So he knew the time that the that. a11 I understand Q
 - Okay K. 12
- his concern when gave was .പ დ M_{Y} occurred arrived concern was. Ø line accident Pau1 the time after not what my time his hour but an the occurred That's gave me minutes by accident you \bigcirc 50
- · 50 minutes sayyou Did ⋖
- 50 O

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Okay A.

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- sure we're not missing doing Was he to make that work want οf just other element Sol \bigcirc some
- not. We're No, No. Þ
- Okay \bigcirc

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been _ დ he because object 40 going I 'm BARCH: K

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The godient to by the	

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ahead g along, but estimates all giving

- BY MR. MAST:
- ٣٦ 0 the estimates So under right. All O
- you around 11:30, arrives that we're giving, Paul
- the type of work that Paul is holding the start
 - the using t O as opposed left hand overhead up by his

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- about You do that for around noon. sawhorses
- and that's when he's estimate minutes in Your ∞
- 9 injured, correct?
- A Yes

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 \vdash

- Was Paul that last branch So that All right. O
- that's what I want holding when he was injured, 12
- the40 similar a branch And that was talk about now. 133
- or more before that, right 25 14
- A Yes

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- correct? that you were cutting, \bigcirc
- A Yes.

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- times 25 to 30 these branches cut And you had O 었
- correct? any problem, incident, without without 5
- A Yes.

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- holding the branches that Paul was And \circ
- incident, times without 30 to 25 all those H. waysame
- 23 correct?

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A Yes

- then they were probably being held were all ∞ they Paul's 5, And Okay. Ч-I •г-I Paul's head O
- and S L X O H 1 his over feet half Q and Six maybe what,
- ground? from the feet half
- limb each 다 O debris o Ę tree amount ಥ ďn in go They varied you As height. ⋖ and
- Okay. \bigcirc
- diminish lengths the ŀ K

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- branch is holding the 7 Paul sometimes SS \bigcirc
 - out? directly 10

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- Devination of the temperature of the property of the same of the s Þ
- and me let question, least any way you want but at finish my me let t 0 got in You've answer can finish Ø you
- some branches head over his Paul might be holding some on height chest, from his depending out 200 directly just varying out

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Yes ď

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- the branch? ΟĘ Ø
- Yes Yes. K

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- hal the ർ O££ and feet Six from four branch to ಹ anywhere might be holding feet? seven So Okay. maybe ground he feet to Ø
 - 23
- Mongaphot Six and a halffeeduss www.outd Say Ø



(4-5)
Somewhell jetween four four famo fraet

- Okay. Ø
- here right just around and iη Somewhere ď
- enough. Fair Q
- Yeah ∢

vo

- five OK branch the ground to arm theleft out extending is holding with his Off from anywhere from four feet body out from his Paul SQ left hand Ø Ω ⊢-⊢
- The politic where, he was clasionary that lind, \triangleleft

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- underneath where where granspires White the state of then And Oi
- NORMORE. ⋖

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- ground is inow fait under ints hand? ٦. د to make really going H-1 So you're that the The Airst highest off \bigcirc the
 - foot? ಥ O L half ർ a toot and a lall, toot. and foot Þ right. A11 Ø depe-18 9

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every just if you On add to to be best trynot and going finish? asking 1t s m, I Well, Н Maywhat answer Õ ø.

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time. 22 23

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through that.

sit here

(Inaudible)

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Jewel .

1 Sogry. 2 What's that? 3 A I'm sorry. It's just my character. 4 Q Well, that's fine. The question is this, 5 he's holding these branches extending his arm out and 6 holding them four to five feet off the ground 6 depending on the height of the branch, right? 7 A Yes. 9 O kay. And won are exting the first extending the first extending the first count 11 A Yes. 12 Q Thete the first extending after 13 A Yes. 14 Q So that the branch that he's holding after 15 you cut it is going to be about 18 inches long? 16 The piece of wood that's in his hand after you make 17 your first cut is going to be 18 inches long? 18 A Yes inches long? 19 A Yes inches long? 10 Your first cut is going to be 18 inches long? 10 Your first cut is going to be 18 inches long? 11 A Yes inches long? 12 A Yes inches long? 13 A Yes inches long? 14 A Yes inches long? 15 A Yes inches long? 16 A Yes inches long? 17 A Yes inches long? 18 A Yes inches long? 18 A Yes inches long? 19 A Yes inches long? 19 A Yes inches long? 10 Your first cut is going to be 18 inches long? 10 Your first cut is going to be 18 inches long? 10 Yes inches long? 11 A Yes inches long? 12 Yes inches long? 13 Yes inches long? 14 Yes inches long? 15 Yes inches long? 16 Yes inches long?		Page 130
what's that? A I'm sorry. It's just my character. Q well, that's fine. The question is this, he's holding these branches extending his arm out a holding them four to five feet off the ground depending on the height of the branch, right? A Yes. Q Okay. And won are waiting the first securify inches between the branch of the first of the ground after you cut it is going to be about 18 inches long, right piece of wood that's in his hand after you make your first cut is going to be 18 inches long? A New West of the branch that he's holding after your first cut is going to be 18 inches long? A New West of the branch that he's holding after your first cut is going to be 18 inches long?	Н	
he's holdi he's holdi holding the depending the depending the A A The piece your first your first Commence	77	What's that?
he's holdi holding the depending the depending the A you cut it you cut it The piece your first A The piece your first depending the	т	I'm sorry. It's just my character.
he's holding the holding the depending the dependence of the d	4	Well, that's fine. The question is
holding the depending depending A A A A A A A A A A A A A A A A A A A	LO	holding these branches extending his arm out
depending A 2 A You cut it Your first Your first A The piece your first Commontate Commontate A Leading	9	them four to five feet off the
about (18) about (18) A you cut it your first A The piece your first A Commented	7	on the height of the branch, right
about 2 A O You cut it Your first Your first A The piece Your first A The piece Jimmin of the Sales Ji	φ	
aborate 1877 A You cut it Your first Your first A The piece Your first A The piece John White The John William John	თ	Okay.
A A You cut it Your first Your first A The piece Your first A The piece A A A The piece A A A A A A A A A A A A A A A A A A	10	
A D OU CUT it Your Cut it Your first A A A A A A A A A A A A A A A A A A A		Saying Water earlier
you cut it The piece your first A Timbocff	12	
you cut it The piece your first A A Limbo offer The Secondary The Second	13	
you cut it The piece your first Town first Jecamsero	14	So that the branch that he's holding
The piece Your first Tame of T	15	cut it is going to be about 18 inches long, right
your first A Tamay, Tam John Weha John Weha	79	piece of wood that's in his hand after you
Tambo Seferation of the Sire	17	first cut is going to be 18 inches
	18	
	19	I may fate and side cately the acade in the side with the side of
	70	Altinior other your aree. Threifers arother of threin.
	21	down, tenatils, where it cut lit. The line linger borthon down
	22	to, time oraning . He would indig the smaller portions
	23	
	24	don keyetanow tinato reiney offow <u>wowards</u> linke that. So I

12	н	(A)	utting in the orotches offithem. He was holding
so lo	78		māta voluta staviamav ēgom bim cuteing ofē — anāt
afferon	Second Second		a word of 1005, 11ke, cut towards the top. what that
1000 1-85	2. 5 7		smalliperratic s useless, wood, we well aust trying tolset
DAVE 7.	Sign of the second	rid of vile deorts	
75	3 63.	start outtring	
Salara Salara Salara			ONTINE TO A CONTRACT OF THE PARTY OF THE PAR
	. ω	D C	got you.
	σı	Α	another one
MA CIONA YOU	10	O	
	 .	A	
ioreer of the R	12	Н	got you. So he is not cutting The base
en jednach see ed	133	of the branch	that Paul's actually holding, you're not
	4	cutting that?	
	15	A No.	
	16	Q Yo	You're cutting the stems or limbs that come
Polymeno si M	17	off of that	that horizontally?
	80 H	A Th	The subalinbs off the main times that were
	H 6	al reconvergence	
	70	Q	s that correct?
	27	A	
	22	Q 0k	Okay. And the Although there might be
Pedrag der selven many se	23	limbs off of	f that branch all the way up to his hand,
Printed States	24	Mon re-start	Won te-starting 18 inches does one has been stay

	Page	132
\leftarrow	SWEY FROM BYS BANG TROUPS	
77	A West Yes	
m	Q Okay. So when you're done cutting that	
4	branch, there is still going to be some smaller limbs	70
Ŋ	coming off of that branch at the top by his hand and	
φ	that's okay, you can deal with it later?	
7	A Correct.	
Φ	Q Okay. So after you're done cutting	
Ø	horizontally all those horiz Strike that.	
10	After you're done cutting vertically al	
단 단	those horizontal limbs off of that branch, he puts th	the
12	branch back and picks up another branch and you do	
5	that 25 to 30 times before Paul's injury?	
14	A Yes.	
15	Q Okay. The branch that Paul was holding when	en
16	he was injured.	
17	A Yes.	
∞ ₩	O Describe months of the property of the was	
49		
20	A ENTRETEDIO.	
21	Q Okay. And was it a branch like all the ot	other
22	branches?	
23	MR. CALLAHAN: Just object to form of the	
24	question.	

ᆏ	BY THE WI	WITNESS:
7	\$	By way of species?
m	OI.	No. Was ricany of the cent acom any sofeth
4	Sener 25	office 25 to the solution of the first and the transfer of the solution of the
ហ	A.	
9		_ کِ
۲-	O	This is what I'm asking. I'm not asking what
ω	you might	: what might have happened. I'm asking
თ	you, base	based upon you being there and I wasn't there,
O.	was the	was the branch that Paul was holding when he was
· 턴	injured	different in any way that you can tell that
77	you recall	ll than any of the 25 to 30 branches he had
13	held pre	previously without incident?
14	4 A	None of the branches were exactly the same.
15	Q	I understand that, but I
16	A	I don't know how to answer the question then.
17	Q	Well, let
18	K,	The
19	, O	Hold on. You answered it then. If you don't
. 02	know how	to answer it; you've answered it. So let me
21	ask it a	different way then. Other than every branch
22	being a	little different in size and thickness and
23	amount c	of limbs off of it, is there anything unusual,

anything necessarily different from that branch than

	11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
⊣ .	the other 25 to 30 branches?
. 73	A No.
m	Q Okay. And in appearance, the branch looked
41	like any of the other 25 to 30 that you had cut just
ſΩ	previously, correct?
9	A Yes.
7	Q Okay. And probably a similar number of a
. ∞	similar number of cuts off of this branch that Paul
ത	was holding when he was injured, you were going to
10	have to make a similar number of cuts on that branch
1	as to the other 25 to 30 branches you were cutting?
12	A Generally, yes.
13	Q Okay.
14	A Okay.
15	Q How many cates were your abtembound teroff of
16	destranch that Paul Was Montaing attitue time of his
17	The survey of the got tingues?
₩ 8	
61	Q Okay. So if I'm going to draw a picture of
20	the branch, okay, and we're assuming that's a five
N N	foot branch and it has limbs going all off it up and
22	down the branch, right? Right? Correct?
23	A (Nodding.)
24	Q Yes? I'm waiting for a word.

ന

- けっ have don't I'm Non -- non 44 •H saying what s e e just not expecting t0 I'm I'm waiting picture. m,I follow my Ø ⋖
- I m 80 description follow your don't picture. Н Well, the at looking Z,
 - myself picture Q drawing II. Well, Okay. \bigcirc
- t t
- Okay. Ø

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- You ς Ω demonstrate Q
- done. you're wait till 111 Þ
- don't Н you. 40 Hdemonstrate can Н No, \bigcirc 님
- . u α Ω You can look care. 12

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- widths, has sizes, <u>"</u>⊢ a branch and then varying enongh; it in Fair off . N This coming heights, okay? limbs these and
- Was what not the description of Н That's why it's No, being cut. ∢
- cut being Was what Accorbing a You describe right. All Ø then, $^{H}_{\infty}$ 19
- is. limb ре -H S3 Hwhich pine needles ൻ ÓΥ whether pine branch its length, certain diameter, it diminishes to just ಥ and over description of inches, ർ at starts The varying, $^{\circ}$ Ó K inches ц Н Þ also that $^{\circ}$
- between also varying and every ¥0 increments About 24

ΟĒ begin end the tree the from towards from the that again go cut you are branches Was გ 8 H• 1 lesser where and diameter inches lesser branch 12 larger get and the 2 9

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m

Okay O

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- the exactly how many were conflict with what you . В 0£ tree amount there because no varying α 1.S J L There OI I was are 000 branches ⋖ same,
 - thinking ത 10

enough

Fair

Okay.

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looked

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A.

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- gaplis nolding the branch at the SO \bigcirc
- GOTTGEE ◁

13

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- Weith his // Cfthrands Okay O
- Þ

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- Width street of Party Market Cartain Street Ŏ
 - 12/3 02 No ◁

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Non Just aside ++ /aside and away / year გ დ Both actually H. Leging the passes in a analy from it Standing Okay. \bigcirc ø K

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23

- had Describe . . . shown physically
- S saying you're What right. All \bigcirc
- ending This well as an out sing the outsing the outsing the contract of the co

Page 1	A West	Q his left arm above and holding the branch	while his right arm is aside of him so the Grands			A West of the second of the se		10 List Complexed in April Server Ser	Delowardada	A Ves.	Q Okay. And do you remember commissions	and the markes at a randication of allogic 18 imenestations a	name Deference was manife? I'm not saying going further	down, I'm just saying at the 18-inch mark where you	were going to start the cuts.		Q Made one cut?	A One cut.	Q Okay. You got one cut?	A Very	Q Hold on.	A I know that.	Q All right. Maen you go down another dastance
Н	7	m	4	Ŋ	0	7	ω	Q	10	[- 	12	13	14	15	16	17	18	19	20	27	22	23	24

Townske another singular cut on a dereferent co-marke the second out? ⋖

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18. 18.

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are they Inmondrative between forms 8 rand apart far how with how varies branch. H the ⋖

Zim. . ც this hе know Ω Ο We guess on. <u>د</u> Hold want don't on. Hold Hold top \vdash the Listen, okay? at r T question, holding \bigcirc

Yeah. ø

A CARAGO

Z S

٥, We right said hand, You his feet, from five inches about right? 18 it's Ø -H things, cut know first those We Your know O know Мe

Yes ~~* **△**

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cut first what second the On from the based Ω Ω down is, hand far question from his how estimate. now, mVinches me 20 Your told Okay me 18 just give _ W that you've O cut O U

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Q. estimate an give you willН Þ

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PACE TO BE SEED OF THE SEED OF Ø

23

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. ⊢l	then. Tell	me what you don't know and I'll move on,
21	okay, but I	I'm going with what you're telling me. If
m:	you don't k	know something, you just say I don't know.
4		Let's start over. We samodding his befo
ហ	hand at the	handaltatheatop of abbendendrich. His bitestacherismobout
ψ _.	18 janchesad	<u> 18. inches ion inicalian</u> , right:
7	N A	
œ	Ö	on offerside of their jimbest branch?
්තු	A	Yes.
10	о О	Okay. So that limb is 18 inches down. You
-	cut that li	limb off, that horizontal limb, and then you
. 12	go down pro	probably on the other side 8 to 12 inches and
13	you cut the	the limb on the other side?
14	A (M	No.
15	0	Okay. What? You tell me.
9 T	A	Omra pine tree they religioused, that swhat
1,7	Washleyargo	Wasalty ing to show your alke trains make when they be not
8	SE JOSEPH CONTRACTOR	Següered all over the place. Maen the ofform in S.
19	tancander de la contraction de	Tan and they grow out this south being tood
20		AND THE GOOD OF EXPENSE OF TOUR PROPERTY.
21	Œ O	That's what I just did here but we can do it
22	again. Let's	's try it again.
23	₽	Okay, but
24	Ĥ Õ	Hold on. This is what I'm trying to

e memory there's making it us that It's just goes Rother than Dave Excuse me. Because ور ک disconnect here.-CALLAHAN: MR. ർ

have to ask these that's why I there. get Well, We'11 MAST: questions. MR.

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I'm thinking he's intidate on a 45 degree angle up to out comes branch on your branch this understand. Н CALLAHAN: that thinking 1 like

NO. THE WITNESS:

and OH here, pine needles Then there's one this the one here, and this with I may. Ц cutting this ŀ branches like this CALLAHAN: one here so he's MR. them this

BY MR. MAST:

18

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branch? one ц О cuts three cuts, Are you making Four CALLAHAN: MR. Ø

. W hе that's what I don't think No, MAST: 照. saying.

that's think Н CALLAHAN: MR.

				" 											· · · · · · · · · · · · · · · · · · ·				á	<u> </u>		
WITNESS:	I'm making one cut.	Here, let me do it. I think this is what	May I?	Hold on. Yeah, I'd be happy to. Let's	y do it that way. Make it easy.	Thank you.	We'll save about a half an hour of questions.	Right.	I was trying to get it described that way but	It be easier just to do it this way.	ON THE DISTRIBUTE OF MAKE INTEREST WE'VE GOT	I have time.	You want some crayons?	I'm going to make a Christmas tree for you.	a pine branch.	Okay. Now, let me ask the questions here.	ght.	I'm catting 1- tigme mere no vere of otop	I've got it. See, your answers aren't going	unless they're after my questions	We'll get it all figured out. Tosewhen's	All right. We're going to mark as Gagger
BY THE	A	Ø	A	O [†]	probably	₹	Ø	Ą	Ø	it might	Ą	time.	Ø	¥	That is	Ø	All rig	A	Ot .	to help	A	Ol Ol
		_															7	Kindt	سائر. مرج	WW.7 2	0 30	L XIH
 · :		m 	4	— <u>—</u>	· · · · · · · · · · · · · · · · · · ·		∞	<u>თ</u>	10	H H	17	13	14	15	9	. 17	18	6	20	21	22,	23.

okay?

- exhangque 1 - dhac joice de mour aiustra daen

- A Thank you.
- ៧ It's 1 ಥ ا۔call 40 You'll have BARCH: 照.
- tree. a whole not single branch,
- THE WITNESS: Single branch.
- I 'm right. A11 branch. ಥ It's Okay. MAST: MR.
- things. these at a good I'm not sorry.
- BY MR. MAST:
- 40 not it's Obviously 1 ൻ That's right. A11 O
- pine α J O drawing ർ just it's but anything, 임 scale Ø
- 10 branch, right?
- A Correct.

H

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- it.s.supposed And Õ
- it's not exact a typical type of parterbranche barendary 33
- gred-Baul were cutting on the day of his accidents 4
- A Godgagagata

5

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- ΟĒ amount different sizes, Different Okay. Ö
- of representative ៧ that's them but off limbs coming 17
- right? branches, ο£ types those ₩ 13
- A Yes, it is.

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- .⊢ დ base the this, a t look if we SO Okay. Ø
- **^.** right it, J O top the than be wider to going obviously 21
- A Yes.

22

23

- T-time graning rate regions and the contract of the contract o So Oĭ .
- HDid Une top-of-that 42 and as Bowne of the barsers

just do that?	A Yes.	Q So we know what words to use?	A Yeah.	Q Okay. So I'm going to put T O P and B A S E.	So we can refer so that we're using the same language.	Rawinis ocimonto be holding with his lett handrehe top		A Gordenson	Q And the base is going to be against the	ground in a vertical fashion from where he's holding	ata Tone top raidate	A	Q And then statished the statished the And the state of t	Montherer goling to state culterno object side ot dat	beanch the mozezontal timbs that are coming of finals		A mades	Okay. Serifishis Mekeraldkanchedatedatedate	no-inding	would make one cut oh, you desterment of selections	SKip the topmofrager -	. A Because it's	Q Hold on. Month of the room Thans because	
,		m	4	ιΩ	9	7	œ	<u>م</u>	10	터	17	13	74	12	9 H	17	138	19	20	21	22	23	24	

- thank you 80 an hour, half
- welcome You're Þ
- cuts Six a11 they weren't sure II. And \bigcirc
- right? every branch,
- varied theyNo, Ø

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- FS-STX obeine motological awerage of no O
- ď
- <u>დ</u> დ far As O

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- average There's no ◁
- ten, eight, six, maybe There's Okay. \bigcirc
- that? like something 11
- 40 way пO There's average. no There's Þ
- ۲. ۲ average 13

14

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- when holding Was Paul that branch The Okay. O
- other branches most like branch ៧ injured was Was hе 15
- correct? sizes, different in T although 16
- Yes. ಠ

7

18

- four you made me telling you're And Okay. Ø
- injured? Was until he cuts 19
- Howardan contrabo of the busines Q,

20

21

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- cut? fourth the On Okay. \bigcirc
- ◁
- that start with just We ₩ ₩ S enough. Fair Ø
- you discuss what and holding Paul's branch that one 24

A WAS TOUTH TOUTH TOUTH TOUTH TOUTH THE TOUTH TO	17 72
Paul to get injured?	14-1
cut to the fourth cut that you believe is what caused	107
. Q What happens when you're going from the thir	PO
A West Collects	@ /
	7
one stae, then you mendend to the other side above	ϕ
went down 8 to 12 thones lower, made the taind out on	S
side just 17ke you did on him biore 1 dere, then wou	4
below his hand. You made the second one on the other	m
first vertical out from the horizontal limb 18 inches	2
did up and to the time he was injured, made the	

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mae toureh cot. not much analike zautene odaet No amany have deen becaused Moundy have been weaker than the sest Maisnaththrogad,

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16

minute musical and a second you mean, ф ർ What for stop you What woundan by bowed. Н Can Ø

THE WAS AT KENTING 17 78

2	5.09012	of has thigh as the other one perhaps.
	Okay.	Yes, m
K	Ø	A
19	70	21

too Maen Woll, Say bowed ther, that means when you jump 10 want don't Н sayyou So when Ø

far 23 24

ф tac main 49 ٥, the mathing anchitalent thom the treetismiat oranche miniche depikated on the drawing higher are want okaya the that memotives transfer about the branch language ſζ branches that define Page We'11 . Մ to than wood terms, 1imb going parts saying OTIO ASAL A JOIN O A CHEOLEMEN CITORED more ŞΨ the 3 same ÓΕ right waythat show II ' II those Ŧ the piece 0 bit that piece; the Non, re cut, All that are On don. use little continuous H. the talking cut? Hold Hold t 0 you watch larger the limbs SO Let's define I'm sorry \vdash CO going No, already ർ Zot Zot that limb. so we know we're right gives the We Let's No. that branch. you're solid Don't put ЧН •г⊢ 's holding whereas Bowing . D the <u>.</u>4 Non A11 right. SOLLISON SO No. limb et's the off weak, then. T-1m-outstanderouts that that Okay. BARCH: Okay. \vdash MAST: . ლ The All come Men? SO limb οĘ MAST: more three way branch just Ç. off what those Ax MR. that MR ourth little Þ Ø Ø K \bigcirc Ø MK. other Paul come the are $\mathbf{B}\mathbf{Y}$ 1. T °ZI 10 12 14 M D 9 18 19 20 24 Ξ 17 21 22 23 Bove willy

)
Н	write that or	on here so we use these same words.
7	Because I dor	don't want to change the words so I put on
m	Exhibit 1 her	here branch for the little parts that come
4	off the main	limb.
ហ	A Yes	, m
Q	Q Fair	ir enough?
1	A Yes	
ω	Q Th	That's what we're going to describe?
Q	A Yes	· w
10	Q A11	l right. So what you're talking about is
1.7	so we use the	e same terminology, the limb is what
12	Pauls Tolda	Bave s holdbagswifth the hold that goes verteathy after
73	his hand to the ground	the ground
14	A	
r D	O	And the branches are the things you re
16	Cubiting of E	cutiving of that industries to the original of the control of the
17	E-ght:	
8	A	
19	Q Okay	ay. So what you're saying is after you cut
20	three of the	the branches off of the limb Paul's holding,
21	the fourth branch	What happen
22	branch?	Lower Lis alkert ways
23	A	
24	Obarin Saw to	ONSTAIN SAW TO COMP ON TWO TO THE COMPOSITION SAW

		Knowledge 14 Be the same the gold
·*···		2000 ST. 12
H	01 \$7.5	TIOS TO THE
7	A	
m	(mstancer	approadred the cut again.
	Juew Haled	ting to meter ments to support in this
ſΩ		A Some nand are the same times to ment the onomine to
ω		First ekel his girm.
7	Oř	Okay. Okay. Now, when you're saying Paul
∞	went to	support it?
თ	Ø	Yes, support it Limb or Branch?
10	Ø	What was he Do you know what he was going
다 단	to do with	th his right hand?
12	ď	THE TELL WOU WHAT THE GIG WITH NIS THEN
13		e actually gravbed the part and supported be
14	O	What part of the gimbs
15	A	Bedow the nexts contribut I was the last cut
16		diatric made when the property of and thust believe whe vent
17	Liver talk	dem talking about and fowed through.
18	Õ	All right.
19	Ø	The tour the tour than the tenth of the tent
20	Ø	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
27	₹.	The total of the still the
22	Ø	'a B
23	Ą	
24	O ⁱ	and the fourth cut was still the same
		tokan.

, −i	distance	Page 152
	A	
m	Ø	Mas on the other side
寸	ø	
ហ	Ø	OF third cut, fight
φ	K.	
7	Ø	wad wat wour cut the four from thoranch by the team
∞		TOOK OF THE TANK THE TANK THE CAS DOS!
ഗ	A	
10	Ø	Okay So the Fourth branch was stall there?
 	A.	
12	Oi	But you were attempting to dut it, right?
13	A	
14	Ø	And When Paul was holding with his lettemand
72		andon triking of thexed because it sheld up
16	्वव्याग्रह	ise the ground?
17	₫,	
18	Ø	me the windworf bowed a little bit and would
19		サインド サイン サイン サイン サイン サイン サイン サイン サイン
70	A	Menutive to station of the bold on that would as I went
21		
22	Q	Okay. Solvanem work coc his samme Paul's alm
23	STATE SEASON	rasilis riogate atmenda atmenda de confete de la confete d
24	A	

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ΟĘ	that
you gave me five minutes	you don't know,
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fi	doī
me	you
gave	me
you	tell
Listen,	Just tell
i.	know.
<i>></i>	don't know.

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right All Ø glad you

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understand |--| ٠ د you cut time you second the until five i.

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MYFine. Q All right. Mill.

question the branch fourth that to cut bent tree down the when you went first time and ທີ --

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cut Was toward and fourth OL away time ل. اص you went toward that ς 0 down right that On ho1d at when the limb t O time, when you went g 1. T 40 going toward second you had arm on ൯ time, right and ا. cut and his second r L t 0 Was branch Off \bigcirc Q ٦. ٦ це

1 At the exact same time that my saw went
--

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maybe SOLLY H, word m, I t C saying way you wanted me what you're differently the get H• د word wasn't Hto \bigcirc that

 $^{\circ}$

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3

Thank you ⋖

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the that right locked roos to have some a series of the series saying moving ಹ fourth branch from what you're you're 000 that cut it toward least <u>__</u> 40 attempts you said, Αt motioning I I You're in 1 ე დ are time saw, you second 0 chain Ø

Fred brownsy. wath Mouse Ebow MOSIN く

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Botton of Chainsan Blade into Sort shoold Jump Fotunard Did David let up toward that foundation to the sale costing with "Crotch"

rights

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 \bigcirc

 \vdash

4

Votes for going requard relate sources son ₩ •H So Ø

Wow saving his singh arm is łocking on veorbiae kimio at kine samentime understand \vdash and

orania C

The state of the s

But your removeral relate Christian Sam Foim and to 8 Cheinson Charles typeant Right? Ø K, Falcolute?

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conferment soldingly wat of alth

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So when woulde moving that chartenant saw formal And the same of the same ď 000 Ø

that mountain of tormard manner of the sound to cut to the transfer of the control of the contro

Statement of the statem

that takes your saw blade into his arm. Whether his	arm is moving or not, we can I can ask that next,	but the orogess work work movement for ward and were her aband	Sawais oak of wher ted to has akinaberas out, fight?	MR. BARCH: I'm going to object to the form of	the question. It's also argumentative. Go ahead.	BY MR. MAST:	Q Go ahead.	MR. CALLAHAN: I'll join that objection.	BY THE WITNESS:	A MSE WOU had sand at the sapate of moment	,		A Elisable outal share.	Okay. Equal share meaning powere saying his	Samus mes dans the lambers week as the same saw	Workstewolderaking association forward compilering	endretheraum and the chains saw meet and the ones		A	Q Okay.	(A short break was had.)	BY MR. MAST:	Q All right. Finish up where we got this tree
Н	7	m	4	IJ	9	7	σο	ത	70	런	13	13	74	H 5	16	17	∞ ⊢₁	19	20	21	22	23	24

	Page 163
	now. So woure holding the chair saw, woure going
7	Horat second attempt at the Kourth Walner to out
ო	we and while you are cutting that fourth brainshaks
4	When the when thaul standars with the second stands with the second stands of the second seco
rų.	A West
ω	2 And southe chain saw is wader your control at
7	
00	A STATE OF THE PROPERTY OF THE
თ	Q You're not out of control, are you?
10	A Conteror with the chain-saw; yes.
건	Q Okay. And you're wanting to cut it when this
12	happens, right? Wear Warting to cut with it when it
13	
한 더	A WEST
H U	Okay. Yeth ate attemating to cut the branch
16	and that 's when Paul's arm is attempting to bold on to
17	
∞ ⊢l	A CONTROLL
П	2 And the chain saw is an mothon when Paul s
70	dim is struck, eoriect?
7	A reserve
22	Q Okay. And Me First time you see Bank same
	MS When his right hand is grasping the base of the
2.2.4	Mimor Selena the fourth Spanch Mosarector or Selena Selena Selector of Selecto

Page 164	O Wall door of the see the see the side teament	that bottom part of the	A MON	at Te	A NOTE did not correct Transfer to him.	Q Is that correct?	A (Nodding.)	Q Okay. Is that correct?	A That is correct 3x	Q Okay. When he gets cut, what is the	first thing that happens? Does he scream? Do you say	something? What's the first thing that happens the	split-second hers rad?	A TESANTO HERSAYSTVEST	Q And what do you mean by no? You mean no,	that's not happening or what?		Okay. And he says what?	A Yes Det S go	engan ing sa Salaman	A Let s go.	Q Let's go what?	A MEWS get out of here seems submented go.	
H	77	n	4	ភេ	φ	7	∞	, o	10	턴	12	H 2	14	15	7	17	8	19	20	27	22	23	24	

- things how knows know 임 don't Do you know how far you to imply Н arm? again, into his and, trying 1 1 chain saw went ask. I'm not you know just have to answers. 2 the Ø Н fine deep but
- NO 150 I was past the V 14 3 pretty accurately. went 一年十一人のこのなななかけます room. It never You operating tell I could the epidermis. T. Þ there
- skin? What do you mean, the Ø
 - Yeah. Þ

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skin? open the ٦٠, Did \bigcirc

Yes. Tree

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- bleeding? Was H. ۲ And \bigcirc
- Yes. The ď
- able You D D far Are you telling me the doctors will howto tell ability I mean, deep it went. of medical Well, Okay. howkind r S some cut? tell \bigcirc have got

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- Was whole heard the and shown there extent Н in the second se Was and right in the emergency room and I certain 分のととうでする said and I was ለ everything that was being けっ educated Į A said look, looking. there II , II Paul educated time even
- OL, education any medical don't have You \bigcirc

Page 167	2 A No, I don't.	3 Q Wait. Back and forth here, please, please.	4 You don't have any medical education or training,	s you?	6 A No.	7 Q Okay. So any type of depth of incision	8 cut that you would be talking about would be just	9 based upon what you saw visually, correct? على المعلقة و	A It was visual, yes. The goal the ER. 4	Q	wound?	A No.	Q Or any type of object?	A No measuring devices were emp	Q Okay. Did you hea	how far it was cut in?	A Yes.	Q How far did th	O A Not deep, that was their assessment	Q Okay.	A He was lucky 100	Q Okay.	A It only hit the fas
									70	7	12	13	14	15	16	17	18	5	20	27	22	23	24

Page 169 1 Q Fair enough.	2 A You don't have to keep correcting me or	3 you do have to correct me; that's your job, but	4 Q Fair enough.	5 A I'll try to get there for you, okay?	6 Q All right. Motor vehicle accident about	7 2006. Were you in the accident with him?	8 A No.	9 Q Do you know what injuries he suffered in that	auto accident? Dave heard this Had > Por heard this Had > Por heard this his his had > Por heard this his his his his his his his his his	A Nerve damage to the left elbow th	allegedly struck. tak his the feet being 6 with	Q In this case you mean?	4 A In that other Yeah.	Q Did he ever hav	elbow?	A I know he was poked and prodded. I don't	8 know if he was had actual open surgery for it	though, - Mad 2 surger as	0 Q Did he ever resolve that injury up until the	1 accident in this case?	2 A I don't know.	3 Q Okay. Other than a left elbow nerve injury	4 in a motor vehicle accident around 2006, any other
[. 1	1.1	4'	64 Z	~			* I	10	-	⊬1	13	14	15	76	17	18	19	20	21	22	23	24

- that
- ed ೫ಥ೫ abl chain dis waythis any before 디 Paul Years Was five 2011, the οĘ Hu June 11. accident
- 7 physically? do could in what he limited
- extent you don't know. The to what . Well, Okay. |--| ∢ \bigcirc T WAS A STATE OF THE STATE OF T

to

know

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a nj

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- You 1 him, had with contact you've your extent y what
 - enough? falr any; ο£ aware not
- Correct ď

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- any under Was Paul that aware You Are Ø
- years five the 끕 treatment Or. consultation medical ဌ
- Φ Cass this in accident Saw chain Paul's t prior 12
- aware am not |--| 4

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- ο£ aware Non are accident this After Okay \bigcirc
- for time 2 time fromtreatment medical receiving Paul 72
- Lower mang-coat laceration? arm right his 16
 - Yes: Þ

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- month the 딘 sayLet's 1 times How many Ø
- you d<u>i</u>d times how many accident, Saw chain this after 5
 - day? every H• Was mean, 1-1 \sim Paul' Φ W 20
- since times four OL Maybe three No No. ⋖
- him. seen IVe accident this 22

Total?

Õ

23

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Yeah. A

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since Dolews દુવ જ sees (D) ¥-

	Page 172
O ⁱ	Up until now?
A	Yeah.
Q	Oh, I see. So it's been very infrequent
then?	
A	Yes.
Q	Okay.
R	Just the instances where we exchanged what I
had given	in the beginning of this deposition.
O	Right.
Å	Those are the only times I spoke to him.
Ø	All right. So let me summarize that just to
make sure	sure we're clear. What you're saying is, I'm
assuming k	before the accident you saw Paul a lot,
right, or not?	not?
Ø	I wouldn't even say frequency. From time to
time.	
Ø	Maybe once every couple of weeks or
something?	
Æ	s fair.
Ó	All right. So let me word that all out then.
Before the	the accident you were seeing Paul every couple
of weeks n	
A	
Ol .	Fair enough?

 \dashv

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		Darr 173
Н	A,	Yes.
7	Oł	After the accident you saw Paul only on those
т	occasions	where you had words with him that you
4	described	at the beginning of the deposition?
ω,	Ø.	Correct.
9	O [‡]	And that would have been, looks like, four
۲	times?	The said
00	Ą	28/27/ Can-7
თ	Oł	Right?
10	A	Yeah
H	O ¹	Okay.
12	Ø	With the exception of the one time when he
13	did come	up to help me work, but we didn't discuss
4	anything t	that had to do with the case; he just came up
H L	to work.	しいとうないないないというないないないないないないないないないないないないないない
16	Ø	When was that? Was that a different time?
17	Ą	It was after the accident. He helped me do a
⊬ 1	roof on my	on my house Lot, I TRIED TO Remove some Shingles
Н	Ø	So it's different than the four times we $\frac{c_{n,n}}{h_{n,n}}$
20	talked abo	about at the beginning of the deposition?
21	ď.	Yeah, we were talking about conversation and
22	this wasn	wasn't really conversation. It was we were
23	just working.	ing. Social tike Charles and only
24	Oł	Okay. So that's why I'm trying to get this

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- that record ono go least р Т 10 need Н BARCH: 照.
- breaks been some There's around 1:00. started O K $^{\circ}$
- t O going W •attorney Gagnon's Mr. 띺 :45. $^{\circ}$ Mou ັດ
- time, some need Н limit, three-hour the stick to ಠ
- up. H. to wrap tryI:11 MAST: MR.

LO:

Q

- 40 get to want I don't but I know, BARCH: MR.
- pulled plug the have and point three-hour the
- left minutes 20 to 15 only There's

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Φ)

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- Н that's J that's guess on. \vdash Hold Hold Well, 1 didn't MAST: mean,
- duty ಥ have \vdash and think you Н Well, our time BARCH: M. share t 0
 - really didn't the dep we Before MAST: 照.
- Н that bring you that fair it's 80 this discuss 걸
- Wrap ر د I'm trying but lot, ಥ you have don't know if S C
 - take to going m, I think don't Н now with me. ďn i. 70
- half α to be going think I'm don't Н full the 7
- 80 you have time don't know how much Н hour from now. ۲۳ ص

just

you

are

OY

time

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10t

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you have

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<u>1.</u>

:H

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- minutes? 딘 10, a T looking 20
- MR. BARCH: Yeah.

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- fine. should be so we Yeah, MAST: MR.
- Mast Mr. break the during Yeah, CALLAHAN: MR.

23

depositi the told We're this. scussed di. |--| and 24

Page 177 started at 1:12. He said he'd wrap it up so you	
should have time.	
MR. MAST: Yeah.	
MR. BARCH: Okay. Good. I just want to make	
sure we're all on the same page, that's all.	
MR. CALLAHAN: If you go a little over, I'm not	
going to jump up and scream.	
BY MR. MAST:	
Q Anyone other than Mike Shoshie, you and Paul	
that was assisting on your roof at the time Paul was	
helping you?	
A No one else was assisting but there were	
witnesses that seen him helping in those duties.	
Q That was my next question by the way. Who	
was that? A Joe VIK.	د ک
How do you spell the last name?	J. 18. 3
A V L K. No vowels.	<u>}</u>
Q Where does he live?	
A In the neighborhood by me also.	
Q Anybody else?	
A My wife.	
Q Okay. And are you aware of him having any	
difficulties in helping you during those five or	

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1 4

1 4 1 6

2 20 12

22 23 24 24

11 11 12 1

0 W 4

- case? this 디 injury his O.F because hours × Ø
- and was, fully to not exert himself seemed He

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- still grappling and moving. 17 arm that away from using but nonetheless was staying not nursing, full Щ
- fact the allowing you're SO enongh. Fair \bigcirc
- 퍁 ď saving himself | his ΟĒ that he was reserving some

Ø

- arm something where he hurt his there was for the right side ¥⊢ •⊢ თ დ accident Saw bit chain little this
- there? lingering still g
- Yes A 10 \vdash
- borne up Because Daveget for be his help you might t C what able Was six hours irrespective of still hе But Okay. issue? 임 ongoing O

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- or extrone op Yes. Þ 14
- six hours detail already other t 2011, you had four than those five to that we need no more conversations with Paul and there's anymore; fair enough? So other given day in October talked about Okay. and meetings \circ fully those that

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Correct. Þ

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- coming accident, conversation was the ΨO day And the first the hospital that Okay. Ш О out Ø right
- 101 This s Yes. N right? 24 23

four months later, the The next one was \bigcirc

any and the last one wasn't about 2012 one was

the

bit before little ർ it was enough; but fair financial thing meeting; 2012

Yes ď

that everything me told Have you now strike that. -- Well, Okay. had Ø

Did you accident question first. the how or why No. ask this any time discuss Let me a Ct occurred? Paul and

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that branch, arm? You never told the Why told Paul, Hey, why were you holding on to or, I didn't know you were doing that, or, And that's on both sides. grabbing with your right did you? Okay. Paul, O you 40

No. Z,

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ኴ that; why were anything like said, Hey, OĽ to you? cutting the way you did, never And Paul complaining wasn't O

No. -Þ

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other about else company anybody and your insurance Have you talked to attorney Your than

happened? what

		Page 180
₩	1 A No. My mother. Just back to my mother	other.
7	2 Q Oh, and you might have You know	what?
т	3 This isn't a big deal, but I think in terms of	of just
₽#	4 being all-inclusive, you did I printed o	out what my
w	5 assistant wrote down from a recorded statement	nt that
w	6 you knew I was taking over the phone of you,	correct?
7	7 A Yes.	
ω	8 Q Did you read this at all?	
თ	9 A That one I Yeah.	
. 01	o Huh?	
∏	1 A Yeah.	
12	2 Q This is the narrative from the re	recorded
13	statement that she took down and I'm assuming	g she took
# #	4 it down right. I didn't go and read it and	listen to
15		
16	6 A Yeah, I had a few blanks in there	and such
17	that, you know	
8	8 Q Well, hold on. The question is -	
19	9 A Yeah.	
20	Q And I'll mark this as Exhibit 2,	okay, and
21	1 I'll just put a 2 for now. But would you agree	ree
22		recording
23	so I understand that, but would you	agree that reading
24	4 this narrative marked as Exhibit 2 accurately	y states

- me? 10 call phone that On said have would Non what
- the ΟĘ form the t O object just H. CALLAHAN: MR.
- the**688** proc with the variables οĘ transcription O.f. number the the and with to გ ზ and recording question
- the in language the οĘ some including itself,

ம

- it's think Н 1 could he ₩ •H him ask and transcript
- OK page λq page out pointed рe would this Ŧ better
- he's # |less ormore line ΔQ line 1 me excuse ∞
- that. with greeing ഠ

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- just I 'm Joe, Yeah. that. ф can Н MAST: MR.
- easy ا۔ make t t trying 디
- Yeah CALLAHAN: MR.

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- MAST: MK. \mathbf{B}^{χ} 13
- Ø read You Have way:this H. put Let me Ø
- statement? recorded from your narrative

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Yes ⋖

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- and 1 narrative the in anything there E S O
- there . N to, need you again if <u>1</u> read you let TT.I
- yon that 2 Exhibit narrative, not this did in anything believe 5 20

You?

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attributed

that's

say

You

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- ahead go but question, the Ц Form BARCH: MR.
 - MAST: MR. ΒY 22

23

- read Just again. you to H. 다 give 1111 Here, Ø
 - $\overline{}$ Δ line through go to want don't Н through. --

- did you, asking I 'm basically but you want to **6**88
 - this დ ე, and those words sayNon
- there blanks that are the This besides ø
 - Focked 50 17 53 11 blanks. the besides Yeah, \bigcirc
 - ⋖
- right, All Okay. O
- that t00 out point just And I'd CALLAHAN: Œ
 - Ц and thing subject that the you read where like if eight parts I рe there are t C seems total, there Ò
- H. on, goes μ. Η. parts where there's agree, don't verb 10
- considered рe 4 also has and that sense make doesn't
- and the accuracy totality of the ή 0 ഗ വ well <u>გ</u> 12
- S A STATE OF THE STA The Done of Control of A Company of Congress of the C A statement. the MAST: ₩ 0 candor 照. ΒĶ 13 14
 - is my This Okay. 든

I know

again

and

question,

Ø

- but statement; that t 0 didn't compare the audio you 76
- you is, I'm asking a11 and statement that read Non 17
- phone, the over statement Q щe giving recall generally right? α 13
- ф |--| Yes, A.

20

21

- can again we and generally, does that And \bigcirc
- says; <u>1.</u> specifically what out find t 0 ا. t 0 listen 22
- ο£ recollection generally meet with your that does but 23
- said? what you

- A Yes.
- Ccorrect N Exhibit that's And Okay. \bigcirc
- A Yes
- Let's м Н ا. ٦ what υ Ω ا. ٦ Again, right. All O
- these ΟĒ track keep can Ø M **S**O here On \sim Exhibit put
- 6 things. Okay.
- Now --
- record theOn this put didn't |---| 아, MAST:
- have don't $\vdash\vdash$ record. theOIL this put <u>ر</u> like ئ م Φ
- don't Н nor interrogatories, لا0 today answers 10
- me Let production request. $m\bar{\lambda}$ t 0 .⊢ Ω response this 7
- request production the to response this No, see. just 12
- that have don't |--| So response. codefendants' <u>د</u> 13
- Zur Zur to interrogatories ţ, answers nor discovery, 14
- crazy рe 40 going <u>-Н</u> nothing assuming I, m discovery. 5
- the けっ today but over went what than different OĽ 덩
- the to right reserve my 40 going I,m does, υ |--extent

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this

mark

just let's but to, need \vdash extent 8

 $^{\circ}$

Exhibit

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- MAST: Æ. $\mathbf{B}\mathbf{Y}$ 20
- given Gagnon Was MT.H what are, ы. В deposition is, $^{\circ}$ Exhibit the right before what And \bigcirc today

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- and codefendants' interrogatories to answers Your 23
- need Non that Nothing request. production to response

- you ask willН than other 2 yourself concern to t
- to answers signed your this Ω ⊢-3 Exhibit
- case? this in giving you're that interrogatories
- answered and mail the printed i. this are received theyമ Hquestions Yes, ⋖ those

LO.

- are these verifying correct? it answers, signed you correct And and Ŏ true
- A Yes
- H. version? signed Q Do you have BARCH: MR
- 10 don't have a signed one.
- MR. MAST: Yeah, it's signed

Η

12 BY MR. MAST:

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- this insurance defense 11 make coverage defense homeowners t 0 your just want think that for your right anything knowledge? Н \vdash 1 has but their Has this, heard to your reserved heard right. answered haven't hasn't All all, OĽ you rejected a t already counsel O that Φ cas(
- call rejection Hand may call H. but no may stipulation t C been company ۲. <u>ო</u> there's object object, insurance that Н just know, and '11 make H'À conversation Н conversations with <u>დ</u> ზ CALLAHAN: \vdash far and р 8 anything, privileged answer for can οĒ
- Ŋ that then; answer Your accept I 1]] MAST:

t through your	ones that I've got.
100k	
just lo	, the
Let me	interrogatories,
right.	interr
A11	to
fine.	answers

one minute O U Ho1d

MAST: MR. ΒY

strike Or Or your mother 40 talked you Have \bigcirc

all Saw おというのとかのか a T they to your parents incident with regard to whether ゴミの talked Have you this anything? about

saw anything theyyou know if 9 D Okay. No. O Þ

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went H• ۲ see how didn't the incident? I know they regarding K

used of what you and Paul were doing in cutting win? Did him then she the sawthey know if A Do you 1 down? Did they branches process \bigcirc these

you know if they knew about <u>D</u> Okay. No. Ø

K

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the that day? property before you left the incident

something had

they knew that

Yeah,

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happened 21

Okay. \bigcirc 22

-- bad

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Paul with spoke O Y met onlyyou Since Okay. \bigcirc

- I 'm incident, after the occasions few various Q Q U
- nature the On up-to-date really not You're assuming
- injury; medical his and/or recovery his ο£ extent and
- fair enough?
- A No, I'm not.
- Q Is that fair enough?
- A That's fair.
- ЧН О severity the O P limitations So what Okay. Ø
- don't you be, to out turned it's and what injury the
- 10 know about; fair enough?
- A I don't know.

디

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- the α T doing was the work you were And Okay. O
- correct? parents, your of request 133

14

- for parents шУ ΟĘ The state of the s submitting thea t Was H 尽
- this တူ ς Ω time good ಥ it was suggestion that 5
- parents Your ¥0 purposes for Was H Q 16

Was

H

- Was ijτ and property their 17
- A Yes

13

5

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- Q -- work doing --
- Σuz οĘ purposes for Was H Þ
- Q Hold on.

21

A Okay.

22

23

- parents your purpose, their for Was Ηt Ø
- ın yourself benefiting weren't You ₩. ďo t t purpose

		Page 188
		EXAMINATION
7	BY MR. F	BARCH:
m	Ol	Hopefully don't have to cover everything over
4	again, k	but I do want to back up a little bit. Mike
ம	McArdle?	
v	A	Mike Mcartor.
7	Ol	Mcartor?
ω	A.	Yeah, Mcartor.
თ [*]	Ö	He was a friend of yours for a long time as
10	well?	
r-1 r-1	Ø	Yes.
17	O ⁱ	And what's the connection between him and
13	Mr. Dulk	ulberg? I mean
₽	Ą	They both live together in Paul's mother's
15	home.	
16	Ö	They've been living together for years?
17	A	Ten years
∞ -1	Ю	Ten years?
6 H		And it's a sensitive question, but are
20	they a	couple?
27	Ą	A lot of people wonder 15 pavid homophor
22	O	Okay. Well, do you know?
23	A	I don't know.
24	Oł .	You've known them both for years.

190 Page ۲. Heris estime is a monday Month

statements?

listener. ർ . ს No, Mike No. ⋖

Okay \bigcirc things. Q F out stays He Þ

Non said the that where you basically confused but was I I may be conversation where he Н And \bigcirc

something that wasn't true?

tell

wouldn't

- Was Н out him conversation. blurted t 0 Mike was witness kind of just separate leaving his house and he kitchen where ൻ that was No, the across d 10
- wasn't there there, that Mike was The one Ø 12

ار ب

saying

디

- orabout money discussion 13
- No. ⋖

14

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- certain way? any testifying 1 Ø
- No. ⋖

16

- this t C back going guess \vdash right. All Okay. O 17
 - Your t t what brought you out situation, whole 38
- dad's and mom Your work at this ဝှ t C this to guess 13
- right? That's your mom, place. 20
- Yes Þ

21

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- been Bill's and Your mom, Carolyn is \bigcirc
- for years? stepfather 23
- yeah. years, For

d what	
If I understand v	ָלָט - רַע
er	n
und	0.07.7
Н	Ş
₩ ₩	† 5
l	-
here	7
And you were there	() () () () () () () () () ()
you v	()
And	
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CLECUSELOII shed the that ง รุง rnere cilere, these You were sayıng, LY LY you

trees now to what to do with down? Was as

Correct. ℧

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w

Yes. testimony, a good opportunity to take down these if I heard your ർ And it was just overhanging trees?

o,

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new shed? Was there plans to put up a Ø

same size the No. Actually, we installed Z,

the after spot on the same platform in the same came down. shed

trees 73

2

Okay. Ö

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Was H-ال because opportune it was said, As I absent now. K,

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plan long-range spot? same the shed back in the there But was to put a new Okay. \bigcirc Was

Yes. Þ

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A replacement? \bigcirc

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Yes A.

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Was overhanging H. So before doing that, this get rid of thought is let's right. A11 Õ your

tree?

notion whole This H \vdash And right. All O

Yes

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- end they did there? paid, cash for doing work out or not to whether you were paid you giving ďn a S
- for things; but yes, ΟĒ multitude ď did Н Þ
- 6 that job --

LO:

Q Okay.

 ∞

- the O D done there was many upgrades ⋖
 - property, so ...
- for them their for to be favor yourself doing a Did you consider or were you just what? employee 0 money,
- Σm because and and ¥0 else could means favor and couldn't find it anywhere Η O.F getting money where kind ർ I was doing some supply me with for her 1 Was I was service H |--| because τ 0 No. the times, ൯ mom wanted provided income

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- chore ಗ point one a t H-You called \bigcirc
 - A A chore.

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for them? doing that you were

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- Yeah. Carlo to the State of the Transfer of ⋖
- tree right. Now, with respect to the A11 Ø
- were then ultimately whether they and trimming
- and there out come Carolyn oreither Bill did removed,

The second secon

- done? how they wanted this Non tell
- STATE OF THE STATE ¢
- anything Prior to you undertaking that job, did you and have them tell you what they O.Y. their expectations were, down with them done, what wanted Ø sit
- that?
- Ø
- O.F one either seen actually Have you ever \bigcirc
 - m Destroy on Exercit To the second of a chain use
 - No. ø

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- cut free to Would you agree that you were \bigcirc
- any in that ф 40 down the branches, limbs, take those
 - saw fit? you way

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Yes.

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- a written that? Control OY invoice an you didn't have them with And contract Ø
 - K 16 17
- like anything -- Or \bigcirc
- No. N

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- whether t t დ დ concept whole this then And O
 - Paul him over? λ to as invited 1 sorry nok ---I 'm there I there Was ре Was there, David 22 21
- did. Н Ø

23

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he Mrs. McGuire may have known and And Mr. \bigcirc

	or Division of the sales
	3750
	fireplace at his home that he burns
77	o okay.
m	
4	but was it actually
ľ	subject of conversation between you and he?
φ	A No, we did not discuss it.
7	Q So in terms of what, if anything, Paul might
ω	get out of it, as you sit here today, you don't recall
σ.	any discussions with Paul about what he would get in
10	return for helping you?
11	
12	some trees /c., it is the some trees /c.
13	And I if I'm understanding your testimony
14	too, Paul wasn't trying to override anything you were
در در	thers
7	A NO. CARACTER STATE STA
17	Q There was a lot of unspoken things happen
H 8	between the two of you?
19	A Yes.
20	Q The branch that you and Mr. Dulberg were
21	working on I'm sorry the limb that you and he
22	were working on, that one you mentioned as you were
23	cutting that fourth branch as turning, that one
24	flexed? showed! ? flexed? showed! ? crecked! overled!?

1 A Yes.		you're saying,	6 actual limb itself bent? > Thought poor 15 Booned	A Yes.	ppen on	9 of the other 24 to 29 branches that you were cutting	A No.	Q	12 A Yes It Didn't Hapfen	Q All right. And the at the point in	14 you described, and I don't want to go through in	detail what you and Mr. Mast just went over, but	16 described how you were moving for that at the	second attempt to get that fourth branch; and if I	-	19 is coming in with his right arm to grab the limb	20 A Mr. Dulberg, yes.	Q and the sav	simultaneously?	A Yes. D.		also bowed, you also bowed, you A Yes. Q If I'm actual limb itse A Yes. Q All ri Q That w A Yes. Q All ri you described, a detail what you described how yo second attempt t understood your is coming in wit A Mr. Du A Mr. Du	saying, the saying, the saying, the saying, the serion any ere cutting: ser, but you at the and if I wr. Gagnon he limb
	also bowed, you used that word?	also bowed, you used that word? A Yes.	also bowed, you used that word? A Yes. Q If I'm understanding what you're saying,	also bowed, you used that word? A Yes. Q If I'm understanding what you're saying, actual limb itself bent?	also bowed, you used that word? A Yes. Q If I'm understanding what you're saying, actual limb itself bent? Thought chairs to have the actual limb itself bent? Thought chairs to have the offer th	also bowed, you used that word? A Yes. Q If I'm understanding what you're saying, actual limb itself bent? Thought the chart of the chart happen on a yes. Q All right. Did you have that happen on a	also bowed, you used that word? A Yes. Q If I'm understanding what you're saying, actual limb itself bent? 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O And you used the word flexed, at	;	$X\epsilon$	A Yes. Q If I'm understanding what you're saying,	A Yes. Q If I'm understanding what you're saying, actual limb itself bent?	A Yes. 2 If I'm understanding what you're saying, actual limb itself bent? Thought chairs a sooned A Yes.	A Yes. actual limb itself bent? Thought bent? Thought chairs Booked A Yes. A Yes. O All right. Did you have that happen on a	actual limb itself bent? Thoughton, Booned A Yes. A All right. Did you have that happen on got the other 24 to 29 branches that you were cuttir	actual limb itself bent? Thought you're saying, A Yes. Q All right. Did you have that happen on a of the other 24 to 29 branches that you were cuttin A No.	actual limb itself bent? Thought what you're saying, A Yes. Q All right. Did you have that happen on a of the other 24 to 29 branches that you were cuttir. A No. Q That was the first time that happened?	actual limb itself bent? Thought you're saying, A Yes. Q All right. 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Q Ar also bowed,			A res. Q If I'm understanding what you're saying,	actual limb itself bent? Anodeverse saying,	actual limb itself bent? Thought bent saying,	actual limb itself bent? Thought bent? Thought contact Booked A Yes. Q All right. Did you have that happen on a	actual limb itself bent? Thoughton're saying, A Yes. Q All right. Did you have that happen on gof the other 24 to 29 branches that you were cuttired.	actual limb itself bent? Thought ou're saying, A Yes. Q All right. Did you have that happen on a of the other 24 to 29 branches that you were cuttir A No.	actual limb itself bent? Thoughton re saying, A Yes. Q All right. Did you have that happen on g of the other 24 to 29 branches that you were cuttin A No. Q That was the first time that happened?	actual limb itself bent? Theograph on resaying, A Yes. Q All right. Did you have that happen on g of the other 24 to 29 branches that you were cuttir A No. Q That was the first time that happened? 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- t C 12 than closer any Saw the chain anywhere near
- that? ဌ anytime prior inches 18
- A No. (The state of the state o
- fear O L any point in time did you perceive hand OĽ arm too close getting his At that he was Ø
- blade the 10 operating? too close saw that you were his body part of any chain whatever, the οĒ
- A No. No.
- end. verytheRight up until \bigcirc

Φì

A No.

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- having cutting, As you were 1 you ex-Did Ø
 - you're branch, happened the twenty-fifth or thirtieth this branches, because On . Q to estimating 24 down 12 3

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correct?

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- there. around somewhere Yeah,
- Say tesperation putting his There was did ? Did you expect him to be in there to help with the flex? Limb. Ø arm
 - previous Service of the servic them/flexed all! a t because none of didn't foresee it No, HJ ⋖ that.
 - 40 prior point where that And would you agree the up until 2011, indeed right right. A11 28, \bigcirc June

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- -- where the saw came in contact with Mr. 22
- cut could SAW arm, you knew that a chain Dulberg's somebody? Mr. 23 24

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1 A Yeah.	2 Q And part of what you're doing is trying to	3 not hurt yourself	4 A Correct.	5 Q in the process?	6 A Yeah.	'. پړ	- rate	urting anyone	10 Q At any point in time prior right up until	11 the point where the chain blade came into contact with	12 Mr. Dulberg's arm, did you feel there was a $^{}$ did you	13 feel compelled or was there anything causing you to	14 feel compelled to tell him to keep his hands or arms	15 out of the way?	16 A No, they were not in the way.	17 Q He was doing that all the way up until that	THE STATE OF THE S	19 A Yes.	20 Q And if I heard you, you don't know all the	21 injuries the extent of any injuries or	a result of that o	23 accident that he had?	24 A Nerve damage is all I was aware of.	A CONTRACT OF THE PROPERTY OF
									r-1	4	11	7	4-4	₹~1	П	←		-	6.4	CA	1.7	O	6.4	

Ø	Okay.	Whether	Okay. Whether he broke his neck or had any	had any
residuals	with	residuals with the elbow,	, rehab or surgeries, none of	none of
C. 10 0 1 1 0 0 1 1 0 1 1 1 1 1 1 1 1 1 1		(1.1.) (1.1.)		

that you don't know?

Н all That's All right. BARCH: MR.

don't know

H

Yeah,

Ø

have

O some follow-up two quick to have just have one that you may want Н CALLAHAN: questions MR.

if I can just go?

MR. MAST: Okay.

EXAMINATION

BY MR. CALLAHAN:

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WOrk any other in addition to helping ser the date of the incident? you aware of Dulberg has done are after Gagnon, a roof Mr. off Mr \bigcirc tear Spirit Spirit San Jack

HO O T. He front 2000 1000 strange you asked that, but a homosexual that lives kind i up, he's like, some Q did for summer. He some renovation and tear-out work Twin Lakes and he just freely gave Paul. the last 1, I met your friend l He tends summer, yard this ⋖ Yeah, did

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like, oh, dryЬe So maybe he'd You know, he helped me tear out the and stuff and then I was asked him if he would testify get involved. in my basement and don't want to And I Н really? said, wall

accident ٥. Was about and Ŋ that <u>1</u>1 occasions? beginning 12 O C the kitchen. drive Н since vegetables etabl * E. and when talking You said ن څ س. have occasions the garden that, you know, You Veg house. ф times the |--| Company of the state of the After house? しまりかつの On what him pick when ΜĢ produce at the You know, time. are his those those seen in. Āq about to to his tend Stop. What Was a t just the one .∺ S house. fast. at g you've a11 talked garden H doesn't accident? his, the been me <u>დ</u> all I that's Ċ where when? there t00 weren't Such told those thing That's Hold β T you a11 that? going conversations we his you his one look Wait brother And ΗŒ 1 was got the On have deposition only ಧಿ on. a tt told the <u>დ</u> doing You're Н Right. you know, he's £ar Okay. After Yeah. Wait. When Such Yeah. Hold He's ďņ times The His No, No him lined a S mentioned, how many ccident this See \bigcirc Q ⋖ O A, \bigcirc Ö K \bigcirc 4 \bigcirc K A. ⋖ there, Ø ⋖ tuff These -Congress Non عراقات of Ŋ 10 13 14 13 16 17 18 13 20 22 23 2411 12 21

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By the You find out accident, don't have to رړ ٦about I'm trying to finish -the funny after zo I to be time as far one I'm not trying okay? exactly what you mean as his house you mean, lot of inferences a L So infer what there ø Ø were

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right?

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Yes

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after the time four months that was And \circ

ccident?

Frank J. Franke

The state of the s

post of any of

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-	something that som	rage 208 somebody else told von that he has
	done, right?	Powler Revoration
m	A Yes.	P. C. S. J.
4	Q And who	is the individual, what's his name?
ιΩ	A Mike Tho	Thomas.
9	Q Mike Tho	Thomas?
7	A Yeah.	
ω	Q He's the	the homosexual you were talking about?
თ	A Yes.	
10	Q And he 1	lives in where?
ᆔ	A He lives	in Twin Lakes.
12	Q Okay. A	Are you friends with him?
13	A NO.	
77 77	Q Okay. S	So you don't know personally what Paul
۲4 5	did, if anything,	at Mike Thomas's house, you just
9	know what Mike Thomas	mas told you, correct?
17	A Correct.	
8	. Q Okay. S	So whether he actually did renovation
19	work, meaning Paul,	You don't know; fair enough?
20	A His base	basement was renovated 134
21	Q Whether Paul	did the work or not, you don't
22	know; fair enough?	•
23	A I was to	told that he did the work.
24	Q Right, a	and so now I'm asking do you know if

Parkey us on Agreement

FURTHER EXAMINATION

BY MR. CALLAHAN:

- question. seen him which where seen to do this but one more Dulberg after the accident, have you -- In the time you've working on his computer? seen Mr. hate Have you \bigcirc Mr.
- on his computer, yes seen him working I've Þ
- to use right. And he seems to be able hands on the computer? A11O_i both
 - always on his computer, yeah. He's

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Warach

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- Q Okay.
- A That's what he does.

Thank you have. Н That's all CALLAHAN: MR.

A11 that. Now I've got to ask you MAST: ₩.

right.

16

FURTHER EXAMINATION

BY MR. MAST:

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- house How many times have you been to Paul's that one time? just accident, the Q since
- A Yes.
- y DANSSER IN seen him operate Is that the only time you've accident? computer after the O his
- seen him, yeah: 70 time that I've That was the べ
- Q Okay. Fair enough.

Signature reserved. All right. CALLAHAN: MR. MAST: MR.

excused.)

(Witness

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↔	STATE OF ILLINOIS)
77	COUNTY OF MCHENRY)
m	IN THE CIRCUIT COURT FOR THE TWENTY-SECOND
5 4	MCHENRY COUNTY, ILLINOIS
9	PAUL DULBERG,
7	Plaintiff,)
œ	vs.) No. 12 LA 178
9	DAVID GAGNON, Individually,) and as Agent of CAROLINE) MCGUIRE and BILL MCGUIRE;) and CAROLINE MCGUIRE and)
17	BILL McGUIRE, Individually,))
12	Defendants.)
13 14	
15	true and correct reat the said deposi
16	ed herein.
1 8 19 6	
20	Number of errata sheets submitted(pgs.)
21	SUBSCRIBED AND SWORN to before me this day
23	or, 2013.
24	NOTARY PUBLIC

STATE OF ILLINOIS)
COUNTY OF COOK)

Shorthand called တူ to Reporter, the reduced reported GAGNON, Certified 2013, Professional thereafter Ŋ, me, 4, the witness, DAVID February taken before Maggie Orton, direction. Was Registered on and under my that Plaintiff, was Margaret stenographically, certify ΟÉ and typewriting deposition Reporter hereby the

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 Δq

 $ilde{ t previously}$ J O offices McHenry, as the Street, counsel a t taken Elm present deposition was West 3421 there were Popovich, said and The Thomas J. Illinois; forth set

oral and nbou truth, Was examined GAGNON, the whole then Ą. Was witness, DAVID truth, and the truth, tell but the interrogatories. said ς († SWOLD The nothing duly

to. true, asked referred Ż. ർ questions DAVID .⊢ Ω foregoing hereinabove said witness, the the υĘ place record certify that the and \vec{p} complete made time further the answers and at accurate, GAGNON, and ΟĒ

GAGNON,

agreement of counsel reserved by Was

The undersigned is not interested in the within

the parties. signature on this counsel to any of official Or of kin Witness my nor case,

ΟĘ

9th day

2013. December,

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RPR

CSR,

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084-004046

CSR No.

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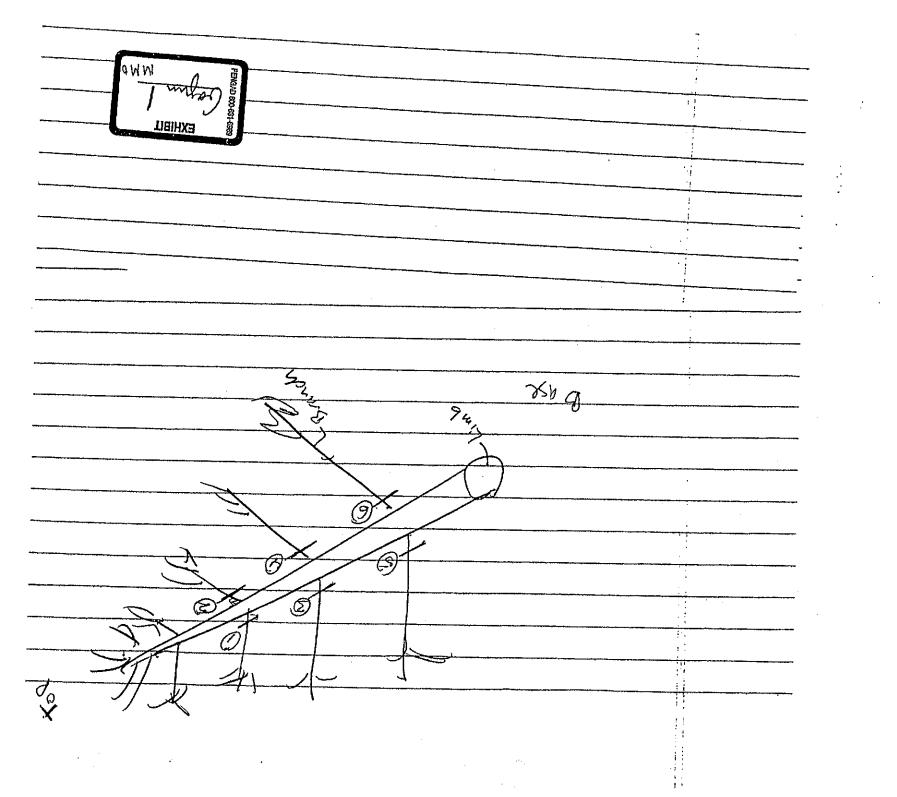
23

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MEMORANDUM

File

Hans FROM:

April 13, 2012 DATE:

SUBJECT:

PAUL DULBERG - RECORDED PHONE STATEMENT FROM DEFENDANT, DAVID GAGNON

Recorded statement saved under "Dulberg file - starts 9:16 to 6:03.

I was turning so that the back was going to cut and an easier go at it. Therefore, the branches that came down. I guess I can say "we" without saying "me" opted to stand the branches up and proceeded to cut. We done this many times, basically scalding off the small branches to make in size of 2 or 3 inch diameter pine needles left, nothing of real value to something to clean up. So, in doing so we had cut probably. I don't know, have a cord of little tiny pieces and had some left and we got to one where I didn't change position, and just so you it was the way that I was operating the saw and it checked, in other words, I wasn't free wheeling it out in front of me, always in position and we got to a branch that maybe we shouldn't have tried to cut, it was a little flimsy, so when I hit the crotch At that time, yes I was handling the saw, but Paul at the same time and just because we know each other so well. I assumed it would be ok to support it. In doing so, I was already into the and I just nicked his arm. So I am wondering at this point, I was there in the operating room I looked into his flesh I was there weeping with him not accepting negligenee or responsibility in full but certainly feeling my friend's pain, calling my mother of course she is concerned, she provided for all of the information and such for his medical bills and whatever to be paid and paid for his medication that day for pain and actually gave him some money for, you know. and he worked and he probably had intentions of getting something and actually I am wondering what is the premise that he is suing on and to what extent if you can answer those questions for me because I have known Paul for a long time, ok, I am going to tell you something else, he helped me roof my roof this summer, he did renovation work for a guy over here in Twins Lakes and ironically we talked and you know and I in like yeah I know that guy, his name is Mike Thomas and, I mean, what is the premise that is he suing on? doing the work. I think cut and the crotch just

Hans - I would be happy to tell ya. I mean. I don't know if you know this, our lines are recorded. but I don't have to keep it if you don't want me to. No. I don't care, everything I am saying is the truth and that's the way that I operate and I'm glad that it is recorded and that we are both verified and so continue. Hans - I don't expect you to tell me anything but the truth anyway, so as long as that is a good deal

What he said, you know, is that, we can make a lot of money in this, and I said we: 1 said Paul. ا m still thinking about your arm and getting home and getting your meds and he say ah, we'll talk about it later. No, once again, per law I understand that he is entitled to something but there should be

need why it should be hyped, pumped, exaggerated it and what I just told you was the truth, ok, as far as his injury my face was right in there. I mean he was all... and got pain medication and their filing away at his flesh, but when it came down to n. 1 m not a doctor, out then the unitering a white membrane underneath your, separates your muscle from your fatty tissue of your sour missions of your standard in its hin as far as epidermis, that is how deep it went. Now, we are not to judge or to say how bad it is, but as far as I'm concerned and anyone there, he had 7 stitches I think, 2 inside and then 6 outside, it was a deep superficial gouge and cutting the nerves, tendons, muscle,

The first of the second points and the second secon

ORIGINAL

Discovery Deposition of MICHAEL McARTOR

Date: March 20, 2013

Case: Dulberg v. Gagnon

Por 13 115 prior to 100 to 100

Urbanski Reporting Company

Phone: 312-977-1777

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IN THE CIRCUIT COURT

FOR THE 22ND JUDICIAL CIRCUIT MCHENRY COUNTY, ILLINOIS

.

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON,
Individually, and as
Agent of CAROLINE
MCGUIRE and BILL MCGUIRE
BILL MCGUIRE,
individually,

Defendants.

Street, McHenry, Illinois, at the approximate Reporter and Notary Public, on March 20, 2013, at 3421 Certified Shorthand Reporter, Registered Professional The deposition of MICHAEL MCARTOR, taken in the above-entitled cause, before Paula Ann Erickson, hour of 11:50 a.m. West Elm

REPORTED BY: PAULA A. ERICKSON

C.S.R. LICENSE NO. 084-003899

APPEARANCES:	MR. HANS MAST LAW OFFICES OF THOMAS J. POPOVICH 3416 W. Elm Street McHenry, Illinois 60050 (815) 344-3797	Appeared on behalf of the Plaintiff.	MR. RONALD A. BARCH CICERO, FRANCE, BARCH & ALEXANDER, PC 6323 East Riverside Boulevard Rockford, Illinois 61114 (815) 226-7700	Appeared on behalf of the Defendants, Carolyn and Bill McGuire. MR. PERRY A. ACCARDO LAW OFFICE OF M. GERARD GREGOIRE 200 North LaSalle Street Suite 2650 Chicago, Illinois 60601 (312) 558-9821 Appeared on behalf of the Defendant, David Gagnon. * * * * *
1 APPEA 2	MR. 3 LAW 341 4 MCH 5	•	MR. 7 CIC 632 8 Roc	

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Page THE REPORTER: Sir, can you raise your right	2 hand, please?	3 MICHAEL MCARTOR,	4 after being first duly sworn, deposeth and saith as	5 follows:	6 EXAMINATION	7 BY MR. MAST:	8 Q. All right. Would you please state your name?	9 A. Michael McArtor.	Q. How do you spell the last name?	A. M-C capital A-R-T-O-R.	Q. Okay. All right.	MR. MAST: This is the discovery deposition of	Michael McArtor, taken pursuant to subpoena with	notice. Mr. McArtor, I am going to ask you some	questions regarding what you may or may not know about	a chain saw incident that involved my client Paul	Dulberg and the other parties in this case. Let's see	if I have a date of accident I can reference. Anybody	have the date of accident?	MR. BARCH: I think it's June 28th of 2011 was	the date.	BY MR. MAST:	Q. Okay. Do you recall that date as being the
	,			 		-			10	11	12	13	다 7	H 5	16	17	18	19	20	21	22	23	24

	approximate time of Paul's accident?	Page 5
<u></u>	A. Yes. Summer of '11.	
т	MR. MAST: Okay. What I am going to	do and mavbe
7	the other attorneys are going to ask you so	
Ŋ	matters reg	ding Paul.
v	my client, and just the incident and things	1 3
7	from the incident. Please let me finish the	7.0
ω		
ov.	over each other and we will go from there,	sav?
10	THE WITNESS: Okay.	7
11	BY MR. MAST:	
	Q. You have probably never given a d	deposition
13))	
14	A. No.	
15	Q. Okay.	14 10 10 10 10 10 10 10 10 10 10 10 10 10
16	A. Never been in a lawyer's office r	really.
17	od. so	let's start
18		
1.9	A. 4606 Hayden Court, McHenry, Illinois	ois 60051.
20		
21	A. Correct.	
22	Q. All right. And who do you live with?	Lth?
. 23		
24	Q. What's his mother's name?	

Н

न इ. १७	A. Barb.
77	Q. And is this a single family residence?
м	A. Yes. There is two. It's like two floors.
4	live on the bottom.
ហ	Q. Do you like live in an apartment?
φ	A. No. It's one house. We share a kitchen.
7	Everything else I have is my own. You know, I have my
ω	own bathroom and everything.
δh	2. So it's kind of
10	A. It's kind of like a duplex. 725
←1 ←1	O. This is the problem we are going to have is
12	when I start talking and when you start talking. You
13	got to let me finish my question and then I will let
14	you say whatever you want to say, okay? All right?
r. C	A. Yep.
ю н	Q. So although it's a single family house, you
17	use it in kind of sections where you have a place that
18	You use and then the second floor they use?
19	A. Yes.
20	Q. Okay. So does Paul live in the area where
21	his mother lives?
22	A. Yes.
23	Q. And then you live alone in the area of the
24	first floor? Basement

ď					25.50 See Se	3 3	STORY OF THE PROPERTY OF THE P	2 A	\ o	- Yd						ل ل	est.			,	
Q. Okay. See, that's better. That makes it little bit easier. All right. What's your date of	birth?	A. 9/3/70.	Q. Okay. And what do you do for a living?	A. I am unemployed right now.	Q. How long have you been unemployed?	A. About five years puned + operated by) (;	A. I was fired from Day Job in 07-08? Now Pa	Q. Well, that was five years ago, though. Are	you staying Hold on. Are you staying unemployed by	choice or for some season?	A. Oh, no. Not by choice. It's just hard to	find a job with Doesn't consider wattowning a company as Enployment.	t be	A. Right 2nd Job.	Q. What is it that you do that you are looking	FRED FROM	A. I do printing. Cars, as and 56.	Q. Okay. How long have you lived at that	address with Paul and his mother?	A. About seven years.
m	4	ĸ	ω	7	ω	თ	10	~	12	13	44	72	16	17	8	91	20	21	22	23	24

Page 8 Q. How long have you known Paul and his mother?	A. My whole life. Since I was like three.	2. So you grew up with Paul?	A. Yes.	Q. Did you go to school with him as well?	A. Yes.	Q. What Did you go to grade school with him?	A. Yes.	Q. What grade school?	A. All of them, Johnsburg, Ringwood.	Q. What high school did you go?	A. Johnsburg.	Q. Same with Paul?	A. Yes.	Q. So is it fair to say since maybe 3 or 4 vears	You and Paul have been friends?	A. We have known each other.	Q. Okay. How long would you say you and Paul	e been friends?	A. Probably since '80.	Q. Okay. What started that friendship?	A. Just we live two roads away from each other.	Q. Okay. How is it that you began to live with	C·1
ਜ ਜ	7	m	41	, ru	vo	7	œ	თ	10	11	12	13	14	15	16 0 1 d	17	18	19 hav	2 o	21	22	23	24 Paul
		<u>.</u>							<u> </u>		 (11.5) 			 							.,		

r i	K	Page 9 We originally had a business together.
	• 7.7	
N	ò	What kind of business? Did out (505 Feet
м	A.	T-shirt business.
4	o o	3
വ	A.	T-shirt printing.
9	, 0	How did that carry on to living together?
7	A.	We pretty much needed somebody there all the
ω	time and	he was working at Intermatic and I wasn't
ō,	really wo	y working at the time. -14^{R} .
10	ō.	Is it out of the home?
11	Α.	Yes.
17.	ò	Okay. Is that something you are still doing
13	with Paul	
14	Α.	No. We are not doing that anymore.
12	Ö	So do you do anything to earn any income
16	right now?	97.0°
17	Α.	No Yes, Dost Job, Got to the start
18	Ö	ness stor
6	end?	
50	Α.	Roughly about 2011.
21	Ö	Okay. And was it Was it run out of the
22	home?	
23	A.	Yes.
24	ò	Do you pay rent?

, 1

10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		I clean. Okay. Ferences. Okay. Are Yes. Good. I think show. Okay. Ho Okay. Ho Has he be Has he be Has he be Has he be Kas an About 1986 Okay. So
· _	• •	•
7	ō	Or do you do anything in exchange for living
m	there?	
4	A.	I cook.
ហ	C	[H
	K	FOL
φ	A.	Yes.
7	ò	Are you a good
∞	A.	Yes.
თ	ò	Good.
10	A.	
터	ò	anything beyond high school?
12	41	
13	A.	No.
14	ò	How about David Gagnon, do
15	him?	
16	Ą.	Yes.
17	Ó	How long have you known Dave?
₩ ₩	A.	
6 H	ò	been a friend since
20	A.	was an acquaintance at
21	${\tt Probably}$	about 1986 we probably became
22	ò	So almost as long as with Paul
23	quite?	
24	A.	

- Dave? Okay. What began your friendship with ò
- same Once again, we lived in the Ä
- We knew each other neighborhood.
- 2011 And up until Paul's incident in Okay. ò
- that familiar with You are chain saw --with the
- incident, right?
- A. Yes.
- from '86 until 1 Up until then, were you ö
- Dave? then, were you friends with
- A. Yes.

11

- οĒ a lot Okay. And friends can mean ò
- and Some friends are very close different things. 12
- and socialize out each other every day and go see they13
- They Other people can be friends. stuff. and 14
- each other once a year, so how would you describe 15
- accident your friendship with Dave? before Paul's 16
- say I saw him probably four times a week least. - Brok in the 80's + early 90's not I 1d Ą. at 18 17
- Any type of social activities together? ò

13

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- No. We just go to his house and play like hacky sack. - 30's - 40'5 ₹
- Q. Did Dave live alone?

22

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23

- Bi11 and lived with his mom He No. ⋖
- Q. Mom and who?

- A. Bill.
- Q. Who is Bill?
- A. McGuire.
- Q. I'm sorry?
- A. Carol and Bill.
- Q. His parents you are saying?
- Was Bill the time. à It wasn't his parents Ą.
 - time. They weren't married at the dad. his not
- stepfather? So Bill is like his ò
- stepfather, yes Bill would be his Ą.

11

- still live with them? Does Dave . О
- A. No.

12

13

- Q. Is he married now?
- A. Yes.

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- Q. Does he have children?
- ZaS No. - should Be Yes! Mike Knows Dave ď
- I imagine Dave How long has Dave lived ŏ
- 18 lives with his wife now?
- A. Correct.
- you 4⊣ •⊢ How long have they lived together, ŏ
- 21 know?

22

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- SIX least probably at Was i. Oh, probably Ą.
- 23 years. 7 6-ess

24

got up until he 1 then until ď Okay. ò

7	with his	mother and Bill?
ო	A.	Yes.
4	C	F 17 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	• k	7174
ហ	lives to	
v	A.	Yes. No. Daw
7	ò	What street is that? A.e.
œ	A	Oakleaf I think ELDO'
σı	Ö	Is that in McHenry?
10	Ä.	They have a McHenry mailing address, yes.
11	Ò	<u> </u>
12	times a v	week at his mom's house on Oakleaf that would
13	be before	Dave got married and moved out ob
14	A.	
15	Ö	Okay. So for six years for the past six
16	years, ha	with Dave?
17	A.	I would see him every now and then. I
38	wouldn't	see him as much, no orce-Twice eyear.
19	Ö	And the reason you saw him it looks like
20	$ ext{significantly}$	ntly less is because he got married and moved
21	in with L	
22	Α.	They moved away. They moved to Wisconsin.
23	Θ.	ey are living
24	A.)

to g once Dave got married and moved So ö

 \dashv

- that's when your live with his wife, Wisconsin to Ø
- less? bit little ർ connection with him got
- A. Yes.
- friendship with him? ൻ had But you still ö
- A. Yes.

ø

- You And then if you would, Okay. Okay. Ö.
- described now your relationship friendship with

 ∞

- have Tou Paul? How about now with years. the over O)
- assuming am Н six years. the past lived with him for 10
- time? ů Ç socialize with him from time Non H
- A. Sure.

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- what? O L basis everyday frequent ለ that on E S ö
- A. Yeah.

14

- relationship close ወ have still you So Okay. ò
- 16 with Paul then?

15

A. Yes

17

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- close ø have you 8 l I you Are right. A11 . 0
- well? გ 8 then mother his relationship with 13
- A. Yes

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- Q. What's his mother's name?
- A. Barbara

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- the house? <u>1</u> lives that else Anybody Ö
- A. No.

stenfathers	・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・・
מק	}
mother	1)
V.)
Dave's	
know	١
Do vou)
C)
Ö	ì

- ď
- natural his ы Н ៧ he have Does Okay. ò
- still living? father

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- What's his mother's name? Okay. . 0
- Carol Ā
- their house Since Dave moved out of Carol. . 0
- ψ type anyago, have you maintained six years
- contact with Carol and Bill? 10

11

- not I have talked to them a couple times, しておう much.
- With regard to Paul's accident, Okay. ŏ

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- chain saw that we are here about today, June, 14
- and we will get to your communications other than --

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- Paul, but other than Dave and Paul, have you had Dave or what you have overheard with regard to 17
- communications with anyone else regarding that 8
 - rikes from a Dadi zarb, parl, Dare, No. A.

incident?

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lor,

you know come a11 So all of the information has Paul accident with Saw chain Okay. about the Ö.

22

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- Dave? from either Paul or
- the ე. ფ Carol Carol. Carol. and Ā.

	Page	te 16
ન -	who called me the day it happened. $-TRUL$	
7	Q. That's what I was trying to find out.	
m	A. Yes.	
7	Q. So it's just three people then you have	
ഗ	learned about the chain saw accident, Carol, Dave and	ק
9	aul?	
7	A. Yes.	
∞	Q. Okay. You have never talked to Bill about	H.
9	then?	
10	A. No.	
다 더	Q. Okay. Before the Before the accident	
— 15 12	ou know it happened over at	the
13	McGuire's house, right?	
77 Fl	A. Yes.	
1 5	Q. Before it happened, did you know what Paul	
16	was doing that day? , Told wike where Paul	<u>_</u>
17	A. No 163, Bert.	
 8	Q. Did you know he was going to be using a chain	ain
 19	saw or working around a chain saw?	
 20	A. No. NoTRUK	
21	Q. Okay. Did you know what Dave was going to be	рe
22	doing that day?	97
	the	
24		that s
		,

- report to you what they decide to do, right?
- Right. ď
- And you don't know every day what they're ŏ
- doing?
- No. Ä

LΩ

ω

(~

- first notification of saw accident was when So your what happened in Paul's chain right. Carol called you? A11 ŏ

 ∞

O)

10

- Yes. -TRJe
- the incident? the day of Okay. Was it ġ
- Yes. TROP Ä

딛

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- 3 Lrs Jot 5-6 she call you? What time did ò
- the already been to So Paul had Okay. $\dot{\circ}$

Probably five, six hours after

ď

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it happened.

- ろてる I am assuming? hospital
- called. at the hospital when she He was Yes. Ą.
- that best with theSo let's start 40 say did Carol All right. What you can paraphrase for us? then. Okay. telephone call Ö

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- Dave want didn't say because to Barb Carol called and told me why she She didn't want to talk she would arm with the chain saw. afraid what earlier. she was Paul's because to call Ä cut
- words? those her Were

the What shestress until 40 from earlier because cut going over right. our dog. - No, Reals that? does Dave with? All dog was something he put Barb in გ გ dog there? there. ا. ٦ apparently when Paul was Okay. help Dave, he brought your And she described call saw. with? of on. dog over over Those were her words And what kind chain saw. 40 didn't want to going to Barb? dog both of that's get your dog. Shepherd. About the injury? dog didn't want the chain Paul with the out what was theWhy was your guess Well, it's talk brought right? say? the Paul had A German Okay. Okay. didn't want to H With Come Yes. She Carol She And Yes time, Не So found dia house to ď ŏ ď. ŏ $\dot{\circ}$ ď ď ò ď oi t C ò Ą. < 4 . 0 ď ò ₹ ö Paul's else time she ø 19 17 12 13 14 15 16 7 138 9 20 21 22 23 24

- A. Yes.
- eser where Goes So not unusual? ò

 \circ

m

- 150 es Pauls Doggani No. ₹
- call? she say anything else in the phone Did ò
- A. N

φ

- call? two phone a minute or about So it was ö
- A. Yes.

 ∞

- Paul said she imagine So I တူ What did you $\dot{\circ}$
- 9 was in the hospital?
- A. Yes.

10

11

- injury type of she tell you what Did Okay. ò
- 12 or how severe it was?
- Saw chain ൯ it was said She just No. No. Ą.
- 14 cut.

13

- Q. On the arm?
- A. Yes.

7

17

15

- ďμ after hanging ဝှ did you So what Okay. ò
- 18 with Carol?

13

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- dog the got and their house over to Walked 4
- Q. How far away did they live?
- A. A couple blocks.
- are from the place where you ы. Ы. that And ò
- 23 living today --
- A. Yes

ᆏ	ò	when you were living with Paul at the
77	time?	
m	Α.	Yes.
4	ò	And you went and got the dog, brought him
Ŋ	home and	what did you do next?
φ	, A	Waited to find out about Paul.
7	ò	So you were waiting for someone to call you?
ω	Ä.	Waiting to find out what was going on. You
σ	know, Dav	Dave was with him at the hospital.
10	ò	So you were assuming one of them was going to
11	call you?	
12	A.	Well, I was assuming that he was going to
13	show back	up after he was done with the hospital.
14	ò	Right. So either they were going to call you
15	or somehow	w show up at the house and then you were
16	going to	find out what happened?
17	Α.	Yes.
18	Ġ	Okay. So you weren't going to do anything
19	yourself	until somebody contacted you?
20	A.	Yes.
. ¹⁷	Ö	Okay. So you just waited at home?
22	Ά.	repDid you tet Barbi
23	· 0	Okay. What's the next thing that happened
24	then?	

,			
⊢ 1	ď.	;	A couple hours later Paul came home 148 001
7	O	Ö	Do you remember what time that was?
m	¥.	;	No.
4	O.	O	Can you give me an estimate, like after 7:00,
'n	before): /: (before 7:00, something like that?
G	ď	Α.	Oh, it was before that.
7	OI.	ŏ	Before 5:00, somewhere around there?
œ	₹	A.	Maybe around there.
σ	(A)	ò	So around 5:00 p.m.?
10	4;	A.	I suppose. I am not really sure on the time.
r+ ri	Ų	O	Okay. It wasn't late evening, though?
12	ά.	Α.	No. It was not pitch dark out, no.
د ا	Ů.	ŏ	Was it still light out?
1- 1-4-	74	Ą.	Yes. It was still light out.
15	O.	· Ø	And who So your first the next thing
16	that h	Japp	happened then is Paul arrived home?
17	7	A.	Yes.
138	<u></u>	ŏ	Did he arrive home with anyone?
19	7	¥.	Well, Dave brought him home.
20		ŏ	Okay. Did Dave just drop him off and drive
21	away (or d	did he come into the house?
22	. 7	Α.	Dave did not come into the house.
- Z3	<u></u>	ŏ	Did you speak to Dave?
24	. 7	А.	NoTRUE

	Q. Did you s	2 A. NoTRUE	3 Q. Okay. You just know he got dropped off	4 because somebody had to drop him off?	5 A. Well, because they took him to the hospital	6 so they brought him home.	so they brought him	Q. Where was Paul's truck at the time then?	8 A. Dave drove Paul's truck to the hospital.	Q. Okay. And then Dave drove Paul home?	10 A. Yes.	11 Q. And then Dave took Paul's truck away to his	12 house?	13 A. I don't think so.	14 Q. What How did Dave get home?	15 A. He could have walked. It's only two blocks	16 away.	17 Q. I am just trying to find out.	18 A. I have no idea. TRUE	19 Q. So as far as you know, Dave probably left	20 Paul's truck there and just walked home? That's	²¹ probably what happened?	22 A. Yeah.	23 Q. Okay. Okay. So Paul came in the house and	
--	--------------	-------------	---	---	--	-----------------------------	---------------------	---	---	---	------------	---	-----------	-------------------------	-----------------------------------	--	----------	-------------------------------------	----------------------------	---	--	---------------------------------------	-------------	---	--

	a figure 1	4
	Q. Okay. So after the hi and, oh, my God, what	Ų
7	happened, then he just went to bed?	
ю	A. Yeah. Troe	
4	Q. Okay. Okay. Did you see Paul the next	
Ŋ	morning then?	
Vo	A. I saw him the next day, yes.	
7	Q. Did you have a conversation with him more now	Š
∞	about the incident and what happened?	
თ	A. Yes 1Rec	
10	Q. How did Paul describe what happened?	
11	A. He said he was holding the branch for Dave	
7	and the next thing he knows Dave came up and too	
13	high and cut him in the arm. TRUE	
14	Q. Those are his words?	
15	A. Yeah.	
16	Q. Okay. Did he say anything else? And, again,	۲,
17	I know this has been some time but I need to go	
18	through everything and make sure you said everything	
П	you recall so did he say anything else regarding how	
20		
21	A. No. He was just there helping Dave hold some	ഉ
22	branches while he cut them.	
23	Q. Okay. Anything else discussed that you	
24	recall the next mornings	

A. No.

 $^{\circ}$

don't Paul Ġ. when Н O L Again, know that allDid you 1 the kind of receiving medical treatment and that? together. on You ďŋ stay Are You guys live Okay. kind of not ò know. was you

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- much into pay get reallyto don't want didn't Н Н stuff with him so no. to. try not attention to it Ą. much
- the some issues with 12 Se He obviously had right? later on, . ŏ Ø) 10
- things O.F lot ൯ ф I have to help him Yes. Ä.

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- theyhow the ΗĘ the and over you ٠ د over injury did $\operatorname{\mathtt{Say}}$ and belabor you notice after the incident, what activities? let's about his SO g did two years anything, affected his day-to-day am not going to they can but what o u ¥-| •-| going few months about -are Н to, W.G ŏ notice next next that want
- his than maybe in He He basically things. things. for more οŧ οŧ of movement TRUE lot keyboard lots ιd ф ф everything. can't couldn't ൯ lost a lot type on He and рe can't open a jar. can't, you know, He Well, grip 20 minutes. The Ą. arm. 22 с С 20 13 21
- sual ٦. day 77 some to from day notice would And when you notice You 80 pain, causing him . Ø 23 24

- having rs S show that he in his face that would or not? problems issues some
- hands, his face. see him work with in his stress when you can see him --Well, You A. yes.
- would every him? month? Non saw him about that ർ once something things day-to-day basis because you be more once a week, you notice these that And was Okay. п often would or would ൯ ŏ on How day See

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- it happens hands, his uses hе 122 44 14 ď. time ወ 10
- trying ٦. on how active he depends ۱-SS . 0 Η

to

- be? 12
- the house? about outside of HOW Yes Α. . 0 74 133

there

Were

his of because doing difficulties arm issues? having hand/left Was Þе things left

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- that? like things mowing the lawn, Like Ŕ
- outside does Whatever he Yes. Yes. ŏ

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- -78C Yes Yes. ď
- an O. kind accident, was he Before this ŏ
- guy? guy or indoor outdoors 21
- Outdoors. ¥.

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- What did he like to do outdoors? ġ
- gardening to cut wood, Canoeiny We used Camping. w. Beating, C ₹ 24

mokericycles, 4 wheelers Bicycles,

とする

- the after that οĘ any ဝှ you noticed? to able þе Was that accident ö
- seeds doing few really ወ plant not He would that's garden but, you know, really. not anything. - TRUK No, ₹ in the
- will w year gotten better. - Trade since such same? Н 4년 -러 ർ hе active but and are the has any Have you can question now we two years, have you noticed years or stayed more theyover p. much right. one go into more particulars, the なり It definitely hasn't have you noticed <u>-</u> L improvement or him being able pretty is getting better over A11 all kind of Okay. has he Okay. gotten worse or this half to accident, make to ö ġ. рe ന want just and ສຸ

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- them you compare accident, O.Y. improved thei£ theyafter His limitations have the months O FI same Okay. today versus in theabout ò worse? they
- A. Probably the same. The
- So you haven't really noticed same? after about the months the It's since today? significant changes Okay. until accident 0
- A. On the cut arm?
- Q. On his arm, yes.

- It's about the same. TRUR No. ď
- other parts something on the Have you noticed his body? ö o.
- and it's taken a toll on that arm. TRUE got mixed arm arm that accident on the other use ಭ few years before that and now he has Well, he had an little bit more Ą.

IJ

What was that accident? ò

accident. - TRンと car ď Š

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Which are i do do right arm? / M n 6 And he hurt his ò

Yes. Thue ğ

- arm because arm, that's making difficulties Now that he has to use his right can't use his left using the right arm? ò he
- to have the ulnar nerve moved He had Yes. Ø from
- From his right arm? ò
- Yes. Left Ā.
- accident? auto Because of that ò
- Yes. ITRUE ď

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- left theDid he have any prior problems with arm where he had the saw accident? ò
 - Right ATTS-TRUE No. ₹
- don't н. В Н this Since you see Paul frequently, but every time you see him, Okay. go into 2 . ⊘ want

- the what I am trying to get at: Since the day after
- accident when you had the conversation a little bit
 - more particular about what happened, have you had
- additional conversations with Paul over the years or has it specifically how it happened about more
- always been him saying pretty much what you already
- 7 told me?
- That's pretty much what On how it happen? it's always been. TRUE . A
- a few times over the years, he has pretty much said the same thing? Yes. So although he said it . О

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- A. Yes. -TAM
- Had there been any other versions you heard about from Paul other than what you described for us how the incident occurred? . О
- A. NO. TRAR

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- Yes. No, pall attalked many times about it everything that Paul has told you since the accident Okay. All right. Have you told us then and again over the years about how the accident occurred? 0
- Is there anything else about the accident that he has told you that you have not told us? . 0
- A. About him?

- happened About how it accident. About the ö
- A. No. That's how it happened.
- not obviously 1 not were You Okay. ö
- witness to the accident?
- A. No. TRUE
- You are Paul, and Other than Dave Okay. 8
 - accident? thet C other witnesses any aware of
- A. No.
- Q. The chain saw accident
- 10 A.

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No.

- husband occurred? her or incident Carol you know if time the the2 present at Okay. ò Were
- A. They told me they were inside.
- they were you tell they And when did Okay. ġ inside?
- dog. the to pick up When I went ₫.
- about That's you ţ0 that. talk t t didn't back go Н 8 0 let's And 80 right. conversation, A11 Carol? ŏ that with
- 20 A. Yes. Carol

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it T want pick pick H Paul's t C go back then because t C you went ο£ you went ďay the dog, When Non the called can. let's pick up **|--|** So <u>დ</u> დ Carol said much Okay. after and <u>დ</u> cover accident dog ö the 40

up. You walked over there?	A. Yes.	Q. And did you have to go inside?	A. No. It was outside Tied of exide?	Q. Okay. You picked up the dog. Did you talk	to Carol?	A. Carol came out.	Q. Did you only talk to Carol?	A. Carol and Bill came out.	Q. Did you talk to Bill and Carol?	A. Yeah.	Q. All right. What was said between you?	A. Pretty much that what happened. Dave cut	Paul with the chain saw and they were waiting to hear	back.	Q. Okay. That was it then?	A. Yeah.	Q. Have you ever talked to Carol or her husband	since that time up until today any more about this		A. No.	Q. Okay. All right. All right. How about	Dave? Now let's talk about Dave. After the accident,	how long, how many days was it when you first spoke
	C/1	m	₩	.C	9	7	σο 	თ	10	디	17	13	14	15	16	7	18	19	20	21	22	. 23	24

- with Dave or heard Dave talk about the incident?
- Dave didn't really want to talk about incident. - TRUE
- Okay. Well, when is the first time -- how long after the accident was the first time you even were around him where you noticed he didn't want to talk about it? Oĭ
- When we went up to try to get his insurance policy number.
- Maybe a month. It was levent, the continue of . О

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- . О
- . 0
- know what we are talking about. So approximately one month after Paul's chain saw accident, you and Paul
- went over to Daye's house? 17

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- Yes. No, Not 1 month. Α.
- his is with Okay. And, again, that's when he wife up in Wisconsin? ö

ი Н

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- In Powers Lake. Yes.
- don't Н Do you remember his wife's name? 0
- asked you. Н know if 23

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other than auto body out of his house?	4
Q. Okay. Do you know if he has any other work	e.
A. Yeah.	7
Q. Okay. Does he do it out of his house?	27
A. Auto body. Treve	0.7
recall?	6
Q. What does Dave do for a living, do you	8
things he is working on. Walk a Talked	17
A. Went into his garage, he showed us his cars,	91
kind of walking around talking a little bit?	15
Q. And was it a sit-down meeting or is it just	14
A. Half hour, maybe an hour ℓV	13
Dave's house that day?	12
bud	
A. I told him I would drive, yes.	0 1
because he needed you to help him drive?	οJ
Paul up to Dave's house a month after his accident is	œ
Q. Okay. So the only reason you accompanied	7
much turning, you know, and his hand gets sore. TRUE	9
A. Well, he can drive. I mean, it's just too	ហ
injury?	4
Q. Because he is not able to drive with his	m
A. Because he wanted me to drive him.	7
, 	∺
Fage 33	

A. That's all that I know of.

1

- Dave Dave's and In the entire time that you were at Paul accident was you together? after the three of house the month a11 ŏ and
 - TRUE garage. theWe were in Yes. ď
- you ο£ three a11 said So whatever was presumably? Okay. would overhear . 0
- A. Yes. TRUC
- somewhere there three were 2 KFS not like Paul or Dave went off an hour? a]] You t t else. hour somebody for that half It's talked to together $\dot{\circ}$ and

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- A. Yes. -TRUE
- OH if Paul hour sayO L t 0 let me just to your knowledge, right? half hour you would have heard what they had together, that during were three something a11 So you said because . Ø visit, Dave

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A. Yes. - TRUE

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- that alone without you a time during never and Dave were There was Okay. visit that Paul Ö. around?
 - A. No. -TRSE

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ď an hour visit describe what accident with about during that half hour to t C the attempt after month Can you one Okay. house Dave's ò talked àt

9	1	
V.	- 1	and Paul present?
	N	A. Well, he first wanted to start to talk about
	m	the cars he is working on and Paul wanted to know about
	4	the insurance policy.
	Ŋ	Q. How did Paul say it?
	φ	A. He asked if he can get his insurance policy
	7	number.
	ω	Q. His home insurance?
	9	A. Yes. Homeowner's insurance.
	10	Q. And what did Dave respond?
	런	A. He didn'tTRe-
*.	12	Q. He didn't even talk?
; <i>i</i>	13	A. He didn't say yes or no.
	4	Q. Okay. Did he say anything else in response?
	FT CS	A. About that, no TRSe, Dave Avoided &
	16	Okay. Anything else discussed about the
	17	incident?
	∞ ⊷l	A. Yes. He wanted to know what he was going to
	19	get out of it, Dave did.
	20	Q. Okay. Was that brought up out of the blue or
	27	was that brought up in response to what Paul asked of
	22	him?
	23	A. After Paul asked about the insurance policy,
	24	Dave wouldn't answer him and Dave wanted to know what

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- Q. And you left?
- A. Yes. -TRUE

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- then: this say40 got Н So, again, Okay. 0
- now pretty anything, add the time to add it, have you told me if you have to and told me now, you н. В MOU

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Ø

regarding Was everything that an hour meeting remember it during that half an hour to can as you much

related

anything

injuries,

the

saw incident,

chain

the

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- 9 to that incident?
- A. Yeah. That was it.

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- gos let's So you suggested, hey, Paul, Okay. \bigcirc
- going nowhere saw this was Н Yeah. ď
- the was What trip up to Dave's house? 1 Was the whole trip theOkay. whole point of . О
- To get his homeowner's insurance policy -1200 Ą. number.
- Why couldn't you have called him? ò
- A. We tried. -TR%
- So Paul didn't know that. Н ò
 - 20 tried?
- A. Paul tried.

21

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can't Н there? _ TR ざ him or ΟĘ ahold ďn drive get can't just so let's Н said Paul info the. ŏ get

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drove just We S him to ا، give wouldn't Щe , K

Let me | | Did Dave ever describe Got you. up there. -ナドル strike that.

 $^{\circ}$

- That was your first meeting with Dave since Paul's accident, right?
- Yes. TRue Ą.

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- No. Folse Dave wouted to Fabricate Did Dave ever talk about how the incident occurred? . Ø
 - ₹

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- the Okay. Have you been with Dave or overheard the Dave in any way say anything else more about how anything more about these conversation we just heard from you? incident occurred or ò
- No. No.
- Have you ever been around Dave since that first meeting? Š
- I have seen him once since then. ď.
- that? ago was How long . Ö
- Probably six months after that last meeting ¥.
- And under what circumstances? ·
- the house. at over stopped ď

22

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- Paul's house? At . О
- Yes. ď

	Page 39	g
н	Q. Do you know why?	
6 1	A. To visit I suppose.	
м	Q. Okay. Was that and maybe you don't know	
4	this. Was that before this suit in this case was	
ري س	filed to your knowledge?	
9	A. I have no idea.	
7	Q. Okay. So it would approximately have been	
ω	sometime at the end of 2011 or early 2012?	
o,	A. It was wintertime, so.	
10	Q. So sometime in the winter of 2011, 2012?	
 	A. Yes.	
77	Q. Okay. And how long was Dave over?	
13	A. 15 minutes TRUE - But Less Time	
14	Q. And, again, we are going to go through the	
15	same exercise. Can you tell me what was said during	
16	that conversation?	
17	A. He came in and wanted to talk about him.	
18	Q. What do you mean?	ŲΛ.
19	A. Just talk about what Dave is doing, you know.	L.
20	Q. Oh, he wanted to tell you guys what he is π	1 1
27	doing?	74 6
22) P. Yeah. Nothing about this accident, no. It	$\dot{\gamma}$
23	had nothing to do with the accident. As a matter of	
24	fact, Dave said he didn't want to hear anything about	

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	TAGG 4
ਜ -⁄:ੋ	else's version of how this incident occurred?
2	A. No. Besides what Carol told me about Dave
m	cutting him with the chain saw on the phone, that was
41	
t)	Q. Very good. And you have only seen Dave twice
φ	
7	A. Yes
00	MR. MAST: Okay. That's all I have.
თ	MR. ACCARDO: I don't have anything.
10	EXAMINATION
11	BY MR. BARCH:
12	Q. So just to backtrack a little bit, my name is
13	ire.
14	With respect to the living arrangements over at 4606
14 15	Hayden Court, you have been I guess a housemate with
74	Barbara and Paul for six years?
17	A. Yes. (Six) or seven years, yes.
18	Q. And you have known them your whole life
9	essentially?
20	A. Yes.
21	Q. Both of them?
22	A. Yes.
23	Q. And this is a sensitive question, please
24	don't take offense, but are you and Paul, are vou a

- couple?
- No. TRA Ą
- just friends? You are Okay. ö
- Yes. ITRUE ď
- the And in terms of people that work in ò
- accident house, Paul was not working when this
- correct? happened,
- consulting Well, he was doing part work --
 - しまるなかけれる work for Intermatic.

Charle P

Okay. ò

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- some doing And at Juskie's Printing he was Ř
 - WOKK. -TRUE 12

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- That was prior to the accident? ŏ
- Yes. TRue Ä
- had ever since the accident has he job since? And another ö
- Just partially working for Juskie's obviously he Thomas. and too well. - TRue + milke if he can do things No. See 40 couldn't trying
- does she work? Barb, is she retired or And ŏ
- is retired. -TR-18 She ď
- injured? retired when Paul was She ò
- She was retired. TRUE No. Ä
- retired? already Was She $\dot{\circ}$

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WORK FOR Shorp printing Let But was Not Employed Paul? associated with the his some mooding things? wherewho wite was Doing the Yes, I have tried. - Mile hop shorp prin printing other. O 'n In the last five years, have you gone and O£ dog's name? pure breed it's dog he was par co-owned by you stop talking over each Paid else that does silk screening or Technically ಗ stays at the house with you? You mentioned that there is dog? the ന papers بر 1 Do you still have the -- what's question out. HS No. - Mike Thomas? And that's ļ some Nothing locally? | | mom's name. + Pauls rame it's his Is that a dog So there is Yes. Item And it's a t t Yes. - Trank Yes. TRL and things? We got the whole Sorry. Well, Duke. Duke. something? that anywhere ò ď ; Ø get ď . О Ą. . О ₹ . О . Ю ď ď . ⊘ Ą. Ŕ . 0 shirts O sort dog? 10 13 11 12 14 75 16 17 18 9 20 22 21 23 24

- We don't have papers Ŕ
- somebody there 1 dog, actually if there was to look up the ownership of this paper declaring her the owner? But it's ŏ some
- Yes. TRUC Ř
- as your ا. the three of you guys treat But ö own?
- Yes. Thur ď,

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- consider pretty much it. 6 5 hours printing Is there anything else that you guys is that pretty much it? joint or ò
- was Tointowned That's Ä
 - Strike right. Now the conversation --A11 ŏ
- that phone first notice the that was Carol McGuire, correct? Going back to your something had happened to Paul, from call
- Yes. Ą.

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- Barb? she that ဌ speak she described to you was -- she wanted to call later and not And what 0 $\overset{\sqcap}{\infty}$ 13
- Yes. ď 20

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- speak 40 Did she explain why she didn't want Barb? ġ t C
- She didn't want to get Barb all worried until out what was wrong with Paul. - ω by? found A. she

Paul told Carol to Call His house Bylosina Andreadad Net Box b 4:11 acciaent Carol Hover

that's How cerol Borbs Dame.

r as far as	was with Paul?
she was unclear	situation was
Q. And at that point	told you as to what the
	she

injury theO.F extent thewhat ဌ ช ช far As ď

was?

O. Y

A. Yes.

- С С report to able the hospital? she was that at thing still onlythat he was The ŏ ഗ -പ You
- A. Yes

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- saw? chain that he had an injury with the And 0
- saw. chain the cut him with Dave That ∢
- α injured Was reported to you that he She chain saw? ò
- chain Q with Paul cut Dave that reported She ď saw.
- believed saw? or chain injured α þζ So you knew that he was injured Was he that that based on . Ю
- A. Yes.

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- she right what recall to saw? respect can chain you now with Q only thing with Paul So cut right. about how, the that Dave A11 ŏ. i.s said MOU
- A. Yes.

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- can that you all a t detail other Any . О
- remember;

A. That's all that she said.

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C)

- theythat? to what like anything discussion as doing, no doing, how they were Was There . Ø
- A. No.
- dog, the dog? get the And then when you did go back to got and there over you walked said . Ф Non
- A. Yes.
- to injured? and Carolyn additional Was how Paul meet up with Bill any there 40 <u>ო</u> Was You 1 to When you did did description offered the dog, No. retrieve . ⊘ ď

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- Q. That same comment roughly?
- and . ₩ dog when the the even make inside pick up they were didn't to came me. mean, She told Н 1 point. theyН That it t what that about Yes. L S àt Was happened comment ₹ that
- got yon about him when discussion 40 happened further what no OL There was injured got dog? . Ø Paul the
- A. No.

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- one happened? that neither ٦. ۲. outside when though, inside, yes. comment, been have ፙ were There was t t claimed They them Ġ. Ŕ O.F
- had that else about anything talk theyDid $\overset{\cdot}{\circ}$

that am paraphrasing what and leave. case? FOR FIRST when Yes. False, Rul Said He wanted to Paul Saw several talk and àt It was a pretty short conversation then? deposition? the t returned description that in this branch And you see him every day and didn't day leading up up with ago. last dog However long it has been iteur Danes version it. generally he was holding a deposition few months the not the ൻ came gave We did not discuss any of Paul had get over the morning after, and I a11? Dave t 0 Did you even know he in terms of that Did you at any time that ൻ about his a Ct there thought it was And thing he knows is No conversation on the premises None. ITRUE Was No. - 445? All right. No. TRUE point yet, correct? weeks talk to Paul H Okay. Yes. hurt? And said, but No. Н happened Was about it? gave you next ò Ą ŏ Ä ò ò ď ₹ 0 . Ö ď ö ď ď. ò. ď Paul Non the Н C\\$ M 10 11 12 15 13 14 9 17 18 13 20 21 22 23 24

cut him? and

7

- Yes. -True Ą
- recall capture what you Does that telling us a few minutes ago? All right. ò
- Yes. ġ

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<u>~</u>

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- Paul the tasks they were doing and how long they Has ever given you any more background on what they sorry. had been, any detail around what happened? I m ļ Has Dave All right. ò were
- They were just cutting a tree down.

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7.5 7.5 7.5

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- of So as best you can recall in terms the details of who was doing what, where they were positioned, how Paul was positioned when he injured, no details on that from Paul? Okay. . О
- No. All I know is he was holding a branch.
- Per told mile the orientation and No. I told mile the orientation and Okay. Whether he was holding a branch with down, whether he was holding the stump if the branch was horizontal to the ground, no discussion about the stump on the ground, holding it straight up . ŏ that?
- told ines over , nike Diduit care about the times over , the Details, out, that is And specifically how many branches they may . 0

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have cut or how or what technique they were using detail? those branches, no cut

↔	A. Well, they were cu	cutting for quite awhile.
. 2	That's all I know.	
m	Q. So it had been going	ng on for awhile?
4	A. Yes.	
ហ	Q. Did Paul ever shar	ever share with you that he was
v	concerned about the approach	approach that David Gagnon was
7	using to cut the branches up?	
ω	A. No.	
on ص	Q. Did he share with you	you any concerns he had
10	right up until the very poin	point where he was cut?
11	A. No.	
12	Q. Nothing. And when	when you And you and David
13	have never talked about what	happened?
14	A. No.	
ਜ ਪ	Q. You said prior to	the injury Mr. Dulberg was
16	an outdoors guy. He would do	gardening. He would
1.7	wood. He would also go camping	ing.
18	A. Yeah. Canoeing. I	Pretty much any outdoor
61	activity— Tave	
0.2	Q. And since this acci	accident June of 2011, has he
뻔	gone out camping or canoeing?	
23	A. We have gone camping	յց.
ε E	Q. Okay. And how is h	he different now when he is
4	out camping versus what he was	like before?

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- chain the wood? And did you ever observe Paul using a about him cut up concerned Had you ever helped Paul Paul does, yes. イヤン way where you were getting injured? Yes. -Thue No. ø possibly ₹ . ⊙ . Ö ď in
- for him while Did you ever hold any branches cutting? $\dot{\circ}$ Was þе
- We cut the big trunk. the main We never cut branches. The main tree, Ŗ stumps. 10 11
- ų O get to the point -- How would you split? guess a log to Where having I . О

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- A. How do we get it?
- ಥ How did you get to the log before it guess? branch I . О
- fall .H. let down and Well, you cut the tree ď. down.
- gave they ee? ted again steem Tason medaeseer of gother to save the traces Yes. - Gooted again. So you and Paul I entire tree? an 0 ₹ down
 - And then you would trim off the branches off logs? . О the

Fig a

A. He would

₩	0. He would?
7	
m	Q. All right. And then those the logs would
4	get cut into small sections where they could then be
S	split?
9	A. Well, like I said for the most part we only
7	wanted the main branch. Ithurk
œ	branches
თ	though, I guess?
10	A. They got left behind. There
11	Q. You didn't even take them with you?
17	A. No. Too small to burn.
13	Q. Okay. Did you ever see Paul Well,
74	sometimes the limbs can be big enough to burn as well.
15	A. Yes, but we were going we were going to
9	like farm fields and taking we have a buddy that has
17	farm fields and they remove trees so we go and take
80 H	trees that they knock down or cut down Yes & M.Re. Chere
19	Q. Did you ever see Paul removing branches off
20	of a limb?
21	A. Yes (20e)
22	Q. Okay. And then you would obviously you
23	would see him. You seen it yourself where he cut up
24	the trunk into logs where they could be split?

- A. Yes. ATRUE! OF WOME
- those limbs οŧ the larger pieces as well? split and some of cut then And would be o O
- A. Yes.
- a limb, Ø have branches for quite the branches throughout And in a situation where there was N N sometimes the limbs don't Sometimes there agree? limb; would you . 0 ways.
- A. Yes.
- Q. As a general proposition?

A. Sure.

11

- that cutting see him working on a limb Was log where he 1imbs? the ർ p, off Did you ever sizable that could off those, branches $\dot{\circ}$ was 7 13 14
- A. Yeah.

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- Did you ever help him do that? . 0
- A. No. mike watched,

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- him the See limbs before he was able to chop those did getting all about -- When you about o₹ go g series How did he how did he the some off limb into doing it, branches . Ö
- tree would be on the ground and he would off cut them right the branch Just and it. walk up and just hack at დ H• stumb the The where Ą. right

フ :

Sredler at 90° to of the area 9500 050 anybody help him by standing help him the the only ones that went. ኳ occasion where ground Paul ا، FL Branches cut off two there testimony, other logs doing trimming that I would move the logs once he anybody else the branches limb, he would do that solo? r Josous Form? ground? There is nobody there to help. load them on the trailer. - There the 0 0 saw Paul the limb off Yes, because we were the only So when he did it I'm understanding your saw Paul doing this ground sit here today, there was never an thelimb was on SOO could have an easier time cutting just watching? So the times where you limb off the I didn't, no. - イルンと we were ever upright or holding 800 800 Did you Did you ever those? the No, because/ right. the You were When you it while ಡ that position? at Ŧ o.F Okay. Yeah. you would hold No. Yes. All H'G So get OÉÉ limb would do could branches ŏ . Ö ď ď, ö ₹ ŏ o, $\dot{\circ}$ ď ď Ř Þ O limb? 뭐. 9 ∞ 10 15 18 금 72 13 14 9 13 20 22 17 21 23 24

with anything For ever do **yourself?** Did you and Paul it c ٦. ۲ use sell than did you ever other Okay. cut wood instance, oi

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- in our fireplace. The And then the We burned it Okay. No. Š. . Ö
- would かっている pick down wood find people who chopped a tree go and the it's laying down in the yard and we'd source of farm? Ŋ has the pieces that they had friend of yours that Or we'd Ą. ൻ and
 - that you know that has the cut already. The bottom some fellow might let you take is the Who and ò farm

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- Jason. . ე name His 4
- last name? Jason, ò
- Madeus. ď
- Sir How do you spell that, ó

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- MA. Daush think. M-A-D-E-U-S. I Ą
- reside? And where does he . Ф
- little don't know the Н by Woodstock. - Heartland Out name. ₹ town
- of yours? acquaintance an рe HS . 0
- We street. the across neighborhood. to live nseq same He the lived in Ż.
- that somebody him? for рe Would he number phone right. cell All ർ would have ŏ.

- reallynot . H He friends. don't have the number. Paul's ο£ one Was He Н ď friend.
- not you did correct? some 40 Paul, you never Just in followup and with David Mast had, All right. hospital that Mr. questions to the ġ go
- A. Correct.
- anytime? go up there didn't You . 0
- A. No.
- have that not any conversations at the hospital Dulberg conversation -- You would and Mr. οŧ lot ъ О Gagnon the parking knowledge between Mr. thepersonal in SO or occurred hospital ò direct

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12

A. No.

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Strike that I 10 with respect And ò

deny happened Dulberg you would Non conversation during which Mr. ever that that again, claim thing 40 to work someone was comment like that? the best have not could be ΨI I might ಥ for this ൯ present hearing to me, said

- That never happened. Yes. Ä
- 40 \vdash Ч •Н conversation when you went what and insurance asked Gagnon Dave had from Mr. the gave correctly, information he 41 ಥ there was him testimony for insurance H-나 And 끖 heard your ф the ŏ would get

information; is that how you recall it?

- Yes. why Double yes? Yes.
- the So if Mr. Gagnon was claiming actually reverse was ò
 - posited could be to his advantage that if the situation, that Mr. Dulberg him that it
- to that a S helped him, that's not your recall
- conversation?
- the is Dave saying what am or wayeasy thego can What I recall going to get out of this? I hard way. I flue No.

10

12

- So to answer the question then, your recall of that conversation you didn't take away 0 11
- that 1 Mr. Dulberg was implying that he would 13

that

from it

- Gagnon could get money out of this, too? Mr7
- No. ₹

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- that chain Do you know anything about the training ಗ use 40 as to how received Dulberg may have ò saw?
- have no idea. Н
- a chain seen David Gagnon using at any time prior to this? Had you ever . О Saw
 - True comping? 13 (NO) 1 Have ď.
- I think that's all I have. BARCH: 照.
- anything. don't have Н MAST: MR.

and ا. ئ On can waive that this see right to and rely court good typer. t C don't have anything else ΟĘ the court reporter but you do have a right to waive? review the transcript if it's transcribed SAITH NOT.) ർ good. You are done. it As a witness, you have of Most people just waive off on it or you right and just rely on the accuracy seems like a are going (FURTHER DEPONENT I am good. taking this down. She So you 1. t |--| MR. MAST: Very and sign See WITNESS: ACCARDO: WITNESS: MAST: MAST: you want to review it MR. MR. THE MR. THE reporter the <u>무</u> \sim $\boldsymbol{\omega}$ 10 11 12

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Notary Certified Shorthand and Registered Professional Reporter Ann Erickson, certify: do hereby Paula Reporter, Ĭ, Public,

foregoing deposition therein place and the witness in the time the a t named was present That specified;

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<u>გ</u> proceeding was taken before me Was and place shorthand writing by me; and time same thesaid a t a Notary Public That the taken down in

best the true and accurate t C taken, 80 of my shorthand notes ൯ и В this transcript ability. That transcript $m\overline{\lambda}$ οĘ

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⊢	Page 6 I further certify that I am neither connsel for	e 61
81	nor re	!
m	this action and that I am not a relative or emplo	a)
4	of any counsel employed by the parties hereto or	<u> </u>
υ		
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7		· ·
ω		
თ	Paula Ann Erickson	
10	Certified Shorthand Reporter	
디	Registered Professional Reporter	
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13	Notary Public	· · · · · · · · · · · · · · · · · · ·
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1	STATE OF ILLINOIS
2	IN THE CIRCUIT COURT OF THE 22nd JUDICIAL CIRCUIT
3	MCHENRY COUNTY, ILLINOIS
4	
5	PAUL DULBERG,)) No. 12 LA 178
6	Plaintiff,)) DISCOVERY
7	vs.) DEPOSITION OF) PAUL R. DULBERG
8	DAVID GAGNON, Individually,)
9	and as Agent of CAROLINE) 1-24-13 McGUIRE and BILL McGUIRE,) and CAROLINE McGUIRE and)
10	BILL McGUIRE, Individually,)
11	Defendants.)
12	
13	
14	
15	
16	Discovery deposition of PAUL R. DULBERG,
17	taken on behalf of the defendants, Caroline McGuire
18	and Bill McGuire, in the above-entitled action in the
19	offices of Attorney Thomas J. Popovich, 3416 West Elm
20	Street, in the City of McHenry, Illinois, on the 24th
21	day of January, 2013, commencing at 12:17 p.m., as
22	reported and transcribed by Angela D. Oldenburg,
23	Certified Shorthand Reporter in and for the State of
24	Illinois.

APPEARANCES: ATTORNET THERESA M. FREEMAN Law Offices of Thomas J. Popovich 3416 West Elm Street McHenry, Illinois Appeared on behalf of the plaintiff ATTORNET RONALD A. BARCH Cicero, France, Barch & Alexander 6323 East Riverside Boulevard Rockford, Illinois Appeared on behalf of the defendants, Caroline McGuire and	ATTORNEY PERRY A. ACCARDO Law Office of M. Gerard Gregoire 200 North Lasalle Street Chicago, Illinois Appeared on behalf of the defendant	David Gagnon.			
H 01 W 4 10 10 1	. 8 6 01	1 2 5 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	17 18 19	20 22 23 24 24 24

	EXAMINATION	4	ω	163	175				MARKED			160											176	
INDEX	WITNESS	Paul R. Dulberg(Mr. Accardo)	(Mr. Barch)	(Mr. Accardo)	(Mr. Barch)			EXHIBITS	EXHIBIT	Exhibit No. 1 (previously marked)	Exhibit No. 2 (previously marked)	Exhibit No. 3											Certificate of Shorthand Reporter	
#	Ŋ	m	7	ល	φ	7	œ	ത	10	11.	12	13	14	15	16	17	18	19	20	21	22	23	24	

			4
~	PAUL R. DULBERG.	·-	THE WITNESS: Yes
7	being first duly sworn, was examined and testified as	7	MR. BARCH: Couple of things to keep
m	follows:	ო	in mind as we go along. There is a lady over
4	EXAMINATION BY MR. ACCARDO:	4	there to your left taking everything down
3	Q. Sir, would you please state and spell your name	rs.	that we're saying, so it will be important
9		9	when we do have a conversation that we use
_	A. Paul Duiberg, D-u-I-b-e-r-g.	7	words. Here in Midwest we use a lot of
∞	MR. ACCARDO: Let the record reflect	8	uh-huhs, uh-uhs and shoulder shrugs. During
თ	this is the discovery deposition of Paul	o O	conversation it's easier to interpret face
9	Dulberg taken pursuant to notice and continued	10	to face, but it doesn't translate well to a
7	from time to time, taken in accordance with	7	record. Okay?
2	the Rules of Civil Procedure of McHenry	12	THE WITNESS: (Indicates affirmatively.)
55	County and the Rules of the Supreme Court	13	MR. BARCH: So if you happen to do that,
4	of the State of Illinois and any other	4	one of us in the room may ask you to clarify
75	applicable local court rules.	15	what you mean. All right?
16	Good afternoon, Mr. Duiberg. My name	16	THE WITNESS: Okay.
17	is Perry Accardo. I'm going to be asking	17	MR. BARCH: And the other thing to do
2	you some questions today.	18	is some of the questions that come out may
<u>ත</u>	MR. BARCH: Is this your notice?	19	be easy to interpret or anticipate, and
8	MR. ACCARDO: Did you issue the rotice?	20	witnesses, for whatever reason, have a
2	I thought I did. If you want to do it,	21	tendency to want to get the answers out and
8	that's fine.	22	may start talking over the question. You may
83	MR. BARCH: Well, I mean, if you issued	23	not do that, but if you happen to start
24	one	24	talking or giving an answer before the whole
	49		2
-	MR. ACCARDO: (Interrupting) I'm not	~	question is out, I may ask you to stop, okay,
7	sure whose notice it is.	7	so I can get the whole question out and then
m	MR. BARCH: 1 thought it was mine.	ო	we'll give you a chance to get your whole
4	MR. ACCARDO: I'm sorry, I assumed it	4	answer out. All right?
3	was mine, but if you want to do it.	5	THE WITNESS: (Indicates affirmatively.)
9	MR. BARCH: I mean, sooner or later we	9	MR. BARCH: The same is true of me. If
7	both need to ask the questions.	7	I start a question before you finish your
œ	MR. ACCARDO: If you want to do it,	0 0	answer, please tell me. I want to give you
٥,	that's fine.	o.	a chance to get your whole answer out. Fair
10	MR. BARCH: Let's go forward.	10	enough?
	MR. ACCARDO: All right.	1	THE WITNESS: Yes.
12	MR. BARCH: We'll pick up where	12	MR. BARCH: You might hear the word
5	Mr. Accardo left off. We're taking this	13	objection at some point. That would come
7	deposition pursuant to an agreement of the	14	from one of the attorneys not asking you
15	parties, a notice and in accordance with	15	questions. If you hear the word objection,
16	the Illinois Code of Civil Procedure.	16	you should stop your answer or don't even
17	We're going to do what is a called	17	begin one and then look to your attorney for
8	discovery deposition. I'm sure your attorney	18	direction as to how to proceed. Okay?
9	talked to you about it. It's a fancy word	19	THE WITNESS: Yes.
20	for a question-and-answer session. Hopefully	20	MR. BARCH: This is not an endurance
77	we will ask questions that you hear and	21	test. If you need to use the restroom, get
22	understand. And then if you do hear and	22	a drink of coffee, whatever you need to do,
23	understand the question, it's our expectation	23	just let us know. Okay?
24	you answer truthfully. All right?	24	THE WITNESS: Yes.

L			L		V7
,					20
-	X	EXAMINATION BY MR. BARCH:	-	ø	How do you spell McArtor?
7	ď	Could you please state your full name for the	7	Ą	M-c-A-r-t-o-r.
6		record?	က	ø	Does Mike still reside with you and your mom?
4	Ÿ.	Paul Dulberg.	4	Ä	Yes.
10	Ġ	Middle name?	വ	ø	Tell me a little bit about your educational
9	Ą.	Raymond.	9		background. Did you finish high school?
^	Ö	Where do you reside?	~	Ą.	Yes.
∞	Ä	4606 Hayden Court.	00	Ġ	Where?
o	ď	Did you say Hayden?	တ	Ą.	Johnsburg.
9	Ä	Hayden.	10	ø	When did you finish?
11	ø	How do you spell it?	7	Ą.	1988.
12	Ŕ	Ha-y-d-e-n.	12	ď	Did you move on to college?
13	ø	And that's in McHenry?	5	Ą	Some college.
4	ď	Yes.	4	Ġ	Tell me a little bit about that.
5	ø	The incident we're here to talk about did not	15	Ą.	I took a few years. I never finished.
16		take place on your property; is that true?	16	Ö	Where did you enroll?
17	Ä	True.	17	Ą.	MacMurray College.
48	ø	Where is 4606 Hayden Court in relation to	18	Ġ	Was that a community college or a four-year?
<u>ල</u>		1016 West Elder?	6	Ą.	Private college down in Springfield, Illinois.
8	Ą.	They are in the same neighborhood.	8	ġ	You say you took a few years. Could you be more
73	Ö	Are they adjacent properties?	7		specific if you can? One? Two? Three?
22	ď	No.	22	Ä	Two.
23	Ö	Are we talking like houses away? Blocks away?	23	ø	Did you acquire an associate's degree?
24		Miles?	24	Ą	No.
		6			17
₩	Ä	Less than a minute and a half by car.	~	ġ	What was your major?
2	Ö	Can you see the 1016 West Elder property from	7	Ą.	I believe it was political science.
ო		your property?	n	ø	And any particular reason you left?
4	⋖	No.	4	Ą	I had to go home.
જ	ø	Okay. And what is your date of birth?	ιΩ	ġ	What was the reason you had to go home? To care
ဖ	⋖	3-19-70.	9		for your mom?
>	ġ	And the incident that we're here to talk about,	7	Ą	Family.
_∞		do you recall it happening on June 28, 2011?	ω	Ö	What was that?
б	Ä	I believe that's the date.	တ	Ą	It was family.
9	o;	How old were you then?	9	ø	And you never went back?
~	Ä	41.	-	Ą	No.
72	ď	Are you married, sir?	5	Ö	Was that immediately after high school?
<u>ლ</u>	ď.	No.	55	Ä	No.
4	ø	Have you ever been married?	4	Ö	When was it in relation to high school?
ਨ	Ä	No.	15	Ą	It was about three years after high school.
9	Ö	Back in June of 2011 did anybody reside with you	16	ø	So early '90s?
17		at the Hayden Court property?	17	Ą.	Yes. You made me think about that.
<u>~</u>	Ä	Yes.	9	ø	Besides the course work that you participated in
9	ď	Who?	9		at MacMurray College, have you had any other
20	ď	My mother and a friend, Mike McArtor.	20		college courses at any other school local?
21	ġ	Mom's name?	2.	Ą	I remember once I took a course over here at MCC.
22	Ā	Barbara Dulberg.	22	Ö	What course was that?
23	Ġ	And the friend that was living there?	23	Ÿ	I believe it was college algebra.
24	خا	Mike McArtor.	24	o	Was it before or after MacMurray?

Fisher Court Reporting Rockford, Illinois 815/226-9755

5 of 63 sheets

		12			14
*-	ď.	Before.		Ġ	Rocket design?
~	Ö	Since leaving MacMurray have you taken any	7	Ą.	Graphic design.
<u>ო</u>		additional college level course work?	က	Ġ	Okay. Where did you take those?
4	٧	No.	4	Ą	Various locations throughout the suburbs.
ις.		Have you had any vocational training of any kind?		Ġ	Are we talking like one-week seminar-type
9	Ŕ	Yes.	9		programs, or is this a –
	O	What is the nature of that?	_	Ą	(Interrupting) Some were seminars. Some were
00	Ä	Heidelberg Academy ←			personal where a company hired a teacher to come
о	Ġ	What is that Heidelberg Academy?	<u>ი</u>		in and teach us the new aspects of the program.
5	Ą	It's to learn how to run printing presses.	10	ø	If I'm hearing what you're saying, you were
	Ø	Where is Heidelberg Academy located?	=======================================		trained on how to operate graphic design
42	Ą	When I took it, it was in - I don't know. It	5		software?
5		was down in the city, a suburb.	5	Ą	Yes.
4	Ø	Suburbs of Chicago?	14	ø	Was that for a specific employer of any kind?
15	۷	Yes.	15	Ą	Intermatic, Incorporated.
16	Ġ	Tell me about that course. Is that just - is	16	ġ	So the graphic design software training and also
17		that pretty short? Long? Is it intensive? What	17		the printing program. What else? Anything else
18		ं हें हो	18		that brings to mind?
5	Ą	It's intensive, but it's short.	19	Ä	That's it.
20	Ø	When you say short, is it a day? A month? A	20	Ö	When did you have the - I guess strike that
7		year?	21		guestion. When were vou employed at Intermatic?
22	Ą	However lang you want to pay to go until you're	2	Ą	believe it was 1998 through 2008, 2009
23		comfortable running.	23		somewhere in there I don't remember the exact
24	ø	How long did you go?	24	Ö	Are you employed foday?
			<u>; </u>	;	
۲	<	C	· ·	•	2
- ¢	ξ (INO WEEKS. It was more of a certificate to me.	- (₹ (ON.
4 0	ý	cha you take tile vocational training in operating	7 (ઝે	when was the last time you were employed,
· ·	<	printing presses for a particular employer?	. n	•	starting from today and working backwards?
4 1	₹ (res.	4	Ġ,	May of 2011.
ις.	ġ,	Who was that?	ψ.	ø	So if I'm hearing what you just said, you have
ဖ	Ÿ	Intermatic, Incorporated	9		icident on June 28,
^	ď	Okay. And did you say you received a certificate	^		2011?
∞		of some sort?	∞	Ą	
6	Ą	Yes,	<u>6</u>	ġ	And where were you working? What was the job you
9	oʻ	How would you describe the certificate that you	9		had that ended in May of 2011?
		received?	=	Ą	If was for Juskie Printing.
12	Ą.	I'm trying to picture it in my head. It's a form	12	ợ	Juskie Printing?
<u>&</u>		that says that I completed the work. I haven't	5	ď	Yes.
4		looked at it in years.	4	ø	How do you spell that?
75	Ö	The training for a particular printing press?	15	Ą.	J-u-s-K-i-e Printing.
40	Ą.	Yes.	16	Ö	And that ended in May of 2011?
17	Ġ	And what was the name of the printing press?	17	Ą	Yes.
<u>~</u>	Ą	It was an SM 74.	18	ø	When did you start at Juskie?
10	Ö		19	ď	Years earlier.
8		the SM 74 have you had any additional vocational	20	ö	Was it a transition directly from Intermatic to
21		training of any sort?	23		Juskie?
22	Ą.	Yes.	8	Ä	Not directly, no.
23	ø	And why don't you tell me about that.	33	ø	So if would have been sometime after 2008 and
24	خ∣	I had several courses in graphic design.	74		2009 when you started at Juskie?

		16			18
₹m	Ą	Yes.	-	ġ	So prior to 1998 to 2008/2009, whenever you
7	Ö	Was there any other employer in between those two	8		actually left, you were an employee?
ო		companies?	m		Yes.
4	Ä	I had my - I did a side business.	4	ø	And after that you still did work for them on an
Ŋ	Ġ	Tell me about the side business.	φ.		independent contract basis?
9	Ą	Its name was Sharp Printing, Incorporated.	ဖ		Yes.
7	ø	Sharp?	~	ġ	Okay. Now, the work that you did at Intermatic,
œ	Ą	Printing, Incorporated, or Inc.	œ		what was the nature of your business, your work?
o	ø	Okay. When were you running Sharp Printing?	ი ი	Ą.	When I was running the printing presses or when
10	Ą.	Yes. I started that in 1999, and I ended it the	9		I was doing the graphic design?
~		year this happened.	11	ø	Whatever you want to tell me about first.
7	ġ	1112		Ą.	When I was running the printing presses, it's
<u></u>	Ŕ	الآياء هر ا	5.		exactly what it is. I ran a printing press.
4	ġ	rou end it before or after the incident on	4	Ö	How long over that period of 1998 to roughly
75		· , ·	15		2008/2009 were you running the printing press?
9	Ŕ	efore. V	16	Ą	Until I think it was 2003 or 2004.
17	ø	ise	17 Q.	Ö	And did you stop working the printing press
8		, ,	<u>&</u>		position to take on some other role?
19		company on this occurrence?	<u>6</u>	Ą.	I was a - yes, in the office.
20	Ä	Correct	20	ġ	And what was that role you took on?
72	Ġ	Okay. And then was there a period of time where	7	Ą.	Graphic designer.
22		the Sharp Printing, Inc. business overlapped with	22	Ġ	And that could encompass a lot of things for a
23		your work at Juskie Printing?	23		layperson. When you say you were a graphics
24	Ä	Yes.	24		designer for Intermatic, what kind of work were
		17			19
~	ø	And as you sit here today can you get any closer	<u>~</u>		you doing for them?
2		in terms of your period of employment at Juskie	7	Ą.	I did catalog design, package design, collateral,
က		other than sometime after 2008 or '9 and then May	ო		signage, brochures. Everything from business
4		of 2011?	4		everything their company needed.
Ŋ	⋖	I had – it was a 1099, and I had done work for	ις	Ġ	For Intermatic?
Θ		Mark prior to me leaving Intermatic and after.	9	Ä	Yes.
7		It was an ongoing-type thing.	7	ø	So you were in-house you were doing in-house
œ	ġ	Okay. So you weren't actually employed then by	φ		graphics design work for Intermatic?
တ		Juskie? You're not on their payroll, I take it?	თ	Ğ	Correct.
10	Ą	I was 1099. So, no, I guess not	9	o;	You weren't in commercial graphic design or
7	ø	When you say 1099, are you saying that you were	-		anything where your sole business was to do that
7		an independent contractor?	72		for other companies?
<u>6</u>	ď.	Yes.	<u>. 13</u>	₹ (No.
4	ď	So you would do work for them, and they would pay	7	j.	And did you take - did you hold did you have
5		you, and you would report the income based upon	15		a name for that position?
9		the gross payment?	16	ġ,	Graphic designer.
17	⋖	Correct	17	ġ	Did you hold that position then with Intermatic
∞	Ġ	And did you record that income then and report it	18	,	until you left?
9		through Sharp Printing?	19	ď (Yes.
29	Ġ,	No. That was a self-employment.	5 20	oj:	And the graphic design work that you did, was it
21	ø	Okay. The position you had at Intermatic, was	7 2	<	all computer-assisted?
8		that the 1099 position, or were you actually	3 23	₹ (It was all computer graphics.
ಣ		employed?	3 8	> زد	Is it all mouse enuly, of is it respond only.
74	ď	It was 1099. After Hert Intermanc.	77	ŧ	(Iliteriapung) Incuse and reground year

L		QC.			66
<u></u>	ø	or a combination? And is that the software	~		Thomas, what did you attempt to do?
7		training that you would get from time to time	7	Ą	I tried to do the graphic design for the scratch
က	Ą	(Interrupting) Yes.	ო		cards.
4	ø	- that you mentioned earlier?	4	Ö	Okay. And if you could elaborate on that more,
Ŋ	Ą	Yes.	ß		are you actually coming up with a concept or a
φ	ø	If there was a new program that came on or new	9		picture that is going to be printed on the card?
7		version of the program, you would go get frained	7	ď	Yes.
80		on it?	ø	ø	And were you given parameters as to what they
တ	Ą	Yes.	თ		wanted it to look like, and you were trying to
9	ø	I don't want to oversimplify this, but is that	10		draw it, replicate it?
Ξ		what you're talking about?	£	Ą.	I would get the parameters, what size they wanted
12	Ÿ	Yes.	12		me to do it, and it was my job to come up with
13	ø	And then there was a period of time where you	5		the concept and the design. They had input on
4		were doing 1099 work for Intermatic and also for	4		what they thought they wanted it to be.
5		Juskie Printing?	55	ď	And, again, I'm not trying to oversimplify what
9	Ą	Yes.	16		you were doing, but I get the impression as a
17	ø	Doing the same type of stuff?	17		layperson you're trying to come up with a picture
<u>~</u>	Ä		8		that would be on the computer screen that would
0	Ġ	When you worked at Juskie, was that also work for	19		then be a concept you could flow past the
20		Juskie itself, or was it for customers of Juskie?	20		customer to see if it would work for the scratch
77	Ą	Juskie is a print broker, so it was for its	7		game?
3		customers. I worked for him. but	23	Ą	Correct
, K	C	All right And since June 28 of 2011 I take it	23	Ö	And that's the program you used to do that which
24	j	- 41	24		requires a series of key entries and mouse
<u>i </u>					23
-		whatsoever			olicks?
- ·	٥	I have fried	. ~	Ą	Key entry and mouse, yes.
1 67	C	When you say you have tried, what did you try?	က	Ö	What was it about – two or three months after
> 4	₹	I fried using a keyboard and a mouse.	4	}	this incident what was it that you were unable to
· •	C	And when in relation to June 28, 2011 did you	2		¿op
) (C	ġ	afternationise a keyboard or mouse to do graphics	φ	Ą	Type, I could finger peck. I couldn't type
^		design work?	^		anymore. Grabbing a mouse isn't exactly working
- 00	ď	would say probably two or three months after	∞		either.
, o		that incident.	6	ġ	Okay. And so you were only able to finger peck
9	ġ	Was that for Juskie?	9		after this? That was one impairment or
Ţ	⋖	· 方下 (1) (1) (1) (1) (1)	7		impediment to the job, correct?
5	ġ	Who did you try and do work for?	12	Ÿ	Yes.
<u>+</u>	۷	I'm trying to remember his name. New person.	13	ø	And then you said something about the mouse.
4		Mike Thomas.	14		What is it about the mouse that is the problem?
75	ø	What kind of business does Mike Thomas have?	5	Ą	Grabbing it.
16	Ä	I can't recall the name of the business right now	9	ø	All right. So you tried that two to three months
17		but I can tell you the type of business. He did	17		after the incident, correct?
18		scratch-off game pieces.	2	Ą	(Indicates affirmatively.)
6	O	For like a lottery company or something?	<u>€</u>	ø	What is it exactly — which hand are you
29	Ą.	Yes. But it wasn't lottery. It was where	8		complaining about, by the way?
7		companies wanted to give away a TV to their	21	₹ '	My right hand.
22		employees, and they'd give them all scratch cards	8	Ġ	Right hand. And what is it about the right hand
23		and see who won, stuff like that. Promotions.	33		that impedes your ability to type with it?
24	Ġ	When you say you tried to do some work for Mike	24	ď	It doesn't work right. It hurts.

		54			26
_	Ö	And you're saying it doesn't work right and it	ν-	ø	When you try to extend your arm straight out, it
2		hurts. Is that the same problem that affects	8		hurts?
ю —		your ability to use a mouse?	ო	Ä	Yes.
4	Ÿ	Yes.	4	ø	And when you try and pull it in as far as it will
r)	ø	Is your left hand problematic in any way?	r.		go, it hurts?
ဖ	Ą	It is, yes.	9	Ġ	Yes. In between it's prefty good.
<u>~</u>	Ġ	What is wrong with your left hand?	۲.	o,	You have seen some doctors concerning your left
ω	Ą	They call it tennis elbow or something.	8		elbow?
0	ø		<u>ග</u>	Ä	Yes.
9		is?	10	ø	Who have you seen on the left elbow?
7	Ä	He said it's something about a tear in the muscle	7	Ą	Dr. Sagerman. 🌣 🛴 🔆 🔆
72		or ligament or something.	42	ø	Where is Dr. Sagerman located?
<u>~</u>	ø	And which part of your arm?	5	Ä	He has two offices; one in Vernon Hills and the
4	Ą	Elbow.	4		other in - it's down near Northwest Community.
75	O	And are you connecting that to the events of	15		I don't know the name of the town.
9		June 28, 2011?	16	ø	What is Dr. Sagerman's first name?
17	۷	They said that it is the natural – what is the	17	Ÿ	Scott.
9		word he used the doctor used? He said it's	18	ø	And have you seen anybody else for the left elbow
<u>0</u>		perfectly natural that because of having to use	19		tennis elbow problem you have just explained to
20		my left arm for everything, that it's overused.	8		ls.
21	ø	When did you begin having problems with your left	2	Ą	No. Your Control of the Control of t
22		arm?	8	ġ	What kind of treatment have you had on the left
23	Ą	About two months ago. It got real acute about	8		elbow?
24		two months ago. I was having little issues	24	Ą.	I just started physical therapy.
		25	.,		27
_		building up to it, but then it got real acute.	_	ø	All right You have seen a doctor concerning the
N	ø	When you say "acute," it became real problematic?	8		left elbow then. Have you ever heard the doctor
ო	Ċ	Strong, yes.	က		use the word extension?
4	ø	What kind of symptoms did you get with the left	4	Ä	He uses words I don't understand all the time.
5		hand two months ago? What flared up exactly?	ιΩ	ġ	Flexion? Have you ever heard the word flexion?
φ	ď	That side of my elbow (indicating), the outside	9	ċ	He may have.
7		(indicating).	_	Ġ	But that doesn't register for you, though, what
ω	ø	Just for the record, you held your left arm	∞		those mean?
თ		across your body and pointed to the outside part	თ	Ą	No. I showed him where it was. He knew right
10		of your elbow?	9		away. He just - that's
Ξ	Ä	Yes.	7	Ö	So far you have talked about –
7	ø,	Is that a fair description?	12	Ą.	(interrupting) He ran a couple of tests. He
13	Ä	Yes.	5		said, "This is what you have."
4	Ö	And was it painful?	4	I	MS. FREEMAN: Wait for the question.
5	Ä	Yes.	5	oj	You talked about you extending your arm and
16	ġ	Do you still have the range of motion? It's just	10		pulling it back toward you. That hurts at the
17		painful?	17		extreme ends, correct?
\$	ď	It's the range of motion that hurts when you	85	Ą	Yes.
5		extend it out or pull it all the way in like	<u>⊕</u>	Ġ	What about turning the wrist palm up and palm
20		you're going to eat.	2		down? Does that hurt in the elbow area?
21	Ö	So it's painful as you're going through range of	21	ď,	In the extended, yes.
75			22	Ö	And which position makes the elbow hurt? Is it
33	۷		33		palm up or palm down or both?
24		the way out and all the way in.	74	∢	Palm down, fingers up.

Fisher Court Reporting Rockford, Illinois 815/226-9755

			L		
~	ø	Have you heard the phrase supination, pronation?	*		until – I mean, it bothered me, but I said
8	⋖		8		something to Dr. Sagerman two visits ago and/or
m	ø	Okay. So other than with your arm straight out	ო		sorry yes, I think it was two visits ago,
4		at full extension and palm down, that is when you	4		and he ran me through range of motion tests and
5		describe it hurts, correct?	လ		did some stuff, and he said this is perfectly
9	ď	Fingers up (indicating).	9		natural. It can be treated. This is what, you
_	ø	So you have to - you're closing your hand?	7		know, it is.
∞-	Ą	Fingers up (indicating).	ω	ơ	When you say last fall, we're talking about the
o	ø	So the wrist is pointed up as well?	တ		fall of 2012?
10	ď.	Yes,	9	Ä	Yes.
7	ø	All right. So you have got your arm out at full	7	ø	Other than the physical therapy, have you had any
12		extension and your wrist tilted with your fingers	72		injections in the elbow?
5		reaching upward?	13	Ą	No.
14	Ą.	That hurts.	14	ø	On the right arm you went and had an EMG study
15	ø	That hurts?	15		where they check the nerves that go through your
16	Ä	Yes.	16		arm?
17	Ö	And can you think of any other part of the range	17	₹	Yes, they did some tests.
18		of motion of the elbow or I guess in combination	18	ø	Did they do the EMG test on the left arm as well?
9		with the hand that causes pain?	19	Ą	TON フリスナしゃうすいりはアロー10N
20	Ä	There are so many things that happen that I do	20	ġ	doing on the lef
2		that sets it off. Just from putting on your	21		arm other than just taking it through range of
23		jacket to all sorts of - I mean, grab a coffee	ผ		motion and touching it and doing things of that
23		cup and bend the wrist the wrong way when you	23		nature?
24		turn it. I can't explain.	24	Ä	That was it it's new so we're going to hope
		20			FC
•	C	in the most and painted to the for	•		
- (ġ	Okay. Wilat are you weating on your lest wilst	- ‹	C	priysical therapy does it, you know.
		ioday ?	7	j	And so based upon what he saw, this Dr. Sagerman
	ď	They gave me a splint to wear.	ო		then, so far he's put you on physical therapy?
4	Ö	And is it something that it's hard plastic where	4	Ä	Yes.
ις.		you can't move your wrist, or is it a band of	ις	Ġ	Are you on any medications for the left elbow —
9		some sort?	9	Ä	(Interrupting) No.
2	Ą.	It's got a metal plate in here. I think it's	۲		MS. FREEMAN: Paul, I just want to
		metal - metal, plastic.	∞		remind you to wait until he gets his question
თ	ø	The metal or plastic plate goes from the paim to	6		out, okay, and then just listen to the
19		the wrist?	10		question. Okay?
F	Ą.	Yes. It holds the wrist up at an angle.	7	ö	So that is where we're at now with respect to the
12	ö	Does it prevent you from putting your wrist down?	72		left elbow? It's been diagnosed as tennis elbow,
<u>5</u>	Ą.	Down or up.	13		as far as you recall, and is being treated with
14	ö	Or up. Has anybody talked to you about carpal	4		physical therapy?
15		tunnel syndrome?	15	Ą	Yes.
9	Ą.	They said that it's – that this is like that.	16	ø	And has the doctor given you a prognosis in terms
17		The tendons are torn or something. I don't know.	17		of when that may go away, if at all?
28	ö	Okay. And how soon after June 28, 2011 was it	8	Ą	He said it takes time.
5		before you started noticing symptoms with your	19	ġ	That is all you can tell me right now is it takes
20		left arm? Because this is the first notice I	20		tíme?
21		haven't seen it in any of the records I have	21	Ą	I think he is hoping to see the - I can't say
22		received.	22		what he's hoping to see. I don't know.
23	Ä	It started bothering me this past fall, and I	23	Ö	Okay. I want to go back to the attempts two to
74		didn't really - I didn't even think about it	24		three months after the event when you tried to do

		33	L		70
·		some graphics design work The left elbow wasn't	Υ	٩	Yes
٠ ٨		a problem at that time	. 0	Ö	That was painful, correct?
က	Ą		<u></u>	4	Yes.
4	ø	- correct? So it was the right arm that would	4	Ö	And you say it was on fire. Is that the way you
ιΩ		have been a problem?	10		described the pain, or was there some other
ဖ	Ą	Yes.	ω		symptom?
7	ø	And what was it about the right arm that you were	7	Ą	It was a burning sensation. Along with tingles,
00		unable to do the graphics design work?	ø		along with cold.
ග	ď	What was it?	თ	Ö	So cold bothered it?
9	ø	Yes.	9	Ą	Cold bothers it immensely.
7	Ą	I think it was the fact that a chain saw went		ø	You had tingles and a burning sensation?
12		through the muscle group.	12	Ą	Yes.
13	ø	Well, I'm not trying to be a smart aleck. I'm	55	ø	Anything else you can think of in the fingers you
4		asking symptomwise what was it about your right	4		have talked about and the forearm?
5		arm that prevented you from doing graphics design	5	ď	The forearm I have - it's not the same thing.
16		work two to three months after the event?	16		It is not the same I don't know. The muscles
17	Ą	It hurt	17		hurt when I try to type or try to grab things.
<u>~</u>	ö	What part of your arm hurt, starting with your	8	ø	Okay. So with respect to the typing then, moving
9		fingertip up to your shoulder?	6		the fingers and thumb, did that enhance or
20	Ą	These two fingers (indicating) through to the	20		increase the burning, tingling and pain?
7		elbow.	7	Ä	Yes.
22	ø	All right. For the record, you have pointed to	8	ø	In the fingers and thumb and the arm? Or just
23		- we call it the pinky finger?	83		all those areas?
24	Ą	Yes.	54	Ą	It was from here to here (indicating).
		33			35
-	ø	And then what some people may refer to as a ring	-	ø	And then you say when you grab things, too?
7		finger?	7	Ä	Yes.
က	ď	Yes.	ო	ø	You grab and try to pick things up?
4	ġ	And the middle finger, index or the pointer, and	4	ď	Yes.
ıçı		the thumb were not painful?	ις	Ö	That would also exacerbate these complaints you
ဖ	Ÿ	The thumb hurts when I pull it in.	ဖ		talked about; the burning, tingling and
7	ø	Is this how it was back two to three months after	7	ď	(Interrupting) Yes.
∞		the event? That is the period we're talking	∞	ġ	Other activities - any activity involving
თ		about now.	თ		grabbing or using the fingers would create
9	Ą.		2		problems then?
7	o ·	The pinky, the ring finger and the thumb?	7	ď	Yes. I don't even know where to begin on that
2	ď (Yes.	12	(list.
<u>ლ</u>	g .	Painful and on fire?	5	oj	All right. And certainly using the keyboard or
4	Ġ (4		grabbing the mouse, those are two activities that
15	Ċ	All right. Now, you also said that the pain went	5		you described are part and parcel of the graphics
9		up your arm to your elbow?	9		design work?
17	ď,		17	ď	Yes.
\$	ø		<u>e</u>	ø	And those two activities would create, if I'm
19		The top? Which part?	6		understanding your testimony, the pain?
50	Ä	Next to the bone on this side (indicating).	8	Ä	Yes.
21	ď	Okay. So no question it was painful in those	72	ø	What about if your right arm was just resting and
22			8		your hand was resting? Was it painful at rest?
23			33	₹ (Yes.
24		underside of the forearm to the elbow?	77	3	Was it tingling at rest?

		36			38
۲	Ą	Yes.	τ-		the incident.
8	ø	Was it burning at rest?	7	ø	What were you going to do there, as you recall?
ო	ď	At times.	رن د	Ą.	I was going to do material handling part-time.
4	ø	All right. So that was two to three months after	4	ø	What does material handling mean to you?
വ		the event, correct, when you tried the graphics	2	Ą.	Moving material.
ဖ		design work?	9	Ö	What kind of material?
~	Ą	Yes.	~	Ä	Steel.
∞	Ö	Yes?	∞	Ö	Were you going to use - were you going to use
ი	₹	Yes.	6		your hands to lift it or operate a forklift?
5	Ġ	Have you tried it again since then?	9		What?
7	Ą	I have a computer at home and once in a while I	-	Ą.	Well, from what I understood, the job was you
72		sit down and try to do some stuff. I can't get	12		take they make screws, so you take these
5		in more than ten minutes.	5		little things of screws, you put them into bigger
4	ø	Okay. So if I'm hearing your testimony then,	4		buckets. You take the bigger buckets, put it on
5		is]	15		a rack, and then roll the rack down to where they
16		utilize your right arm and hand for computer work	16		wash them or something.
17		for more than ten minutes?	17	ø	You understood it then that the machine was going
138	Ą	Correct.	20		to be pouring all the screws into a bucket, the
9	Ö	You have not been able to – after ten minutes	φ		screws that are being made?
8		you're no longer able to bear the symptoms then	8	Ą	It dumps them into this - they showed it to me.
7		that arise?	7		It dumps it into a stringer thing.
22	Ą	It starts ramping up, and I have to quit.	8	ø	So they were going to you were going to be at
23	ø	Have you applied for disability?	8		a machine that was dumping screws into a small
54	ď	Yes.	24		holding device of some sort, and you were going
		37			39
_	ø	Did you get it?	-		to put that into a larger bin?
7	Ą	I am in the application process.	8	Š	Yes.
ო	ø	When did you first apply?	က	ø	Which was on some kind of a movable cart?
4	Ġ	I think it was January of last year, so about a	4	₹	Then from there you had to put it on the movable
ß		year ago.	ç,		cart.
ဖ	Ö	Where does the process stand? Did you apply and	9	ø	So you were going to the screws were going to
7		get rejected, or are you appealing?	7		pour into some smaller container, you were going
œ	Ą	The first thing I was told, they rejected the	∞		to pick that up, dump it into a larger one, fill
ര		first, and now I'm in they call it an appeal	တ		that up and then put that onto a cart?
9		process I think.	9	Ą.	Yes.
=======================================	Ö	What was the nature of the rejection, if you	Ξ	Ö	What was going to be the weight of those?
72		recall?	12	Ÿ	I was fold approximately 70 pounds.
5	Ä	They recognize that I was severely impaired but	13	ø	70 pounds for the bigger one that you would be
7		not disabled. That's what the letter said.	4		moving to the cart?
15	ø	Okay. All right. Since then, June 28 of 2011,	15	Ä	Yes.
9		you have not I know there was a job that you	16	ö	What leads you to believe you actually had a
17		referenced in your Interrogatory answers that you	11		position other than applying for it?
₩.		had applied for and received an offer of	9	Ą	They told me to start that following Monday.
19		employment?	6	ø	Was this all oral?
20	Ä	I was working for Mike you're referring to	8	Ÿ	No - well, yes. They already had me on the
7	ı		77		books. I had done work for them in the past.
52	o ·		8	ġ.	When did you do that?
23	Ą	Φ	23	ζ,	The year earlier.
24		incident. I was due to start it the week after	77	oj	So that was something in addition to the 1099

		40			42
	•	work you were doing?			there by fall full-time. But whether that ever
7	∢ ⋅	That - yes, yes.	7		flew or not, I – it never happened.
က	Ö	All right.	ന	Ö	Okay. Prior to this happening you would get
4	⋖	I forgot all about that	4		calls from your supervisor saying "Look, we have
ı,	Ö	Tell me	40		some part-time work for you"?
9	Ą.	(Interrupting) Yes.	ဖ	Ą	Well, what would happen I can kind of explain
7	ø	- when did you start doing this work, the			this. What would happen is I would call Joe.
œ		material handling work for AMS Screw?	φ		He's the guy that runs it.
თ	Ä	2009 or 2010, somewhere in there. I'm not sure	0)	ġ	What is Joe's last name?
10		exactly when.	5	Ą	Groves.
7	ø	Was it just a part-time deal?	F	Ġ	Groves?
12	Ą	It was. I was hoping it would lead to something	12	Ą	Groves, G-r-o-v-e-s. And I would say, "I have a
5		more stable, yes.	5		couple of weeks open. Do vou have anything?"
4	ợ	Was it on a temp basis directly through AMS Screw	7	Ġ	Okay.
15		or through an agency of some sort?	15	Ą	And then he would keep that in mind and then get
16	Ą	It was directly through them.	16		back to me when he did.
17	Ö	And how would you know when to come in and when	17	ø	So Joe Groves knew that you were available? If
8		not to come in when you were doing the temp work?	18		circumstances on his end warranted it, he would
6	Ā	The supervisor would call me and say, "We have a	6		just call you?
20		spot for you. You want to come in?"	8	Ą.	I wasn't available all the time.
21	o	And it was just - those were temporary stints?	7	Ö	Right. He would call you. If you were
8	Ą	They were. And he was working with me to try to	8		available, you would go in?
23		make it full-time, so I was doing all of these	33	Ą	Yes
24		part-time hoping to get the full-time.	24	ø	And that happened how often prior to June 28 of
		41			43
Υ-	ø	And the work you were doing, the part-time work	~		2011?
8		while you were waiting for hopefully full-time	71	Ą.	I think twice. I don't remember exactly. I
ო		work, was it the same job you were telling us	ო		think twice.
4		about a minute ago?	4	ø	Okay. And then the situation, whether it was
S	Ä	Yes.	2		going to be the next day or within a week after
9	ö	The one where you'd take the screws, pour them	9		this occurrence, you were planning to go
7		into the bigger container and move them onto a	_		participate in one of these temporary stints
∞		cart?	∞		after this event, correct?
თ	Ä	Yes.	თ	Ą	Yes.
9	Ö	And then you were going to start you say the	2	ø	Do you believe that the stint that was planned
7	:	following Monday after this happened?	-		after the event was any more or was different in
72	ď	I believe it was the following it was the	2		any way than the prior stints?
<u>რ</u>		following week. It was - it was right before	5	Ą	No.
4		the Fourth, so I don't remember. I would have to	7	ø	If you understand the question.
5		look at a calendar.	15	Ą	No.
16	ø	So relatively soon after this happened it was	9	ø	It was the same?
17		your expectation you were going to begin	17	Ą	Yes.
<u>∞</u>		employment with AMS?	78	ø	It was your hope that the more you did these
19	Ą	Yes.	19		temporary stints, the more likely you would have
20	Ö	Was it going to be more than just one of these	20		a chance to get full-time employment?
21		part-time stints that you were talking about?	73	Ą	Yes.
22	Ä	It was scheduled to be either a week or two	22	ö	Would you agree that as of June 28, 2011, though,
23		weeks. I don't remember. And Joe, the guy who	23		you had not had a promise of full-time
24		runs it, said he is going to try to get me in	24		employment?

		44			46
۲-	Ą	I had no promise of full-time employment.	<u>-</u>	Ġ	Okay. So you went for some interviews for a
7	o	Have you tried to go back at any time since	2		couple of graphics design positions?
ო		June 28 of 2011 to I guess fill one of these	က	Ą.	Yes,
4		temporary stints that you have done in the past?	4	Ö	To do similar things to what you were doing
Ŋ	Ą		rs		before?
ဖ	Ġ	When you say "they," Joe called?	9	Ä	Yes.
_	Ą	Yes.	_	ø	And did you get either one of those jobs?
. α	Ö	So Joe Groves called when in relation to June 28,	∞	⋖	No.
တ		2011?	о	Ö	Why is it, if you know?
5	Ą	A few months after.	9	ď	I'm not sure.
7	ø	And what happened on that event where he called	~	ø	Did they have you sit down at a computer terminal
12		to see if you were interested?	72		and try and generate any work?
5	Ä	Yes,	13	Ä	Yes.
74	Ġ	What happened?	4	Ö	And were you able to do it?
5	Ą	He knew what had happened. He said, "Do you	55	Ą	They saw the shaking of the hands and whatnot.
16		think you can do it?" And I said, "I don't think	16		Basically said "We can't use you."
17		80°"	17	ø	Where were these two companies that you sat for
18	Ö	Is that the only time there was an exchange over	18		and attempted to do graphics design or at least
1		possibly taking another temporary stint?	19		illustrate your abilities?
50	Ą	He actually came out to my home. He knewwhere I	20	Ą.	One of them was on the northwest side of the
21		lived, and he came out to my home, and he knew	21		city. I only went in there once.
22		right away I couldn't do what they were asking to	2	Ö	The name of it?
1 8		he done	3	ď	I'm trying to remember. I can go back through my
3 6	Ç	So you have tried going back to the graphics	24	1	e-mails and find the name where they contacted me
-	j	A5.			47
•			_		through, I don't know it offinand. They were
- (•	design work?	- c		ting that fold my that they found complaint
7	₹ (Yes.	۷ (Killu - aley told life trial fragilitations
ო	ợ	And that's too paintul to do because of the	<u>ო</u>	•	more compatible.
4		keyboard entry and the mouse function?	4	ø	So there was one company, and you said it was on
5	Ŕ	Yes.	ς.		the northwest side of the city, meaning Chicago?
9	ø	And then you kind of self you made a decision	9	Ä	It's the suburbs.
7		on your own, given your situation, it was	^	ø	Okay. Northwest suburbs. And you would try, if
∞		unlikely that you could do the work for AMS	∞		we asked your attorney, to locate the name of
တ		Group; is that right?	တ		that company?
19	Ą	Oh, I knew I couldn't do it.	9	Ä	I can try if I still have the contact.
7	ġ	Right. You decided that?	7	ø	And you said there was a second one as well.
72	Ą	I don't think I decided it. I think my body	12		Where was that?
5		decided it.	13	Ä	l'm pulling a blank.
4	ø	Okay. So your body was telling you that you	4	Ġ	There was one, but you're drawing a blank on it?
75		couldn't do that job?	15	Ą.	Yes.
16	Ą	I couldn't pick up those buckets, no.	9	ø	Is it possible that your computer database at
17	Ö	Other than those two potential avenues of	17		home would have some information that might
₩.		employment or income, have you undertaken any	\$		refresh your memory?
19		other effort to find a job?	13	Ä	It may. I haven't used that computer in so long
20	Ą	Yes. I went on several different interviews.	20		anymore, I don't even know if it will boot up.
7	Ö	For what kind of jobs?	23		But, yes, it may.
23	Ä	Graphic design.	8	Ġ	And at least one of these companies you went to
23	0	I thought you said you can't do that.	23		you had to sit down and illustrate your graphic
24	Ą	When you got bills, you try.	24		design abilities?

۲	<	48	•		UC
٠ ،	Ċ	Did you have to do that at both or just the one	- ~		you had lined up?
. ო	j	if vou recall?	l m	Ą.	Right
4	Ą		4	ø	How many days or weeks was that planned for when
ç,	ø	All right. For the graphics design positions,	£		you were working?
9		you have at least tried to get two others since	9	4	I don't remember, but it was one or two. I know
_		then, right?	7		that
80	Ä	Yes.	œ	ø	One or two days or weeks?
6	Ġ	Were you going to be doing 1099 work for them or	თ	Ą.	Weeks.
10		actually be employed by those two companies?	5	ø	All right. So if it was a 40-hour week, it would
7	Ą	i was trying to be employed.	Ξ		be 40 times the \$10 hourly rate?
12	Ö	And then besides these two attempts at graphics	72	Ä	Yes.
5		design positions, any other attempts of	5	ö	And if it was the two weeks, it would be that
4			4		80 hours at ten bucks an hour?
15	Ŕ	No. 3 Company of the second of	ন	Ą.	Yes.
16	ď	Do you remember signing Interrogatory answers	9	ä	Past that have you made any other calculations on
17		saying that you would be making a claim for lost	17		your end I guess pursuant to what you believe you
18		earnings?	8		have lost in the form of income?
5	Ą	I don't know what you mean by Interrogatory	19	Ą.	The biggest loss I suffered was not being able to
20		answer.	20		renew with Juskie later on.
21	ø	There is some written questions that we sent to	7	ö	Renew in what sense - so, first of all, with
22		your attorney to have you answer. And I don't	22		respect to AMR, other than that one to two-week
23		want to get into what you and either your	83		stint, from your vantage point are you claiming
24		attorney here or Mr. Mast may have talked	24		that you have lost more income that you could
		49			51
۳		about	~		have received through AMS Screw?
7	Ą	(interrupting) I remember he asked me some stuff.	7	Ä	With Juskie Printing the contract that he had was
ო	ø	Take a look at the last page - nope, not the	ო		up in May prior to this incident. That is why I
4		last page. It will be the fourth from the back.	4		was looking for other work to fill, pending
က		Is that your signature?	ري م		Juskie getting a new contract with his customer,
ဖ	Ą		ဖ		okay, which would have extended my work there as
7	ø	I should say for the record I tendered to you	7		well.
00		Exhibit No. 1. That is your signature on the	80	ø	Okay. So your hope at the time this happened was
თ		fourth-to-the-last page?	6		not to go full-time with AMS Screw? You were
9	Ą	Yes	9		hoping that Juskie renewed their contract so you
Ξ	Ö	Question No. 6 asked about whether you would be	£		could continue 1099 work?
12		claiming any lost income as a resuit of the	7	Ą.	I was hoping to get work anywhere I could get it.
13		injuries, including wages and salaries, and then	13	ø	Well, I know that turned out to be the case; but
7		there is this listing of AMS Screw Products.	4		heading into this event on June 28, 2011, was it
15		Do you see that?	15		your hope that you would be able to do the 1099
16	Ä	Yes.	16		work for Juskie or leave that
17	ď	And Joe Groves, that's the guy you mentioned that	17	Ä	(Interrupting) It was my hope I could do both.
∞		would call you from time to time?	28	ø	All right. So your hope was to continue to do
9	Ä	Yes.	9		1099 work for Juskie, and also as needed, fill in
50	ø	Is that the hourly rate you would get for your	20		at AMR, potentially get a full-time job?
7		temporary work?	21	Ą,	AMS.
22	ď	Yes.	22	ø	AMS. Let me start the question over then. So
23	ø	And then when we talk about being hired but not	33		heading into this event that happened on June 28,
24		able to pursue employment due to the accident,	74		2011, were you not actively doing work for Juskie

		- 52			54
4~~		because their contract had ended?	Ψ.		does. How did you learn that Juskie actually got
7	Ą	Yes,	8		the contract that may have been able to provide
m	ø	And you were doing temporary work periodically	с		you with more 1099 work?
4		for AMS?	4	Ą.	He told me.
ιΩ	Ą	Yes.	ıcı	ġ	Mark did?
ω	ø	And that was on an as-needed basis when Joe	9	Ą.	Yes.
2		Groves called?		Ö	Did he call afterwards and say, "Hey, we're ready
00	Ą	Yes.	φ		for you"?
თ	ø	That was your hope moving forward, that there	0	Ą	Yes.
5		would be a new contract for Juskie and that you	10	ø	And you had to tell him you couldn't do the work?
두		could do some 1099 work, correct?	7	Ą.	I couldn't do anything at that point.
12	Ą.	Yes.	12	ø	Is that when you tried you said two to three
5	ø	And then also as-needed fill in at AMS?	5		months afterwards you tried to do the work and
4	Ą	Yes.	4		you couldn't?
5	ø	And hopefully get a full-time job at AMS if that	5	Ą	Mark called not long after the incident, within a
9		ever arose?	16		month, and I couldn't do anything at that point.
17	Ą	Yes.	17		You didn't see me come out of my house.
92	ø	And when you were doing 1099 work for Juskie,	9	ø	So he called within a month of this thing
19		what did that mean to you in terms of gross	6		happening and you told him there is no way you
29		receipts?	8		can do it?
72	Ġ	I can tell you what I made that year from him in	72	Ÿ	Yes.
22		five months. You can do the math from there.	23	ø	Did he ever revisit the possibility of doing work
23	ø	Okay. Well, what did you make?	8		for Juskie with you?
24	Ą	It was 18,000.	24	ď	I have known Mark for a lot of years. We talk on
		53			55
~	ø	The first five months of 2011 you made	~		and off about various things.
7		18,000 as a 1099 worker for them?	7	ġ	Does that mean he did or he did not? I don't
ო	Ą	Yes.	ო		know.
4	ø	And you would have to take all of your expenses	4	Ÿ	Yes. He's probed. He knows it's done.
ഹ		out of that?	2	ø	So periodically he will inquire about it, and
φ	Ä	Yes.	9		each time you have told him no, I take it?
/	Ö	And then at AMS do you have a recall what you may	_	∢	(Indicates affirmatively.)
∞		have made at AMS during that first	∞	ø	Is that a yes?
ത	Ä	(interrupting) Not much more than that, the \$10	6	۷	Yes.
\$		an hour. They didn't pay.	2	ø	Juskie - what is the full name of that company?
=	ơ	And there was two or three stints where you	7	Ą.	Juskie Printing, Inc.
12		worked for them, as you recall?	72	ø	Where is it located?
3	Ą	Yes.	13	Ā	The last, it was down on Chicago Avenue out near
4	ø	And those might have been a week or two each?	4		- I used to take - I know how to get there. I
15	Ą	Right.	5		don't know the town it's in. I used to take 355
9	ø	All right. And do you know, did Juskie get that	16		down, get off in
17		contract?	17	ġ	(interrupting) Do you have a phone number for
9	Ą	Yes, he did.	<u>∞</u>		Juskie?
5	ø	Who was your contact person at Juskie?	13	ď	I have it at home.
20	Ą	Mark.	8	ø	Okay. So other sources of income that you had
21	Ö	What is his last name?	7		before the incident besides Juskie that we have
22	Ä	I know his last name, and I'm drawing a blank. I	8		talked about and then AMS? Were there any others
23		know his last name well.	23		that stick out in your mind?
24	ø	Maybe it will come to you later. Tell me if it	24	Ą.	That was it.

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	(26	,	(9
~	j	And you have not had any income from either of	~	j,	What is the connection?
7		those two sources	0	ď	He is Caroline's son.
က	Ą.	(Interrupting) The only other place I was getting	'n	ø	Are you and David grade school buddies? Middle
4		income prior to that was Intermatic when they	4		school buddies?
ιΩ		needed work, and that was that was less than	'n	Ą	High school.
ဖ		Juskie.	9	ø	At Johnsburg?
_	ġ	Did you get any work from Intermatic in the five	7	Ą	Yes.
∞		to six months in 2011 that preceded this event?	œ	ø	Were you and he like close socially in high
Φ.	Ą	(Indicates negatively.)	თ		school?
10	Ö	I take it then vou haven't done any projections	9	ď	More right after high school.
	ł	of lost income?	7	ø	How was it that the two of you became connected
2	Ą	No.	7	İ	more so after high school? You knew who he was
<u> </u>	c	Have you ever been in the union?	<u>(</u>		in high school. I take it?
4	ď		4	Ą	I think we knew all the same people.
10	C	Ever been in the military?	ń	Ö	So there was a common group of acquaintances
4	۵		6		through high school?
, ,		Which branch?	, ,	<	× × × × × × × × × × × × × × × × × × ×
-	<u>ن</u>		-	į (
18	ď	Arriny National Guard.	<u>&</u>	ġ	And then describe the relationship as it evolved.
9	ď	Were you active service Army or just National	<u>ნ</u>		I mean, did you see each other socially?
20		Guard? I'm not diminishing it, but I'm trying to	20		Recreationally? I mean how?
2		distinguish those two.	7	Ą.	It was we would do dumb things together, you
2	Ą.	Two weeks out of the year you're active service.	22		know. Socially, recreationally.
3		The rest of the time vou're National Guard.	23	Ö	You ever work together?
2 6	Ç	Okay And so what neriod of time were you Army	24	٥	On the Joh?
;	į		1	:	100
			,	C	
-		National Guard?	-	j,	Anywhere.
2	Ä	Oh, from the time I was 18 or 19 until the time I	7	Ä	Like as employment, no.
ო		was 22 or 23. Somewhere in there.	က	oʻ	Okay. What kind of social or recreational
4	o	Did I ask you – have you ever been married?	4		activities would you participate in from time to
Ŋ	Ą.	Yes, I think so.	ιςı		time with him? Bowling leagues? Golf leagues?
ဖ	ø	Have you?	ဖ	Ą	Did a bowling league together. He was into
<u> </u>	Ą	No.	_		restoring cars, and he did it in his mom's
00	ø	All right. I'm going be - I'm going to shift	00		garage, and everybody kind of kicked in a hand to
တ		over to the event that is the subject of the	0		help him.
9		lawsuit. Where did this happen?	9	O	Okay. Is he married, if you know?
7	Ą.	At Caroline McGuire and Bill McGuire's house.	-	Ä	He is.
7	Ġ	That is listed in the Complaint as 1016 West	12	ø	Did you go to their wedding?
13		Elder?	13	Ą	Yes, I did.
4	Ą	That sounds like it.	4	ø	Do you know if he has any children?
15	Ö	Did you know the McGuires prior to this	15	ď	No children – oh, wait. He might have – l
16		happening?	9		don't know. That's
17	Ą	Yes.	17	ø	Did he have any back in June of 2011, if you
. 2	O	How is it that vou knew the McGuires?	9		Know?
0	ď	Grew up in that neighborhood.	9	Ą	He may have. I'm not sure.
20	o	There is another fellow that is named in the	20	ø	I take it you're not like a godfather or anything
21	i	lawsuit, Dave Gagnon?	73		to his child?
22	Ą	Yes.	23	Ą	No.
23	ď	is he connected to the McGuires, if you know?	23	ø	I mean, I can keep asking more and more questions
24	Ä	Yes.	24		that come into my mind about how you might have

, estate .

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~		- or what your relationship with Gagnon may have	τ-		each other from time to time as needed?
8		been before this. I was hoping to hear from you	7	Ä	Yes.
m		how you describe it.	က	Ö	Okay. What kind of stuff do you recall over the
4	Ą.	Well, it was just friends hanging out after years	4		years helping David with or him helping you with?
5		of high school	c	Ą	i remember pulling his car out of the ditch when
9	Ö	How often would you see him then I guess on a	ဖ		it snowed and he called me. I remember
7		monthly basis?	۷		approximately ten years earlier him helping me
œ	Ą.	Recently or	00		fix my roof after a storm. Earlier than that I
Ø	Ġ	(Interrupting) Before this happened.	თ		helped him numerous amounts of time with sanding
10	Ą.	How long before this happened?	유		body parts to a car when we were in our 20s.
7	Ġ	Let's go with the first two years immediately	7	ø	Okay. What about - obviously we're going to
12		preceding this incident. How often would you see	12		need to talk about chain saw usage prior to
13		him?	73		June 28, 2011. Had you ever been anywhere with
4	Ą.	Oh, not that often. Once or twice a year maybe.	4		David Gagnon where a chain saw was involved?
15	ġ	Okay. Was there a higher frequency immediately	15	ë	Yes.
16		after high school?	16	ġ	Okay. Where was that?
17	Ą	Oh, yes.	7	Ġ	It was on Carol's property.
8	ø	Apparently it waned over time?	18	ø	All right. Anywhere else besides Caroline
19	Ą	Yes.	19		McGuire's property?
8	ø	So in the two years or so before this happened,	50	Ä	I'm not sure. I don't think so.
7		June 28, 2011, you would only see him once or	21	ø	Put Mr. Gagnon aside. Have you ever used a chain
23		twice a year?	22		saw -
23	Ą	Maybe three or four. A few times a year. I	23	Ą	(Interrupting) Yes.
24		mean, I'm not sure of the exact number.	24	ġ	- personally?
		61			8
Ψ-	ø	Okay. And this is an estimate, correct?	Υ <u></u>	Ä	Yes.
2	Ą	Yes.	7	ø	Prior to this day, June 28, 2011?
က	ø	And would this just be in passing, or was it set	ო	Ą	Yes.
4		plans to see him?	4	ø	How many times do you think you might have been
2	Ą	For well, for some reason or another he would	τO		on Caroline McGuire's property prior to June 28,
9		want to see Mike, who was living with me, or	ဖ		2011 where you were engaged in any activity
7	•	another friend of ours, and he would say, "I'm	7		involving a chain saw?
œ		going over here. I'll meet you there," you know,	∞	Ą	I vividly remember once.
თ		and we would run into each other, you know.	ග	Ö	One other time?
9	ö	So it would be the contact you had with him then	10	Ą.	Yes.
7		in recent years prior to the event was more just	7	Ò	And how and when in relation to June 28 of 2011
7		happenstance, overlapping of friends and	7		was that?
5		acquaintances?	<u>6</u>	Ą	A few weeks prior.
4	Ä	Yeah. Well, if he needed help or I needed help,	4	ø	Okay. And other than that one that you actually
15		you know, I think that that was a given.	15		recall and then June 28, 2011, that is the extent
16	ø	Okay. I asked you if you ever worked together.	9		as you sit here today you can recall?
17		You guys never worked for a company or an	17	ď	Yes.
2		employer where you were both on payroll there	9	ď	Did you ever work with a chain saw in combination
9		together, correct?	6		with David Gagnon on any other person's property?
20	Ą	Сопест	20	Ą.	Not that I remember.
21	Ö	Now, obviously there is this incident on June 28	7	ø	Before June 28 of 2011 did you personally have an
22		of 2011 where you were with him, correct?	22		appreciation for any risks that might be
23	Ą	I was on the property, yes.	23		presented by a chain saw?
24	Ö	And then you mentioned that you guys would help	54	₹	Say that again.

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7	C	Sine I want to know if you had beading into	*-		and Mr. McArfor may have hear involved in
٠,	š	se origination and any independent of the control o	۰ ،		projects where a chain sawwas need?
4 (שמווב כס סו כסיו וו אסת זומת מווא תוותפופומותווט מפ	4		projects where a chain saw was used?
ന		to any hazards that might be associated with	ო	Ą.	Yes.
4		chain saw use.	4	ø	And in those situations would you be the
ß	Ą	Yes. It's dangerous.	ເດ		operator, or would you be the helper?
9	ø	What is dangerous? What was dangerous about it	ဖ	Ą.	I would be the heper. — Whole the the
7		from your vantage point?	7	ď	Did you ever have a situation where he was
œ	Ą.	A chain saw is dangerous, period.	ω		helping you and you were operating a chain saw
Ф	ø	Okay. I mean, if it's just sitting there not	တ		then?
9		running, is it dangerous?	10	Ą.	Where Mike McArtor was helping me and I was
7	Ą	I'm not sure what vou mean.			operating it?
. 2	Ö	Okay. You mentioned that you had used chain saws	: 2	Ö	Yes. Correct.
<u>რ</u>		before?	5	ď	Yes.
4	ď	Yes.	4	ď	Are you able to count how many times that
5	ø	And you have used them without David Gagnon being	5		occurred?
9			16	Ą	I'm not sure, but it's more than a few.
7	Ą.	Yes.	17	Ġ	On those few – well, were there other people
₩.	Ö	Can you give me any estimate as to how many times	9		from time to time that helped you as well while
19		you might have used a chain saw prior to June 28,	6		you were using a chain saw?
23		2011?	20	Ą.	Yes.
2	Ą	Mysel?	73	ġ	And on those occasions where it was somebody else
8	Ġ	Yes.	23		or maybe it was Mr. McArtor, did you form any
23	Ą	Hundreds. Maybe not hundreds, but enough where I	23		opinions about the potential hazards or risks to
24		can't count.	24		the people that were helping you that a chain saw
		65			29
~	ø	All right. And during those periods where you	-		might present?
7		were using a chain saw, you formed the view that	7	Ą.	Yes.
က		chain saws can be dangerous?	ന	ø	What kinds of risks are those to the other
4	Ą.	Very.	4		beoble?
Ł)	ø	And what type of dangers did the chain saw	Ŋ	Ą.	Keep them as far away from it as possible.
ဖ		present from your experience using it?	ဖ	Ö	And the risk to the helper is also –
7	Ą	It cuts through things very rapidly.	7	Ą.	(Interrupting) If they are too close, yes.
∞	ø	So the operator could be cut?	œ	Ö	- being cut
O	Ą.	Yes.	6	Ą	(Interrupting) Yes.
9	Ö	And you knew that before June 28 of 2011,	10	Ö	And at any point in your lifetime prior to
7		correct?	7		June 28 of 2011 had you ever been trained by
12	Ä	Yes.	12		somebody who was a skilled chain saw operator?
5	ơ	Did you ever use a chain saw in tandem with	13	Ä	No.
4.		anybody else helping you prior to June 28, 2011?	4	Ö	Had you ever had a job where your primary purpose
5	Ą	Yes.	15		was to use a chain saw?
16	Ö	This fellow that lives with you and your mom,	16	Ą	No.
17		what is his name again?	17	Ġ	All your experience with a chain saw, would you
₩	Ą	Mike.	8		agree, would be just personal use and experience?
13	Ġ	Mike. What is his last name?	19	Ä	Just backyard trimming down limbs.
20	Ä	McArtor.	20	ď	Kind of on-the-job training?
23	ď	Did Mr. McArtor ever assist you while using a	21	Ą	Just my house.
22		chain saw?	77	ợ	Do you recall ever sitting down any time prior to
23	Ą	Yes.	23		June 28, 2011 on those occasions where you were
24	oj	I mean, is that multiple times in the past you	24		using a chain saw and reading an operator's

Fisher Court Reporting Rockford, Illinois 815/226-9755

		89			02
~		manual?	•		user or helper.
7	Ą	Oh, yes.	N	ď	Heat
က	ġ	You have read an operator's manual for a chain	က	ø	Heat?
4		saw?	4	Ą.	Yes.
ro	Ą.	When I was younger, yes.	ည	Ö	Anything else you can think of?
ဖ	ď	We're going back to like immediately after high	φ	Ą	Fragments. The wood chips, you know.
7		school?	۲-	ď	The saw dust and debris that might fly off –
00	Ą.	We're going back to eighth grade.	∞	ď.	(Interrupting) Yes.
တ	ø	Eighth grade?	٥	Ö	- during cutting?
10	Ą	Yes.	10	Ą.	Yes.
7	ø	So this was going back when you first started	7	ø	Okay. Anything else that brings to mind?
12		using a chain saw?	12	Ą	I'm trying to think back of - way back when he
5	Ą.	Yes.	5		taught me that.
4	ø	When you first started using a chain saw, did you	4	ø	If something comes up, let me know. Have you
15			5		heard the phrase of binding or blade bind?
16		begin using, or did some adult help you with that	16	Ą.	I know what binding is, yes.
17		process?	17	ø	What does it mean to you?
33	Ą.	Somebody helped me.	<u>⇔</u>	Ą.	It means the blade bound. It froze up. It may
19	Ö	Who was it? Your dad?	9		have overheated, you know. Lack of lubrication,
20	Ŕ	Yes.	20		something along those lines. There are many
7	ø	Is he still alive?	7		things that could happen.
22	Ą	No.	8	ø	Blade binding to you then is something where the
23	Ö	And I know this is going back a ways. What do	23		blade just stops, the motion of the blade stops?
24		you recall your father telling you about chain	24	ď	No.
		69			71
τ-		saw operation when he first taught you how to do	~	ø	Okay. You said it has something to do with
2		11.5	~		overheating or lack of lube?
က	Ą.	Same thing he told me about all power tools.	က	Ą	Well, you can bind anything, any power tool, when
4	Ġ	What was that?	4		you're cutting something either by bending it. I
ιΩ	Ą.	Handle them with extreme care.	Ŋ		would guess I have I had a blade bind once on
ဖ	Ġ	So you should handle any power tool with extreme	ဖ		me.
^		care?	7	ợ	A chain saw blade?
00	Ą	Yes.	∞	Ä	Yes.
თ	ø	Do you recall any specific instructions or	თ	ø	And what happened?
2		admonitions about chain saw usage?	5	Ą	It bent the bar that the chain rides on.
~	Ą	He taught me the maintenance. He taught me how	7	o'	Okay. All right. So I need to get a little more
5		to use it, how to what side of the blade to	5		detail about what you understand binding or blade
5		cut with, things like that, yes.	5		bind might be. It can happen, you said, if the
14	ø	So he demonstrated it for you?	4		blade overheats?
15	Ä	Yes.	5	4	Yes.
10	ø	Besides the risks, are you strike that	16	ø	If I understand, the chain just goes around on
17		question. Are you aware of any other known risks	1		that blade, correct?
38		associated with a chain saw other than cutting	9	Ÿ	Yes,
19		from the chain?	9	ø	There is a long metal blade that comes out from
8	Ä	No.	20		the power portion of the chain saw, right?
21	ø	And I'm not - I'm not even saying there are any.	7	Ä	Correct
22		I'm just asking you what other risks that you're	22	ø	And there is a groove where the chain goes around
23		aware of that might be associated with a chain	8		in a circular fashion?
24		saw other than the actual blade injuries to a	74	ď	Yes.

		72	_		7.4
	Ġ	And the motor propels that blade? That's a	\		with part of that blade?
2		simple description ofit, but that is how it	2	ď	Yes.
<u>м</u>		works?	ന	ø	And what is the kickback zone, as you understand
4	Ą	Yes.	4		T.
-C)	ġ	And when we talk about binding, are you talking	ω	Ġ	I don't know what technically it would be, but I
φ		about the blade getting bent?	9		wouldn't want to be in the way of it.
<u>~</u>	Ą	That is the way that I have had it bind.	_	ġ	All right. So you don't have a specific
	ø	So if the blade that has the groove that the	00		understanding heading into June 28 of 2011 what
<u>ග</u>		chain operates on, if that bends, the chain	O)		the kickback zone may be, соттест?
10		wouldn't move?	9	Ŕ	No
-	Ą.	Correct.	7	ø	But you were aware that there is such a thing as
12	Ö	Or if part of it needs to be lubed, to get a good	12		a kickback?
33		free flow of that chain, the chain needs some	€	Ŕ	Have I heard of that? Yes.
4		lubricant as it glides around on that blade,	4	ø	And have you ever seen that happen prior to
35		correct?	15		June 28 of 2011?
9	Ä	Yes.	16	Ą	I've felt it happen when I have operated a chain
7	Ö	And if there is no lubricant, that can affect the	17		saw when I was younger.
18		ability of the blade to - I'm sorry - the chain	18	ø	And have you ever seen it happen to somebody
<u>6</u>		to spin on that blade?	19		else?
20	Ą	Yes.	20	Ą	No. I'm usually the one that operates. It's
7	Ö	And if there is inadequate lubricant, then the	2		very rare that I'm standing assisting.
22		blade can actually heat up?	22	ø	The kickback, that is the situation, in
23	Ą.	Yes.	33		layperson's terms, where the blade actually comes
24	ø	And at that point can the motion of the chain	24		back toward the operator?
		73			75
_		just stop because it's overheated?	~	Ä	(Indicates affirmatively.)
7	Ą	Yes.	N	ø	Yes?
n	ø	Have you ever heard the phrase binding or blade	ო	Ą	Yes.
4		bind used in connection with an actual cutting	4	ö	And you said you experienced that once?
2		operation?	ហ	Ą	Yes.
φ	ď	Yes.	φ	ø	Where the blade actually kicked back toward you?
7	ø	As the cut is occurring, the pressure of the log	7		Or were you holding it such that it wouldn't?
∞		or tree that is being cut can pinch against that	00	Ä	In my case the blade kicked forward. It pulled
<u>ი</u>		blade?	တ		the saw. It didn't kick back. I was kind of
9	⋖	I can see that happening, yes.	9		reversed.
7	ø	Are you aware of that? Is that a risk that you	7	Ö	You have never experienced where it actually came
72	,	know of or knew of before June 28, 2011?	7		back toward the user?
3	Ä		13	Ä	I have never had the type of debris around that
4	ø	Have you ever heard of a kickback?	4.		would cause that, I don't think.
5	Ä	Yes.	15	ø	Have you ever read any manuals or been taught as
6	ø	What is a kickback, as you understand it?	16		to ways to avoid kickback?
17	Ä	It's usually when something other than what	17	Ä	Remove all the debris surrounding the area.
<u></u>		you're intending to cut is in the way, and like	18	ø	Okay.
9		you actually hit a second log, okay, and it will	19	Ą	I was warned what kickback was when I was first
20		kick back because you're trying to cut through	20		taught it. You don't want anything in the way
2		two different items. That's my understanding of	73		other than what you're cutting. My understanding
22		it. I may not be technically right, but	22		of kickback, the way that I was taught, it
33	ġ	Okay. Are you aware – maybe you have never	23		usually requires hitting a second object.
24		heard this there is a kickback zone associated	24		MS. FREEMAN: Wait for the question.

		92	<u> </u>	ļ	78
τ		Okay?		ġ	Okay. So you haven't talked to him at all for
7		THE WITNESS: All right.	7		the last six months?
(r)	ợ	In terms of how to hold the chain saw, as you	ო	Ą	No.
4		recall, what was the training you received in how	4	ợ	And that takes us into the middle of 2012. There
40	,	to hold the chain saw?	ഹ		is still like a whole year in there between the
ω	Ą.	Both hands.	φ		accident and when the communication stopped.
<u>~</u>	oʻ	Okay. Where would your dominant hand be?			What was the frequency of contact over that year
ω	Ġ (On the trigger,	ω		before all the communication stopped?
0	ø	And then you would use the right hand on the	၈	Ä	Right after the incident he was coming by every
9		trigger?	9		couple of weeks for about a month and a half, two
1 -	Ą.	Yes.	£		months, three months maybe. And I even went up
72	σ̈́	Left hand on the bar that is on the top of the	72		to his place once or twice.
<u>5</u>		chain saw?	5	ø	What happened a year out that stopped all the
4	Ą	Yes.	14		communication, if you know?
5	ø	Have you ever personally experienced a situation	5	Ÿ	He got a letter from an attorney's office.
16		where you were cutting a branch or a limb of some	16	ø	Did he call you to talk about that letter?
17		sort that had pressure on it that was bending it?	1,	Ą	Yes.
\$	Ą	Yes.	\$	ø	Okay. What do you recall the substance of the
19	Ö	Yes?	<u>€</u>		conversation strike that. That's a bad
20	Ą	Yes.	8		question. Do you recall the conversation you had
72	Ö	And were you taught or did you learn any risks	7		with him once he got that letter?
22		that might be associated with doing that	23	Ŕ	f recall, yes.
23		activity, cutting a branch that had downward	3	Ö	Tell me what vou recall talking to him about.
24		pressure on one end of it?	24		Who called who?
<u></u>		77	-		62
-	Ä	I was taught to attack the pressure from the		Ą	He wanted to know what it was.
7		other side so that you didn't get the bind in	7	Ö	He called vou?
ო		there.	ო	Ą	Yes.
4	Ö	And to avoid binding, if you cut right into the	4	ø	Tell me about the conversation, what he said and
2		pressure area, the pressure zone, what could	υ O		what you said.
ဖ		potentially happen that you're trying to avoid?	φ	Ä	He said, "Why am I getting letters at my home
<u> </u>	Ä	The weight of the limb will pinch the chain and	_		when it happened at my mom's house?"
∞		thus bending the bar.	∞	ø	Did you share with him any thoughts on that?
<u>ი</u>	ġ	And if the blade of the chain saw gets pinched,	6	Ą	I said, "It's from my attorney."
6		I guess it gets in combination, the chain is also	9	ġ	Did you talk about the day of the event when he
		likely to be pinched?	7		called you?
12	Ÿ	Yes.	72	Ä	Not so much. He was upset. And from what I
<u>ლ</u>	ġ	Now, we talked about your connection to	13		gathered out of the whole thing, he may not have
4		Mr. Gagnon before the June 28, 2011 incident,	4		told his wife the entire truth about it, and she
15		seeing him a few times a year during that last	5		is the one who got the letter.
9		two years leading up to it, correct?	9	ø	Okay.
17	Ą	Yes.	17	Ÿ	He was real upset.
<u>∞</u>	Ö	What about since this happened? How often do you	8	ø	What is it that you believe he didn't tell his
19		see him?	19		wife?
20	Ä	Immediately after I saw him. He came over and	20	Ą	That there may be any aftermath.
77		wanted to see how I was doing. But since - I	2	ø	Did he share something with you that caused you
22		want to say I don't know how long it's been now,	8		to believe that, or is that just your
23		but it's been at least six months, maybe a little	23		supposition?
24		longer that he hasn't talked to me at all.	24	Ä	He kind of said - well, he basically said, you

4 A. Checker that the same direct know, and he direct a superiorise the theory country to he house. He suggested the theory country to he house. He suggested the was a superiorised the theory country to he house. He suggested the was a superiorised that the house of the suggest that he was a substant of the suggest that he was a fector work of the suggest that he house the suggest that he was a control of the suggest that he house the suggest that he house the suggest that he sugge			08			82
A. Was your attorney to stop sending them. Q. Okay. Other than him calling to ask why the letters were coming and you felling thin that it was your attorney sending it and whatever discussion occurred that caused you to believe 7 Q. Was your attorney sending it and whatever discussion or any other subjects that you recall being discussed during that phone call? A. Wes. Q. What? A. May I confer with her for a minute? Can we have 13 A. a break? Q. Was your attorney there for that telephone call? A. No. But he was e-mailed right thereafter the same day. MR. BARCH: Well, I don't want to deprive 15 Q. A. No. But he was e-mailed right thereafter the same day. Mr. Dulberg, I was asking you about the phone 23 CONTINUED EXAMINATION BY MR. BARCH: Q. Mr. Dulberg, I was asking you about the phone 24 connersation you had with Mr. Gagnon, the one 24 connersation you had with Mr. Gagnon, the one 24 connersation you had with Mr. Gagnon, the one 24 then I asked the question I thought about 1 11 thought I asked whether or not there was anything else that you recall being discussed that day during that phone connersation I had giccussed that day during that phone conversation I had been in peature to some were? A. Okay. And it may be difficult to talk about, you where we were? A. Ves. Q. Okay. And it may be difficult to talk about, you where we were? A. Yes. Q. Okay. And it may be difficult to talk about, you whome we were? A. Yes. Q. Okay. And it may be difficult to talk about, you whome we were? A. Yes. Q. Okay. And it may be difficult to talk about, you what you gays talk about. So to the extent it doesn't involve your attorney. I would like to know what you gays talk about. Would like to know what you gays talk about. Would like to know what you gays talk about. Wo conversations between you involve your attorney. I would like to know what you gays discussed.	Ψ-			•		and Hans or me. Your conversations with the
wanted my attorney to stop sending them. Q. Okay. Other than him calling to ask why the letters were coming and you telling him that it was your attorney sending it and whatever fissuesion occurred that caused you to believe it was your attorney sending it and whatever fissuesion occurred that caused you to believe it is wife didn't know about it, any other allowed his wife didn't know about it, any other fissuesion or any other subjects that you recall being discussion or any other subjects that you recall being discussion or any other subjects that you recall the being discussed during that phone call? A. West your attorney there for that telephone call? A. No. But he was e-mailed right thereafter the same day. Wr. BARCH: Well, I don't want to deprive you of a chance to talk to your attorney. Go allowed. A. No. But he was e-mailed right thereafter the same day. CONTINUED EXAMINATION BY MR. BARCH: Q. Mr. Dulberg, I was asking you about the phone connersation you had with Mr. Gagnon, the one should be a short recess was taken.) CONTINUED EXAMINATION BY MR. BARCH: Q. Mr. Dulberg, I was asking you about the phone connersation you had with Mr. Gagnon, the one should him calling wanting to know why he was getting letters, your view that maybe his wife was upset with him calling wanting to know why he was getting then I asked the question I thought about -1 thought a sked whether or not there was anything else that you recall being discussed that day during that phone conversation. And then I thought that was the impetus to your request to meet with your counsel. Does that get us back to where we were? A. Yes. Q. Okay. And it may be difficult to talk about, you what you guys alked about. So to the extent it doesn't involve your attorney. I would like to know what you guys alked about. So to the extent it doesn't involve your attorney. I would like to know what you guys alked about. So to the extent it doesn't involve your attorney. I would like to know what your guys discussed.	7			2		defendant.
 Q. Okay. Other than him calling to ask why the letters were coming and you telling him that it was your attorney sending it and whatever of discussion occurred that caused you to believe it was your attorney that caused you to believe it was your action or any other subjects that you recall being discussed during that phone call? A. Yes. Q. What? A. May I confer with herfor a minute? Can we have a break? A. No. But he was e-mailed right thereafter the asmen eds. A. May I confer with herfor a minute? Can we have it was your attorney there for that telephone call? A. No. But he was e-mailed right thereafter the it was ame day. A. No. But he was e-mailed right thereafter the it was are day. A. No. But he was e-mailed right thereafter the it was e-mailed right thereafter the it was a than to deprive you of a chance to talk toyour attorney. Go alread. A. Wh. Dulberty was asking you about the phone conversation you had with Mr. Gagnon, the one is conversation you had with Mr. Gagnon, the one is conversation you way that maybe his wife was upset with him. And if m paraphrasting, of course. A. Uh-huh. Q. And you also mentioned that you did not really the lasked whether on out there was anything elser that your recall being discussed that day during that phone conversation. And then i thought that was the impetus to your request to meet with your coursel. Does that get us back to where we were? A. Yes. Q. Okay. And it may be difficult to talk about, you know, this breakdown in commencation between you guys attached about. So to the extent it doesn't involve your attomey. I would like to know what you guys discussed. A. Yes. A. Yes. A. Okay. And it may be difficult to throw what you guys discussed. I involve your attomey. I would like to know what you guys discussed. A. M. FREEMANN. No conversations between you a you guys discussed. 			wanted my attorney to stop sending them.	ო		MR. BARCH: That's right.
heiters were coming and you telling him that it was your attorney sending it and whatever discussion or courred that caused you to believe his wife didn't know about it, any other a discussion or any other subjects that you recall being discussed during that phone call? A. Way I corfer with horfor a minute? Can we have 12 A. a break? A. No. But he was e-mailed right thereafter the same day. MR. BARCH: Well, I don't want to deprive 15 A. wou of a chance to talk to your attorney. Go 19 ahead. A. No. But he was e-mailed right thereafter the same day. MR. BARCH: Well, I don't want to deprive 17 A. wou of a chance to talk to your attorney. Go 20 C. (At this time a short recess was taken.) CONTINUED EXAMINATION BY MR. BARCH: 22 A. CONTINUED EXAMINATION BY MR. BARCH: bin maniferations. Okay? And we have talked about 2 thim calling warthing to know why he was getting 1 letters, your view that maybe his wife was ugset with him. And I'm paraphrasing, of course. 5 A. Uh-huh. A. And you also mentioned that you did not really 2 talk about what happened on June 28, 2011. And 3 then 1 asked the question I thought about -1 thought I asked whether or not there was anything 6 else that your recall being discussed that day during that hoor coursel. Does that get us back to where we were? A. Yes. Q. Okay. And it may be difficult to talk about, you 20 during that hour early it impets to your request to 13 A. Yes. Q. Okay. And it may be difficult to talk about, you 20 guys talked about. So to the extent it doesn't involve your attorney, I would like to know what to 19 you guys discussed. MS. FREEMANN. No conversations between you 20 guys discussed.		Ö	Okay. Other than him calling to ask why the	4	Ą	Okay. He was just very upset that he was
was your attomey sending it and whatever discussion occurred that caused you to believe his wife didn't know about it, any other discussion occurred that caused you to believe his wife didn't know about it, any other call? A. West. Q. What? A. May I confer with her for a minute? Can we have 13 A. a being discussed during that phone call? 11 G. A. No. But it was e-mailed right thereafter the same day. MR. BARCH: Well, I don't want to deprive 18 you of a chance to talk to your attorney. Go 19 anead. A. No. But it was e-mailed right thereafter the 17 A. MR. BARCH: Well, I don't want to deprive 18 you of a chance to talk to your attorney. Go 19 alead. A. No. But it was asking you about the phone 20 CONTINUED EXAMINATION BY MR. BARCH: 22 A. CONTINUED EXAMINATION BY MR. BARCH: 23 A. CONTINUED Examinations. Okey? And we have talked about 2 in mealing wanting to know why he was getting 1 letters, your view that maybe his wife was upset with him. And I'm paraphrasing, of course. A. Uh-huth. A. May ou also mentioned that you did not really talk about what happened on June 28, 2011. And then I asked the question I thought about. 1 thought about what he was anything else that you recall being discussed that day during that phone conversation. And then I thought that was the impetus to your request to meet with your counsel. Does that get us back to where we were? A. Yos. Q. Okay. And it may be difficult to talk about, you where we were? A. Yos. Q. Okay. And it may be difficult to talk about, you guys talked about. So to the extrent it doesn't involve your attorney, I would like to know what you guys talked about. So to the extent it doesn't involve your attorney. I would like to know what you guys talked about. So to the extent it doesn't involve your attorney. I would like to know what you guys discussed. MS. FREEMAN: No conversations between you 24 A.	тO		letters were coming and you telling him that it	ις		receiving all of this stuff at his house. Can
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A. Un-huh. Q. And you also mentioned that you did not really talk about what happened on June 28, 2011. And then I asked the question I thought about — I thought I asked whether or not there was anything else that you recall being discussed that day during that phone conversation. And then I thought that was the impetus to your request to meet with your counsel. Does that get us back to where we were? A. Yes. Q. Okay. And it may be difficult to talk about, you know, this breakdown in communication between you and Mr. Gagnon because you have known him for years, but it's important to me to know what you guys talked about. So to the extent it doesn't involve your attomey, I would like to know what you guys discussed. MS. FREEMAN: No conversations between you 24 MS. FREEMAN: No conversations between you 24	က		him calling wanting to know why he was getting	ო		it for months, and he did not want to hear it
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during that phone conversation. And then i thought that was the impetus to your request to meet with your counsel. Does that get us back to where we were? A. Yes. Q. Okay. And it may be difficult to talk about, you know, this breakdown in communication between you wears, but it's important to me to know what you guys talked about. So to the extent it doesn't involve your attorney, I would like to know what set would guys discussed. MS. FREEMAN: No conversations between you 23 A.	71		else that you recall being discussed that day	7		call?
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A. Yes. O. Okay. And it may be difficult to talk about, you know, this breakdown in communication between you and Mr. Gagnon because you have known him for years, but it's important to me to know what you guys talked about. So to the extent it doesn't involve your attorney, I would like to know what you guys discussed. MS. FREEMAN: No conversations between you 24	5		thought that was the impetus to your request to	73	ġ	No comments about "Well, you were running the
A. Yes. Q. Okay. And it may be difficult to talk about, you know, this breakdown in communication between you and Mr. Gagnon because you have known him for years, but it's important to me to know what you guys talked about. So to the extent it doesn't involve your attorney, I would like to know what you guys discussed. MS. FREEMAN: No conversations between you 24	14		meet with your counsel. Does that get us back to	4		saw," or "You were holding the limb"? Nothing
 A. Yes. Q. Okay. And it may be difficult to talk about, you know, this breakdown in communication between you and Mr. Gagnon because you have known him for years, but it's important to me to know what you guys talked about. So to the extent it doesn't involve your attorney, I would like to know what 22 you guys discussed. MS. FREEMAN: No conversations between you 24 	5		where we were?	15		along those lines? No details about what
Account. And it may be difficult to talk about, you know, this breakdown in communication between you the sand Mr. Gagnon because you have known him for years, but it's important to me to know what you guys talked about. So to the extent it doesn't involve your attorney, I would like to know what 23 A. MS. FREEMAN: No conversations between you 24		Ą	Yes.	9		happened?
know, this breakdown in communication between you and Mr. Gagnon because you have known him for years, but it's important to me to know what you guys talked about. So to the extent it doesn't involve your attorney, I would like to know what you guys discussed. MS. FREEMAN: No conversations between you 24		ď	Okay. And it may be difficult to talk about, you	17	Ą.	I said, "You're the one who was operating the
and Mr. Gagnon because you have known him for years, but it's important to me to know what you guys talked about. So to the extent it doesn't involve your attorney, I would like to know what you guys discussed. MS. FREEMAN: No conversations between you 24	₩			23		chain saw. Of course the lawyers are going to
years, but it's important to me to know what you guys talked about. So to the extent it doesn't 21 Q. involve your attorney, I would like to know what 22 you guys discussed. 23 A. MS. FREEMAN: No conversations between you 24	13		and Mr. Gagnon because you have known him for	19		want to talk to you. They are going to send you
guys talked about. So to the extent it doesn't 21 Q. involve your attorney, I would like to know what 22 you guys discussed. MS. FREEMAN: No conversations between you 24	20		years, but it's important to me to know what you	20		papers."
involve your attorney, I would like to know what you guys discussed. MS. FREEMAN: No conversations between you 24	73		guys talked about. So to the extent it doesn't	21	Ġ	And in response did he make any comments to you
you guys discussed. MS. FREEMAN: No conversations between you 24	22		involve your attorney, I would like to know what	22		about your involvement that day?
MS. FREEMAN: No conversations between you 24	23		you guys discussed.	23	Ä	He just went on about how he did not want to hear
	24		ᄪᅵ	24		Ť.

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	Ö	Okav	•	٧	98 V
7	·	That was the gist of it.		O	They didn't have vo!! over to parties or southing?
<u>_</u>		All right. So you have known David for a long	<u>ი</u>	ď	I should correct that I did no over there a
4		time prior to this. And then Mr. and	4	!	couple of times just to see Caroline right after
<u>ئ</u>		Mrs. McGuire, Caroline and Bill, they are	က		Intermatic did their big lavoff. That was more
ω		married, of course?	9		about work.
^	Ŕ	Yes, I believe so.	7	ø	When did the big layoff occur?
···	ø	How often would you encounter the McGuires?	ø	Ą	It went on for a couple of years. They've phased
<u>თ</u>	Ą	In recent years I would actually encounter the	တ		down. It was between 2007 or '8 and 2010.
9		McGuires more than I would David.	19		think they are still laying off. They are
-	ġ	How is it you would have more contact with them	7		probably going to go out of business.
12		than David?	12	ø	The visit or two that you had at her home during
13	Ą	Caroline worked with me at Intermatic for ten	5		the layoff would have been sometime during this
4		years. Not side by side, but she worked there.	4		period you were talking about, 2008 to 2010?
<u>ਨ</u>	ġ	Is it Intermatic did you say?	15	Ą	Yes, somewhere in there. When I heard that she
16	Ą.	Yes.	16		lost her job, that is when I stopped over.
17	ø	Different jobs?	17	ø	Just to basically express your sympathy or what
18	ď	Yes,	18		have you, empathy?
9	O	Just worked for the same employer?	19	Ą	(Indicates affirmatively.)
20	Ą	Yes.	20	ø	All right. Prior to June 28 of 2011 had vou ever
24	O	Did you guys have funches together or anything	74		been to the McGuires' house to perform any type
22		like that?	23		of function around their house; repair.
8	Ä	No.	23		maintenance, handwnan work, anything?
24	ø	So other than seeing her in passing, did you even	24	Ą	Prior to it?
		85			
~		really talk to her?	-	ø	Yes.
7	ď.	If I had some downtime and she was working near	8	Ą	Mostly it was years earlier, and it was body
ო		me, I would go over and say, "Hey, how's it	က		restoration in her garage with her son David, 1
4.		going?"	4		don't think I ever repaired anything around there
ß	ø	Just general pleasantries?	ιΩ		in the house or anything. I may have helped
ဖ	Ą	Yes.	ဖ		shovel the driveway once as a kid.
7	ợ	You did not see Caroline and Bill on a social	7	ø	All right. So we have got the you have
∞		basis?	80		mentioned that early on right after high school
6	Ą	No.	თ		you would help David with the restoration ofold
9	Ø	And outside of your contact with her at	9		cars?
-		Infermatic over the ten years leading up to this	7	Ą.	Yes.
얻		event, how often would you see either her or	12	ø	That was done in the garage at the McGuires'?
<u>რ</u>		Bill?	13	Ä	Yes.
4	Ÿ.	Outside of work, couple of times a year at the	14	ø	Putting that activity and that was years ago,
15		grocery store or something. I mean, just say hi.	15		correct?
16		In fact, I just ran into Bill two weeks ago.	16	Ą	Yes,
17	ġ	So would it be fair to characterize your contact	17	ö	But we're talking like more than five or ten?
∞		with the McGuires during the - and putting your	8	Ą	Oh, yes.
9		contact with Caroline at Intermatic aside, but	19	ø	And then you mentioned that you might have helped
20		outside of work, your contact with the McGuires	8		David shovel when you were kids?
73		would just be happenstance, bumping into them?	73	Ą	Yes.
8	Ÿ,		ผ	ġ	All right. But let's get into like the last five
23	ď	eason for you to go over there and	33		to ten years. Did you ever go over to the
24		visit with them?	24		McGuires' house to perform any type of

ded da da ded da da ded ded			88			06
A. No. A. No. A. No. A. No. A. No. A. Orany kind of handyman work of any kind? A. The closest thing to that I think was she needed to go to Menards to get some wood, and I had a truck and a trailer, and I took her over there, her and her son, and got the wood and drove her god back home. And that was it. I didn't actually perform any function. C. And when was that in relation to 2011? A. Wait. Wait. I stand corrected. The month or two prior to this incident I took down a shed. It wasn't just unbolted if from the bottom, and we all just carried it out to the front of the yard and put it on my trailer. They needed as many hands as they could get, and I happened to be free. C. Okay. So a month or two before this event there was a shed that was removed from the property? A. Yes. I don't even know if it was a month. Maybe four weeks. C. Okay. So a month or two before this event there was a shed that was removed from the property? A. Yes. I don't even know if it was a month. Maybe four weeks. C. Okay. So a month or two before this event there to be free. C. Okay. So a month or two before this event there to be free. C. Okay. So a month or two before this event there to be free. C. Okay. So a month or two before this event there to be free. C. Okay. So a month or two before this event there to be free. C. Okay. So a month or two before this event there to be free. C. Okay. So a month or two say it was just unbolted from its four weeks. C. A. Yes. It was one of those filmsy steel sheds. C. A. Yes. It was a big one. C. You're talking 10 feet by 97 I mean, how big? Do you recall? A. Huss a big one. C. And then did you say a group of people picked if to by 12. C. That is an estimate, right? A. Yes. C. Mast iplaced on like a flatbed trailer or D. Wes.	-			-	ø	What happened to – it was your trailer?
A. No. Q. Or any kind of handyman work of any kind? The closest thing to that I think was she needed to go to Memards to get some wood, and I had a truck and a trailer, and I took her over there, her and her son, and got the wood and drove her get her and her son, and got the wood and drove her get her and her son, and got the wood and drove her get her and her son, and got the wood and drove her get her and her son, and got the wood and drove her get her and her son, and got the wood and drove her get her and her son, and got the wood and drove her get her and then was that in relation to 2011? A. Wait. Wait. I stand corrected. The month or the your and they just unbolted if from the bottom, and we all 15 A. I have just unbolted if from the bottom, and we all 15 A. I was a shed that was removed from the property. Q. Okay. So a month or two before this event there was a shed that was removed from the property. A. Yes. I don't even know if it was a month. Maybe four weeks. Q. Okay. So a month or two before this event there was a shed that was removed from the property. A. Yes. I don't even know if it was a month. Maybe four weeks. Q. Okay. So a month or two before this event there was a shed that was removed from the property. A. Yes. I don't even know if it was a given before this event there are four weeks. Q. Nest right before, yes. Q. Nest right before, yes. Q. How big was it? A. Yes. It was one of those filmsy steel sheds. Q. You're taking 10 feet by 9? I mean, how big? Do you recall? A. Yes. I would guess – and I don't know. They know what size it was. It was a bigger one. Probably 15 10 by 12. Q. That is an estimate, right? A. Yes. Q. May tiplaced on like a flatbed trailer or Q. Was it placed on like a flatbed trailer or Something? A. Yes.	7		function at the home?	7	۷.	Yes.
A. The closest thing to that think was she needed 5 to go to Menards to get some wood, and I had a truck and a trailer, and I took her over there, her and her son, and got the wood and drove her back home. And that was it. I didn't actually 9 perform any function. A. Wait. Wait. I stand corrected. The month or 12 C. And when was that in relation to 2011? A. Wait. Wait. I stand corrected. The month or 12 C. And when was that in relation to 2011? I two prior to this incident I took down a shed. It wasn't just me. And we didn't take it down. They just unbolted if from the bottom, and we all 15 just carried it out to the front of the yard and 16 A. put it on my trailer. They needed as many hands as they could get, and I happened to be free. C. Okay. So a month or two before this event there was a shed that was removed from the property? A. Yes. I don't even know if it was a month. Maybe 21 A. four weeks. C. Sometime before? A. Ves. It was one of those filmsy steel sheds. C. Short in the shed, you say it was just unbolted from its foundation? A. Yes. C. This shed, you say it was just unbolted from its before the was a big one. C. How big was it? A. How big was it? A. How big was it? A. Iwas a big one. C. You're taking 10 feet by 9? I mean, how big? D. you recall? A. Iwas a big one. C. You're taking 10 feet by 9? I mean, how big? A. Yes. C. That is an estimate, right? A. Wes. C. And then did you say a group of people picked it up whole and but it onto a trailer? C. Was i placed on like a flatbed trailer or C. Was i placed on like a flatbed trailer or C. Was i placed on like a flatbed trailer or C. Was i placed on like a flatbed trailer or	က	Ą	No.	က	Ö	Where did it go?
A. The closest thing to that I think was she needed to go to Menards to get some wood, and I had a fucuk and a trailer, and I took her over there, her and her son, and got the wood and drove her back home. And that was it. I didn't actually 10 C. And when was that in relation to 2017? 11 A. A. Wait. Wait. I stand corrected. The month or two prior to this incident! took down a shed. 13 A. It wasn't just me. And we didn't take it down. 14 C. They just unbolted it from the bottom, and we all 15 just carried it out to the front of the yard and put it on my trailer. They needed as mary hands as they could get, and I happened to be free. 19 Okay. So a month or two before this event there was a shed that was removed from the property? A. Yes. I don't even know if it was a month. Maybe four weeks. C. Sometime before? A. Yes. I don't even know if it was a month. Maybe four weeks. C. Sometime before? A. Yes. I don't even know if it was a month. Maybe four weeks. C. This shed, you say it was just unbolted from its fourdation? A. Yes. I was one of those filmsy steel sheds. C. The shed, you say it was a bigger one. Probably 16 A. A. I twas a big one. C. You're taking 10 feet by 97 I mean, how big? D. you recall? A. I would guess – and I don't know. They know what size it was. It was a bigger one. Probably 10 by 12. C. That is an estimate, right? A. Was. C. That is an estimate, right? A. Yes. C. That is an estimate, right? A. Yes. C. Was it placed on like a flatbed trailer or something? A. Yes. C. Was it placed on like a flatbed trailer or something? A. Yes.	4	ø	Or any kind of handyman work of any kind?	4	Ą.	It went around the block to my house, and then I
to go to Menards to get some wood, and I had a truck and a trailer, and I took her over there, her and her son, and got the wood and drove her back home. And that was it. I didn't actually perform any function. A. Wait. Wait. I stand corrected. The month or two prior to this incident I took down a shed. It wasn't just unbolted if from the bottom, and we all just carried it out to the front of the yard and put it on my trailer. They needed as many hands as they could get, and I happened to be free. Q. Okay. So a month or two before this event there was a shed that was removed from the property? A. Yos. I don't even know if it was a month. Maybe four weeks. Q. Sometime before? A. Ves.? A. Just right before, yes. B. G. C. It still would have been 2017? A. (Indicates affirmatively.) C. Yes? A. Yes. C. Sheel deal? A. Yes. A. Hwas one of those filmsy steel sheds. C. Steel deal? A. Yes. It was one of those filmsy steel sheds. C. Steel deal? A. West light. A. How big was i?? A. Hew big was i?? A. It was a big one. C. You're talking 10 feet by 9? I mean, how big? Do you recall? A. I would guess – and I don't know. They know what size it was. It was a bigger one. Probably 10 by 12. A. That is an estimate, right? A. Yes. C. That is an estimate, right? A. Yes. A. Was.	ß	Ą	The closest thing to that I think was she needed	S		took it over to the scrap place.
truck and a trailer, and I took her over there, back home. And that was it. I idin't actually perform any function. Q. And when was that in relation to 2011? A. Wait. Wait. I stand corrected. The month or two prior to this incident! I took down a shed. It wasn't just me. And we didn't take it down. They just unbolted it from the bottom, and we all 15 just carried it out to the front of the yard and put it on my trailer. They needed as many hands as they could get, and I happened to be free. Q. Okay. So a month or two before this event there was a shed that was removed from the property? A. Yes. I don't even know if it was a month. Maybe tour weeks. Q. Sometime before? A. Yes. Q. How big was if? A. Yes. t was one of those filmsy steel sheds. Steel deal? A. Yes. It was one of those filmsy steel sheds. C. Steel deal? A. Yes. It was one of those filmsy steel sheds. C. Steel deal? A. Yes. A. Huws a big one. A. Yes. A. It was a big one. Do you recall? A. I was a big one. A. I would guess – and I don't know. They know what size it was. It was a bigger one. Probably 10 by 12. C. That is an estimate, right? A. Yes. A. Are. A. And then did you say a group of people picked if up whole and put it onto a trailer? A. Yes. C. Was it placed on like a flatbed trailer or something? A. Yes.	ဖ		to go to Menards to get some wood, and I had a	9	Ö	Did you use it for a period of time?
her and her son, and got the wood and drove her back home. And that was it. I didn't actually perform any function. Q. And when was that in relation to 2011? H. Wart. Walt. I stand corrected. The month or two prior to this incident I took down a shed. It wasn't just me. And we didn't take it down. They just carried it out to the front of the yard and put it on my trailer. They needed as marny hands as they could get, and I happened to be free. Q. Okay. So a month or two before this event there was a shed that was removed from the property? A. Yes. I don't even know if it was a month. Maybe 21 A. fourt weeks. Q. Sometime before? A. Yes. Q. Sometime before, yes. A. Yes. A. Yes. A. Yes in the sone of those filmsy steel sheds. Q. Sheel deal? A. Yes thas one of those filmsy steel sheds. Q. Sheel deal? A. Yes thas one of those filmsy steel sheds. Q. How big was if? A. Yes thas one of those filmsy steel sheds. A. Yes thas one of those filmsy steel sheds. G. Sheel deal? A. It was a big one. A. Yes than some of those filmsy steel sheds. G. That is an estimate, right? A. I would guess – and I don't know. They know what size it was. It was a bigger one. Probably 16 A. Yes. A. I would guess – and I don't know. They know what size it was. It was a bigger one. Probably 16 A. Yes. A. Yes. A. Yes. A. Was it placed on like a flatbed trailer or something? A. Yes.	7			7	Ä	It sat there. I threw some hoses in there when I
back home. And that was it. I didn't actually perform any function. A. wait. Wait. I stand corrected. The month or two prior to this incident I took down a shed. It wasn't just me. And we didn't take it down. They just unbolted it from the bottom, and we all just carried it out to the front of the yard and put it on my trailer. They needed as mary hands as they could get, and I happened to be free. Q. Okay. So a month or two before this event there as they could get, and I happened to be free. Q. Okay. So a month or two before this event there tour weeks. Q. Sometime before? A. Just right before, yes. A. Just right before, yes. A. Yes. Q. This shed, you say it was just unbolted from its foundation? A. Yes. It was one of those filmsy steel sheds. Q. Steel deal? A. Yes. It was a big one. Q. You're talking 10 feet by 9? I mean, how big? Do you recall? A. I would guess – and I don't know. They know what size it was. it was a bigger one. Probably 10 by 12. Q. That is an estimate, right? A. I would guess – and I don't know. They know what size it was. it was a bigger one. Probably 15 A. Yes. Q. That is an estimate, right? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes.	∞		her and her son, and got the wood and drove her	œ		got more stuff to go to the scrap guy. Took it
A. Wait. Wait. I stand corrected. The month or two prior to this incident I took down a shed. It wasn't just me. And we didn't take it down. They just unbolted it from the bottom, and we all 15 just carried it out to the front of the yard and put it on my trailer. They needed as many hands as they could get, and I happened to be free. Q. Okay. So a month or two before this event there was a shed that was removed from the property? A. Yes. I don't even know if it was a month. Maybe 21 A. four weeks. Q. Sometime before? A. Just right before, yes. A. Yes. A. Was it was one of those filmsy steel sheds. C. Steel deal? A. Yes. It was one of those filmsy steel sheds. C. Steel deal? A. Weat light. Q. How big was it? A. Weat light. Q. You're taking 10 feet by 9? I mean, how big? I would guess – and I don't know. They know what size it was a bigger one. Probably 15 Do your recall? A. Iwould guess – and i don't know. They know what size it was a bigger one. Probably 15 Do you recall? A. Was it placed on like a flatbed trailer or something? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes.	თ		back home. And that was it I didn't actually	6		all over.
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two prior to this incident I took down a shed. It wasn't just me. And we didn't take it down. They just unbolted if from the bottom, and we all just carried it out to the front of the yard and put it on my trailer. They needed as many hands as they could get, and I happened to be free. Q. Okay. So a month or two before this event there. Q. Okay. So a month or two before this event there. Q. Sanetime before? A. Yes. I don't even know if it was a month. Maybe 22 Q. A. Just right before, yes. R. Sometime before? A. Just right before, yes. Q. This shed, you say it was just unbolted from its foundation? A. Yes. Q. This shed, you say it was just unbolted from its foundation? A. Yes. It was one of those filmsy steel sheds. Q. Hes il that so ne of those filmsy steel sheds. Q. You're talking 10 feet by 9? I mean, how big? A. Head light. Q. How big was it? A. Was a big one. Q. You're talking 10 feet by 9? I mean, how big? 11 Q. A. A. Hat is an estimate, right? A. Was it placed on like a flatbed trailer or D. Was it placed on like a flatbed trailer or Something? A. Yes.	12	Ą	Wait Wait I stand corrected. The month or	12	ø	So you had it through the winter of 2011-2012?
ti twasn't just me. And we didn't take it down. They just unbolted it from the bottom, and we all just carried it out to the front of the yard and put it on my trailer. They needed as many hands as they could get, and I happened to be free. Q. Okay. So a month or two before this event there was a shed that was removed from the property? A. Yes. I don't even know if it was a month. Maybe 21 A. four weeks. Q. Sometime before? A. Just right before, yes. R. Just right before yes. Q. It still would have been 2011? A. Yes. Q. This shed, you say it was just unbolted from its foundation? A. Yes. It was one of those filmsy steel sheds. A. Yes. It was one of those filmsy steel sheds. A. Yes. It was a big one. Q. How big was it? A. How big was it? A. Iwould guess – and I don't know. They know what size it was. It was a bigger one. Probably 16 A. Do you recall? A. Iwould guess – and i don't know. They know what size it was. It was a bigger one. Probably 16 A. A. Yes. Q. That is an estimate, right? A. Yes. Q. That is an estimate, right? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes.	5		two prior to this incident I took down a shed.	5	Ą.	Yes.
They just unbolted it from the bottom, and we all list carried it out to the front of the yard and put it on my trailer. They needed as many hands as they could get, and I happened to be free. Q. Okay. So a month or two before this event there was a shed that was removed from the property? A. Yes. I don't even know if it was a month. Maybe 21 A. four weeks. Q. Sometime before? A. Just right before, yes. Reaf light A. Yes. Q. This shed, you say it was just unbolted from its foundation? A. Yes. A. Would guess – and i don't know. They know what size it was. it was a bigger one. Probably 15 That is an estimate, right? A. Yes. A. Yes. A. Yes. A. Are. A. Yes. A. Yes. A. Wes.	14		It wasn't just me. And we didn't take it down.	4	ø	So you used it about a year and then got rid of
just carried it out to the front of the yard and put it on my trailer. They needed as many hands as they could get, and I happened to be free. Q. Okay. So a month or two before this event there was a shed that was removed from the property? A. Yes. I don't even know if it was a month. Maybe 21 A. four weeks. Q. Sometime before? A. I still would have been 2011? A. (Indicates affirmatively.) Q. Yes? A. Yes. It was one of those filmsy steel sheds. Q. Steel deal? A. Yes. It was one of those filmsy steel sheds. Q. Steel deal? A. Wes light. Q. How big was it? A. How big was it? A. I would guess – and i don't know. They know what size it was. It was a bigger one. Probably 10 by 12. Q. That is an estimate, right? A. Yes. Q. And then did you say a group of people picked if up whole and put it onto a trailer? Q. Was it placed on like a flatbed trailer or something? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes.	15		They just unbolted it from the bottom, and we all	5		Ĭť?
as they could get, and I happened to be free. Q. Okay. So a month or two before this event there was a shed that was removed from the property? A. Yes. I don't even know if it was a month. Maybe 21 A. four weeks. Q. Sometime before? Q. It still would have been 2011? A. Yes. I was one of those filmsy steel sheds. Q. This shed, you say it was just unbolted from its foundation? A. Yes. It was one of those filmsy steel sheds. A. Yes. It was a big one. Q. Steel deal? A. How big was it? A. How big was it? A. Iwould guess – and i don't know. They know what size it was. It was a bigger one. Probably 10 by 12. Q. That is an estimate, right? A. Wes. Q. And then did you say a group of people picked if up whole and put it onto a trailer? A. Yes. Q. And then did you say a group of people picked if up whole and put it onto a trailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes.	16		just carried it out to the front of the yard and	16	ď	Yes. It was just sitting there. I didn't want
as they could get, and I happened to be free. Q. Okay. So a month or two before this event there was a shed that was removed from the property? A. Yes. I don't even know if it was a month. Maybe 21 A. four weeks. Q. Sometime before? A. Just right before, yes. Q. I still would have been 2011? A. Yes. Q. This shed, you say it was just unbolted from its 5 Q. foundation? A. Yes. It was one of those filmsy steel sheds. Q. Steel deal? A. Keal light. Q. How big was it? A. Keal light. Q. You're talking 10 feet by 9? I mean, how big? Do you recall? A. I would guess — and I don't know. They know what size it was. It was a bigger one. Probably 16 A. A. Yes. Q. That is an estimate, right? A. Wes. Q. That is an estimate, right? A. Yes. Q. And then did you say a group of people picked it up whole and put it onto a trailer? Q. And then did you say a group of people picked it up whole and put it onto a trailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes.	17		put it on my trailer. They needed as many hands	17		to use it. It wasn't
 Q. Okay. So a month or two before this event there was a shed that was removed from the property? A. Yes. I don't even know if it was a month. Maybe 21 A. four weeks. Q. Sometime before? A. Just right before, yes. 89 Q. It still would have been 2011? A. Yes. Q. This shed, you say it was just unbolted from its 6 O. foundation? A. Yes. It was one of those filmsy steel sheds. 7 Q. Steel deal? A. Keal light. Q. How big was it? A. Real light. Q. You're talking 10 feet by 9? I mean, how big? 12 Do you recall? A. I would guess — and I don't know. They know what size it was. It was a bigger one. Probably 10 by 12. Q. That is an estimate, right? A. Yes. Q. And then did you say a group of people picked it up whole and put it onto a trailer? A. Yes. A. Yes. A. Wes. A. Yes. A. Yes. A. Yes. A. Yes. 	18		as they could get, and I happened to be free.	18	ø	(Interrupting) When you were there when you
A. Yes. I don't even know if it was a month. Maybe four weeks. Q. Sometime before? A. Just right before, yes. B. (Indicates affirmatively.) Q. Yes? A. Yes. Q. This shed, you say it was just unbolted from its foundation? A. Yes. It was one of those filmsy steel sheds. C. Steel deal? A. Weal light. C. How big was it? A. It was a big one. C. You're talking 10 feet by 9? I mean, how big? A. Iwould guess – and I don't know. They know what size it was a bigger one. Probably 10 by 12. C. That is an estimate, right? A. Iwould you say a group of people picked it up whole and put it onto a trailer? A. Yes. C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Was it placed on like a flatbed trailer or C. Yes. C. Ye	19	Ċ	Okay. So a month or two before this event there	9		were there to have this thing put onto your
A. Yes. I don't even know if it was a month. Maybe four weeks. 21 A. Q. Sometime before? 22 O. A. Just right before, yes. 89 Q. It still would have been 2011? 1 A. Yes. 89 Q. Yes? 4 A. A. Yes. 4 A. Q. Yes? 4 A. A. Yes. It was one of those filmsy steel sheds. 7 Q. Steel deal? 7 A. Yes. It was one of those filmsy steel sheds. 7 A. Yes. It was one of those filmsy steel sheds. 7 A. How big was it? 8 A. How big was it? 10 A. A. It was a big one. 11 O. Q. You're talking 10 feet by 9? I mean, how big? 12 O. Do you recall? A. Iwould guess – and I don't know. They know what size it was it was a bigger one. Probably 15 O. A. Iwould guess – and I don't know any of people picked if 19 O. 17 O. A. Yes. A. Yes. Q. That is an estimate, right? 19 O. A. Yes. Q. Was it placed on like a flatbed trailer or 20 O. A. Yes. A. Yes.	20		was a shed that was removed from the property?	20		trailer, who else was there besides you?
Q. Sometime before? 22 Q. A. Just right before, yes. 89 Q. It still would have been 2011? 1 A. Ves. 89 1 A. Yes. 4 A. Q. This shed, you say it was just unbolted from its foundation? 5 Q. A. Yes. It was one of those flimsy steel sheds. 7 Q. Steel deal? 7 A. Real light. 9 Q. Steel deal? 11 A. How big was it? 11 Q. You're talking 10 feet by 9? I mean, how big? 12 Do you recall? 11 A. It was a big one. 14 Q. You're talking 10 feet by 9? I mean, how big? 15 Do you recall? 11 A. It was a bigger one. 14 Q. That is an estimate, right? 15 A. Yes. Q. And then did you say a group of people picked if up whole and put it onto a trailer? 20 Q. Was it placed on like a flatbed trailer or 22 A. Yes. Q. Was it placed on like a flatbed trailer or 22 A. Yes. Q. Was it placed to like a flatbed trailer or 24	7	Ą	Yes. I don't even know if it was a month. Maybe	73	Ġ	David, Bill and Carol.
Q. Sometime before? 89 24 Q. A. Just right before, yes. 89 1 A. (Indicates affirmatively.) 2 2 Q. Yes? 4 A. A. Yes. 4 A. A. Yes. It was one of those filmsy steel sheds. 5 Q. Q. This shed, you say it was just unbolted from its foundation? 7 4 A. A. Yes. It was one of those filmsy steel sheds. 6 6 A. A. Feal light. Q. Steel deal? 7 10 A. A. How big was it? A. How big was it? 11 0. A. How big was it? A. It was a big one. 11 0. Q. You're talking 10 feet by 9? I mean, how big?? 12 0. Do you recall?? A. What size it was. It was a bigger one. Probably 14 Q. A. Yes. Q. That is an estimate, right? 17 Q. Q. And then did you say a group of people picked it up whole and put it onto a trailer? 22 A. A. Yes. Q. Was it placed on like a flatbed trailer or 22 A. A. Yes. 24 Q.	22		four weeks.	22	ø	So did all four of you then lift this thing up?
A. Just right before, yes. 89 24 Q. A. (Indicates affirmatively.) 2 4 A. Q. Yes? A. Yes. 4 A. A. Yes. It was one of those flimsy steel sheds. 5 Q. Q. Steel deal? 7 7 A. Weal light. 9 7 Q. Steel deal? 10 A. A. Real light. Q. Steel deal? 11 Q. Steel deal? 11 Q. A. Was a big one. 11 Q. Q. How big was it? A. It was a big one. Q. How big was it? A. It was a big one. Q. Though guess – and I don't know. They know 14 Q. A. What size it was. It was a bigger one. Probably 15 A. 10 by 12. Q. That is an estimate, right? 16 A. A. Yes. Q. And then did you say a group of people picked it up whole and put it onto a trailer? 22 A. Q. Was it placed on like a flatbed trailer or something? 22 A. A. Yes. Q. Q. Q. Q. A. Yes. Q. <	23	ø	Sometime before?	83	Ą	You need one on each comer.
A. (Indicates affirmatively.) A. (Indicates affirmatively.) A. Yes. A. Yes. A. Yes. It was one of those flimsy steel sheds. A. Yes. It was one of those flimsy steel sheds. A. Steel deal? A. Real light. A. How big was it? A. How big was it? A. How big was it? A. It was a big one. C. You're talking 10 feet by 9? I mean, how big? A. It was a big one. C. You're talking 10 feet by 9? I mean, how big? A. It was a big one. C. You're talking 10 feet by 9? I mean, how big? A. It would guess — and I don't know. They know A. Yes. A. What size it was. It was a bigger one. Probably A. Yes. C. And then did you say a group of people picked it B. A. Yes. C. And then did you say a group of people picked it B. A. Yes. C. Was it placed on like a flatbed trailer or S. A. Yes. C. Was it placed on like a flatbed trailer or S. A. Yes. C. Was it placed on like a flatbed trailer or S. A. Yes. C. Was it placed on like a flatbed trailer or C. A. Yes. C. Was it placed on like a flatbed trailer or C. A. Yes. C. Was it placed on like a flatbed trailer or C. A. Yes. C. C	24	₹	Just right before, yes.	24	ø	Okay. Besides helping them get the shed off the
 A. (Indicates affirmatively.) A. Yes? A. Yes? A. Yes. Q. This shed, you say it was just unbolted from its foundation? A. Yes. It was one of those flimsy steel sheds. Q. Steel deal? A. Real light. Q. How big was it? A. It was a big one. Q. You're talking 10 feet by 9? I mean, how big? Do you recall? A. Iwould guess – and I don't know. They know what size it was. It was a bigger one. Probably 15 A. Was it placed on like a flatbed trailer or something? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. 						91
 A. (Indicates affirmatively.) Q. Yes? A. Yes. Q. This shed, you say it was just unbolted from its foundation? A. Yes. It was one of those flimsy steel sheds. Q. Steel deal? A. Real light. Q. How big was it? A. Hwas a big one. Q. You're talking 10 feet by 9? I mean, how big? Q. You're talking 10 feet by 9? I mean, how big? A. I would guess – and I don't know. They know what size it was. It was a bigger one. Probably 15 A. I would guess – and i don't know. They know 14 Q. That is an estimate, right? A. Yes. Q. And then did you say a group of people picked if up whole and put it onto a trailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. A. Yes. A. Yes. A. Yes. A. Yes. 	*	ø		Υ-		property, do you recall any other work that you
 Q. Yes? A. Yes. Q. This shed, you say it was just unbolted from its foundation? A. Yes. It was one of those flimsy steel sheds. Q. Steel deal? A. Real light. Q. How big was it? A. It was a big one. Q. You're talking 10 feet by 9? I mean, how big? Do you recall? A. I would guess – and I don't know. They know the what size it was. It was a bigger one. Probably 16 A. I what size it was. It was a bigger one. Probably 16 A. I wo. Q. That is an estimate, right? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. A. Yes. 	7	Ą	(Indicates affirmatively.)	7		may have done or assistance you may have offered
 A. Yes. Q. This shed, you say it was just unbolted from its foundation? A. Yes. It was one of those filmsy steel sheds. Q. Steel deal? A. It was a big one. Q. How big was it? A. It was a big one. Q. You're talking 10 feet by 9? I mean, how big? Q. You're talking 10 feet by 9? I mean, how big? A. I would guess - and I don't know. They know A. I would guess - and I don't know. They know A. I would guess - and I don't know. They know A. Yes. Q. That is an estimate, right? A. Yes. Q. And then did you say a group of people picked if up whole and put it onto a trailer? Q. Was it placed on like a flatbed trailer or something? A. Yes. 	ო	ø	Yes?	ო		around the property prior to June 28 of 2011?
 Q. This shed, you say it was just unbolted from its foundation? A. Yes. It was one of those flimsy steel sheds. Q. Steel deal? A. How big was it? A. It was a big one. Q. You're talking 10 feet by 9? I mean, how big? A. It would guess - and I don't know. They know what size it was. It was a bigger one. Probably 15 A. Iwould guess - and I don't know. They know 14 Q. That is an estimate, right? A. Yes. Q. And then did you say a group of people picked if 19 up whole and put it onto a trailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. 	4	Ą	Yes.	4	Ä	Recently. That's about it.
 A. Yes. It was one of those flimsy steel sheds. Q. Steel deal? A. Real light. Q. How big was it? A. It was a big one. Q. You're talking 10 feet by 9? I mean, how big? Q. You're talking 10 feet by 9? I mean, how big? A. I would guess – and I don't know. They know that size it was. It was a bigger one. Probably 15 A. I would guess – and I don't know. They know that size it was. It was a bigger one. Probably 15 Q. That is an estimate, right? A. Yes. Q. And then did you say a group of people picked it up whole and put it onto a trailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. 	5	ø	This shed, you say it was just unbolted from its	ιΩ	ø	Did Mr. or Mrs. McGuire - I'm going to use them
 A. Yes. It was one of those flimsy steel sheds. Q. Steel deal? A. Real light. Q. How big was it? A. It was a big one. Q. You're talking 10 feet by 9? I mean, how big? A. I would guess – and I don't know. They know what size it was. It was a bigger one. Probably 15 A. I would guess – and I don't know. They know what size it was. It was a bigger one. Probably 15 A. Yes. Q. And then did you say a group of people picked if up whole and put it onto a frailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. A. Yes. A. Yes. A. Yes. A. Yes. 	9		foundation?	φ		in combination. If one or the other did
 Q. Steel deal? A. Real light. Q. How big was it? A. It was a big one. Q. You're talking 10 feet by 9? I mean, how big? A. I would guess – and I don't know. They know what size it was. It was a bigger one. Probably 15 Q. That is an estimate, right? A. Yes. Q. And then did you say a group of people picked it up whole and put it onto a frailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. 	7	ď	Yes. It was one of those flimsy steel sheds.	۲		something, tell me. But did either of the
 A. Real light. Q. How big was it? A. It was a big one. Q. You're talking 10 feet by 9? I mean, how big? A. Iwould guess – and I don't know. They know A. Iwould guess – and I don't know. They know A. Iwould guess – and I don't know. They know A. Iwould guess – and I don't know. They know A. Iwould guess – and I don't know. They know A. Yes. Q. And then did you say a group of people picked if up whole and put it onto a frailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. A. Yes. A. Yes. 	œ	ø	Steel deal?	∞		McGuires ever train you on how to use a chain
 Q. How big was it? A. It was a big one. Q. You're talking 10 feet by 9? I mean, how big? A. I would guess – and I don't know. They know what size it was. It was a bigger one. Probably 15 To by 12. Q. That is an estimate, right? A. Yes. Q. And then did you say a group of people picked if up whole and put it onto a frailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. A. Yes. A. Yes. A. Yes. A. Yes. A. Yes. 	ത	⋖	Real light	တ		saw?
 A. It was a big one. Q. You're talking 10 feet by 9? I mean, how big? A. Iwould guess – and I don't know. They know what size it was. It was a bigger one. Probably 15 10 by 12. Q. That is an estimate, right? A. Yes. Q. And then did you say a group of people picked it up whole and put it onto a frailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. 	9	Ġ	How big was it?	10	Ä	No,
 Q. You're talking 10 feet by 9? I mean, how big? Do you recall? A. Iwould guess – and I don't know. They know what size it was. It was a bigger one. Probably 10 by 12. Q. That is an estimate, right? A. Yes. Q. And then did you say a group of people picked it up whole and put it onto a trailer? Q. Was it placed on like a flatbed trailer or something? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. A. Yes. A. Yes. Q. Was it placed by 9? I mean, how big? A. Yes. A. Yes.	7	Ą.	It was a big one.	7	ď	Did either of the McGuires ever demonstrate how
A. I would guess – and I don't know. They know what size it was. It was a bigger one. Probably 15 10 by 12. Q. That is an estimate, right? A. Yes. Q. And then did you say a group of people picked if up whole and put it onto a trailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. A. Yes.	12	Ö	You're talking 10 feet by 9? I mean, how big?	72		to use a chain saw for you?
 A. Iwould guess – and I don't know. They know what size it was. It was a bigger one. Probably 15 10 by 12. Q. That is an estimate, right? A. Yes. Q. And then did you say a group of people picked it up whole and put it onto a trailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. 	13		Do you recall?	13	Ä	No.
what size if was. If was a bigger one. Probably 16 A. 10 by 12. Q. That is an estimate, right? A. Yes. Q. And then did you say a group of people picked it up whole and put it onto a trailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. A. Yes.	14	Ä	I would guess - and I don't know. They know	4	ø	Did you ever help Bill or Caroline cut trees down
 10 by 12. Q. That is an estimate, right? A. Yes. Q. And then did you say a group of people picked if up whole and put it onto a trailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. A. Yes. A. Yes. A. Yes. 	15			5		prior to June 28, 2011?
 Q. That is an estimate, right? A. Yes. Q. And then did you say a group of people picked if 19 up whole and put it onto a trailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. A. Yes. A. Yes. A. Yes. 	16		10 by 12.	16	Ą	Once.
 A. Yes. Q. And then did you say a group of people picked it up whole and put it onto a trailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. A. Yes. A. Yes. A. Yes. A. Yes. 	17	ø		17	Ö	And when was that?
 Q. And then did you say a group of people picked if up whole and put it onto a trailer? A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. A. Yes. A. Yes. 20 Q. Q. 21 A. 22 A. 23 A. A. Yes. A. Yes. 	8	Ą	Yes.	18	Ą.	Again, it was a few weeks prior. About the same
A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. A. Yes.	19	Ö		6		time we took the shed.
 A. Yes. Q. Was it placed on like a flatbed trailer or something? A. Yes. 	20			20	Ø	Okay. So there was another occasion where you
Q. Was it placed on like a flatbed trailer or something?A. Yes.	21	Ą.		21		were out there tending to trees?
23 A. Yes. 24 Q.	22	ġ	Was it placed on like a flatbed trailer or	22	Ą	No. Her son David called me and asked me if he
A. Yes.	23		something?	23	4	could borrow my chain saw.
	24	۲	Yes.	24	oj	Okay.

	į	92			96
۳.	Ą	And I brought it over.	۲	Ą	l got pop.
7	ø	So David called you for a chain saw?	2	ø	Pop. Were you expecting money?
က	Ą	Yes.	က	Ą	No. I wasn't there to do any work.
4	ď	And other than bringing it over, did you help	4	ď	And you don't have any insight as to the
2		David at all?	5		connection between David - strike that. You
9	Ą	I picked up some sticks on the ground. He did	9		don't have any insight as to the arrangement
_		all of the cutting except for I did cut one	7		between the McGuires and Mr. Gagnon on that day
∞.		thing, and it was when it was all done and	œ		when he was taking down the apple tree?
<u>ص</u>			ი	Ä	No.
9		it as close to the ground as possible, and that	9	ø	For all you know it could have been a favor for
₹=- ₹=-		was it. That's the only cutting I did.	F		his parents?
72	Ö	When you say you picked up some branches	12	Ą	Yes.
<u>5</u>	Ą.	(Interrupting) Yes.	3	ø	Or perhaps he was paid? We don't know? You
4	Ö	When you say picked up branches, what are you	4		don't know?
5		talking about? Bundles? A couple twigs?	Ŋ	ď	Right.
9	⋖	It was an apple tree. So they were small, and	16	ø	When you said that David was the one that took
17		David cut it. He cut the whole tree down, and	17		the tree down by himself that time, the apple
18		Bill and I were standing there talking, and we	18		tree
19		were taking them over to where they were their	19	Ą	(Interrupting) Yes.
20		garden area.	20	ä	- do you happen to know, prior to David setting
77	ä	So on this occasion David cut down the entire	21		out to do the tree, whether Mr. McGuire or
22		apple tree?	22		Mrs. McGuire gave him any instruction on how to
8	Ą	Yes.	23		use a chain saw?
24	ø	With the exception of that stump that you tidied	24	Ä	Not to my knowledge.
		93			96
~		up?	•	Ġ	Do you know if they were even out in the property
2	Ą	Right. About four inches of stump sticking up,	7		out in the yard when he was doing that work?
ო		yes.	က	Ą	Yes, they were.
4	ø	And the assistance that you gave, you helped get	4	ġ	They were there as he was cutting or afterward?
r)		that stump to a more presentable condition closer	S.	Ą	Both.
9		to the ground?	φ	Ö	You saw the McGuires present when David was using
7	Ä	Yes, I did.	7		the chain saw?
∞	Ö	And then you helped Bill move some of the	∞	Ä	Yes.
თ		branches to a different area on the property?	თ		MS. FREEMAN: Counsel, are we talking
9	Ä	They were already cut up, so yes.	9		about the apple tree?
#	ø	Were they tied in bundles, or did you	7		MR. BARCH: Yes, the apple tree.
12	Ą	(interrupting) They were just loose.	7	ø	And while you were there - I guess you were
5	ø	Loose. Did you just pick them up and carry them?	13		present, I take it, then, when the McGuires were
4	Ä	Yes.	4		on the property and David was using the chain saw
15	ø	Did you get paid by the McGuires?	15		to cut the apple tree apart?
16	Ą.	No.	9	Ä	Yes.
17	Ġ	Do you know if David was paid by the McGuires to	17	Ö	Do you recall over hearing or seeing Mr. McGuire
18		take down that tree?	8		or Mrs. McGuire instructing David on how to use
19	Ą	Which tree?	9		that chain saw while you were there?
20	Ö	The apple tree.	20	Ä	Not how to use the chain saw. Just what they
7	Ą.	I don't know.	7		wanted gone.
22	ø	Did you get any kind of remuneration or	Z	ď	So they were telling him which parts of the tree
23		consideration or gifts of any kind for helping	23		they wanted gone?
24		that day with your chain saw?	24	ď.	They wanted the whole tree gone.

Fisher Court Reporting Rockford, Illinois 815/226-9755

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	ď	So anything beyond that, saying take the whole		Ą	Right.
7		thing down?	2	Ö	You don't recall Mr. McGuire telling David how to
က	Ą	The two of them were bickering back and forth	60		use the chain saw, though? That didn't happen in
4		about all different things. They were talking	4		your presence?
2		about all different trees they wanted - I didn't	2	Ą	No.
9		keep up with	φ	Ö	Correct?
7	ø	(Interrupting) The two of them meaning Mr. and	7	Ą	Correct.
00		Mrs. McGuire?	00	ď	And you don't recall Mr. McGuire demonstrating
0	Ą	Yes. And her son. I didn't get into any of	თ		the chain saw for Mr. Gagnon that day either,
10		that. That is whatever they wanted to do.	9		correct?
7	ø	So there is some banter, bickering, whatever you	7	ď	No yes, that's correct.
12		want to call it, over which trees needed to come	12	ď	David was just using the chain sawin his
13		down?	6		presence? Is that how you recalled it?
4	Ą.	Right	4	Ą.	Yes.
ī	ø	Besides identifying the trees that they wanted	5	ġ	Now, you were going to say you do recall
0		either trimmed or removed, do you recall	16		something else that happened as we were asking
7		Mr. McGuire or Mrs. McGuire telling David how to	17		questions about it.
80		go about taking down the tree with the chain saw?	8	Ą.	You were asking about instruction, and Caroline
0	Ą	I think Bill and Dave talked about that a little	19		was worried because part of the tree was over the
8		bit, how they were going to do it.	20		house, and she was telling him to take it - they
-Ø	ď	Okay.	2		were talking about the way to take the tree down
22	Ŕ	I didn't have anything to do with it.	23		without any of it touching the house at all; and
23	Ċ	What did you overhear David saving to Bill or	23		they worked it out and did it, you know.
24	i	Bill saving to David with respect to the apple	24	ø	All right. So that is something that sticks out
		26			66
۲.		Coort	7		in your mind? There was a free nart of the
- (<		- (too is such the beams and there was a commen
7 (₹		Л t		there is over the house, and there was a concern obest domoning the beneal
י מי		remember Bill was complaining that it was	n •	<	about damagning the nouse ?
4		sticking up out of the ground, and I was putting	4 1	₹ (remember mat, yes.
ιΩ		the chain saw away in the case so I could take it	സ	oj.	And there was a discussion as to how to get the
ဖ		home, and I took it back out of the case and	ဖ		tree removed without hurting the house?
۲		said, "I'll take the four inches off for you,"	7	ď	Yes.
00		because David was already gone or he was in the	∞	ø	Was it successful? Did they do it?
თ		house doing something, and I just wanted to get	6	Ą.	Yes.
9		it done and head out of there. I didn't want to	6	ø	Did anybody get hurt, as far as you know, that
7		wait for him, so I did that. But as far as them	-		day with the chain saw?
7		instructing each other, they were mostly talking	12	ζ,	ÖZ
13		amongst each other.	5	Ö	And you had no connection to anyof the cutting
4	ø	What I'm driving at is you recall hearing them	4	,	that day, correct?
7		discuss/bicker over	15	Š	Other than picking up the sticks and cutting the
9	ď	(Interrupting) I do remember. I do remember.	9		stump, that was it.
17	ø	Hold on. You do recall hearing them bicker or	17	ď	That's right. I take it back. You did cut the
\$		discuss which trees needed to come down totally	8		stump closer to the ground?
19		or which ones needed to be trimmed? That is	19	Ą.	Yes.
20		something you recall them bickering about,	8	ø	But in terms of the work, David did the actual
24		сотест?	7		severing of the branches and cutting the limbs
52	Ä	Yes.	8		and things? You were not helping him do that?
23	ø	And you recall Mr. McGuire being dissatisfied	23	Ä	I was just taking the cut branches over to the
24		with the way the stump looked after David left?	24		pile where they were going to burn it or whatever

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	ď	they wanted to do with it	- (Ö	And so when you went to the McGuires' that day, I
		lette no to line 28 2011 then Did Mr or	7		
		ECT 80 to admic 20, 40 1 (arch: Did mi. 0)	T		take it you didn't bring anything with you?
		Mrs. McGuire ask you to come over?	n	ķ	Just my truck
	- ĕ	David did.	4	o	Just your truck?
	ö	So Mr. and Mrs. McGuire did not call you up and	r.	Ą.	Yes. And my dog.
		ask you to come over?	ဖ	Ö	Your dog did you say?
	-	No.	_	Ą	Yes.
	oj O	So your involvement started with a call from	ω	ø	Did you have a pickup truck?
		David?	0)	Ġ	Tahoe.
	Á.	Yes.	9	Ġ	What were you going to do - where were you going
		What do you recall him saying when he called you?	<u></u>		to put the wood if you did take some?
12	Ą	He said he was taking down another tree for his	12	Ą	I was going to go back home and get a trailer.
13		mom. And I said, "Do you need the chain saw?"	13	ø	You weren't even sure you were taking wood at
4	-	And he said, "No." And I was like "Oh." He	4		that point?
15	••	said, "Do you want the wood?" "Well, I'll come	رن ت	Ą	Yes, exactly.
16	-	over and see what you got." Because he was	16	ø	You went out there in your personal vehicle with
17		trying to explain to me which tree it was, but I	17		your dog?
18	-	wasn't sure. So I said, you know, "I can come	18	ď	Yes.
19	-	over and take a look in the morning"	9	Ġ	At that point you were not planning to assist
20 (o o	I forgot to ask you. Did you take any of the	20		him; just to check the wood to see if you wanted
21	•	wood that was cut down of the apple tree wood?	7		1,17
22		No.	23	Ą.	Сопест.
) 	ö	Okay. So you agreed to come over and take a look	33	ġ	On arrival who was there?
24		at the wood that was being I guess the tree	24	A.	David, his mom Caroline, Bill. And at some point
		101	18-70-c		103
	-	wood that was strike that the remains of	τ-		in there his sister showed up.
2	_	the tree that was being taken down on June 28?	7	ø	Bill's sister?
3	٠ ۲	Right	ო	Ą.	No, David's sister Diane. She was there. I
4	o o	And heading over there was it your plan or did	4		don't remember when she came and went. She was
s.		you anticipate helping him?	ις.		there.
9	Ą	Not with – he said he had a chain saw, and he	φ	ø	And on arrival are they all in the house, or is
7		does it all himself. So I anticipated just			the cutting ongoing and they are all outside?
ю -		getting the wood, you know, if I wanted it.	∞		What do you recall?
о С	Ö	Okay. And prior to arriving at the property did	o	Ÿ	David was - he came walking around the side of
2		you call the McGuires?	9		the house as I pulled up – they must have seen
	ď	I don't think so, no – you know what, I –	<u>-</u>		me and said, "Hey, how's it going," you know,
12		strike that. I don't remember if I called to	12		and I said, "Morning." He wanted to show me what
5		make sure he was there before I left in the	13		he had.
4		morning or not. I don't remember. I may have.	4	ø	So you went around back and looked?
5	Ö	So he called you not on the day of, but some	15	Ą	Yes.
16		other point to alert you he would be there on	16	Ġ	How much of the tree was down at this point?
17		that day?	17	Ą.	None.
92		Yes.	18	ø	What kind of tree was it?
19	Ö	So you may have checked just to see if he was	19	ď	Pine,
20		there?	20	ġ	We're talking like a Christmas tree type, or the
21		Yes,	7		big one with all the ugly branches?
8	ø	Do you recall that being the case, or it's just a	22	Ą	They all have big ugly branches. It was the
23		possibility?	23		Christmas free fype.
24	Ą.	If's a possibility.	24	ø	How tall was this thing?

Fisher Court Reporting Rockford, Illinois 815/226-9755

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۴	Ą	We all guessed at that 1 think around 60 feet	····	Ą	(Interrupting) They bicker like cats and dogs.
7	ď	And that's an estimate, correct?	N	Ö	You have used that phrase "bicker." When you say
<u>س</u>	Ą		ო		bicker
4	ø	None of it had been trimmed up at that point?	4	Ą.	(Interrupting) Discuss.
IO.	Ą	Сопест	40	ø	Was she telling him she wanted certain trees down
9	ø	All right. And now you and David are back there	9		and he did not want to take those down or
		looking at it, correct?	7	Ä	(Interrupting) Yes.
∞	Ą	Bill came out. Carol came out. They were all	00	ď	- he wanted some down that she did not want
o O		out there.	<u>б</u>		down?
10	ď	That is what I was going to ask next. Who else	9	Ą	Both ways.
11		was back there with you when you were looking at	Ξ	ø	Okay. So other than identifying which additional
7		it before the work started?	12		trees had to be trimmed or cut down versus, you
5	Ą	Everybody.	5		know, left alone, do you recall any other
4	ø	Okay. And at some point the cutting began?	4		discussion between David and Caroline prior to
15	Ä	Yes.	15		him undertaking the effort to actually cut
16	ø	All right. Between the time you arrived and you	16		things?
17		went back with David to look at the tree - and I	17	Ą	She was telling him about she the putting oil
9		think you said Bill and Carol were there, too?	18		in the chain saw. And he was like "I know. I
19	Ą	Uh-huh.	19		know, Mom," you know. Because it was brand-new.
20	Ġ	Yes?	20		They had just bought it. It was all little
2	Ą	Yes.	7		things. And a lot of the discussion didn't have
22	ø	Between that point in time and the time the tree	22		anything to do with the tree. We're talking
23		cutting actually started what discussions do you	33		about other things like other kids in the family
24		recall about this project?	24		and – you know.
		105	<u> </u>		107
·	⋖	They showed me the new chain saw they bought	_	Ö	When David explained his plan for taking down the
7	ď	Okay.	7		tree, you heard part of that?
60	ď	After that I was joking around with Bill a little	ო	Ą	Yes.
4			4	ø	Okay. Do you recall Caroline disagreeing with
5		a lot of talking about his vacation. We talked	5		him about how to go about taking down that tree?
9		about that all day.	9	Ą	Not too much, no.
	ø	Okay.	7	ø	What about Bill?
∞	Ą	I was playing with the dog. Carol loves my dog.	- σ	Ą	Bill just stood Bill wanted to make sure it
ග		Just simple pleasantries. Nothing - it wasn't	6		wouldn't hit the pool or the garage. Same thing
9		really about the work.	9		with Caroline. They did not want any damage to
7	Ö	Do you recall any discussion about the work			their property other than it falling on the
7		between the time you went behind the house to	12		grass.
13		look at the tree and the time David started work	13	Ċ	That would seem to be any property owner's
4		on the tree?	4.		concern is that they didn't get other damage.
5	Ą	David was talking about the work that he was	15	Ä	Sure.
16		going to do, where he was going to drop it, how	16	ø	But in terms of how to go about doing that, other
17		he was going to take it down. He was telling	17		than alerting Mr. Gagnon that they did not want
∞		Bill and Carol how he was going to do this.	18		the house hurt or the pool damaged or anything
19	ø	Do you recall during that process Caroline	19		like that, do you recall any comments from either
20		McGuire trying to override any decision that	20		Mr. McGuire or Mrs. McGuire as to how to go about
21		David had?	7		doing that, or was that a decision that - or a
22	Ä	Yes. But not about that tree. About other	8		plan that Paul I'm sorry Mr. Gagnon came up
23		frees.	23		with, from your vantage point?
24	oʻ	Okay. Well, what do you recall Caroline's -	24	خ	He came up with it. He said what he was going to

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· `		108		•	110
- c	C	do, and ne did.	T (₹ (No.
· ·		Oray. In terms of discussions then leading, I	N (ġ	At what point between the time they started
<u>.</u>		guess, ironi trie time you got benind the house to	n		cutting to the point where you were hurt did they
4		the point in time where David started working on	4		leave?
r.		the tree – and specifically I'm talking about		₹	Well, Bill was in and out of the house getting
9		conversations you overheard with the McGuires and	ဖ		things to drink and whatnot and talking to
<u>~</u>		Mr. Gagnon – there was concern about not	_		Caroline. I don't know when he disappeared that
φ		damaging the house or pool?	ω ·		last time. But Dave's sister was in the pool,
0	Ą.	Uh-huh.	o		and she disappeared, too. I think she went home.
10	Ö	And there was also discussion over which tree	19		I don't know what happened to her. But, yes, it
		should be cut and which tree should not be cut -			was he was in and out, you know.
12	Ą	(Interrupting) Uh-huh.	12	ø	Okay. Why don't you tell me about the work you
5	Ö	 correct? And then you remember them talking 	13		saw David do between the time he started it and
4		about the chain saw being new and Mrs. McGuire	14		the time you actually started helping him with
5		concerned about making sure there is oil in it?	5		any aspect of it.
76	Ą	Yes.	16	Ą	He was taking off the lower branches of the pine
17	Ö	Anything else you can recall?	17		tree.
78	Ą	That's about it. I'm sure there were other	18	ø	Okay. So you're just standing there watching
9		things.	19		this?
20	Ö	Did David consult with you about how to get the	20	Ŕ	Oh, yes.
77		tree down?	7	Ö	And so the first task that you saw him undertake.
22	Ą.	Not much. He asked me how tall I thought it was.	22		he was using the chain saw to cut some of the
23		But he knew how to measure out pacing or	23		lower branches off of this nine tree?
24		something, some trigonometry thing. He flaured	24	Ä	VAS.
		100			
		South how tall it was	7	C	TIT
٠,	C	So I moon alid it appropriate von that he leaded	- (<i>•</i> (And unat was iron the ground level?
	ý	So, Hileall, aid it appear to you mat ne tooked	77	₹ (Pretty much the first lower branches, you know.
· ·	•	ine the knew what he was doing?		;	Okay.
4 1	₹ (On, yes.	4	Ą.	And then he worked his way up, you know.
د	j,	You say you saw him actually measuring things?	ۍ	ġ	Got you. How far along with the cutting process
9	ď.	Yes.	ω		was he before you did anything to assist him?
7	ø	Like just walking it off in feet, or did he have	7	Ä	He was pretty high in the tree. Probably 25
∞		a tape measure out there?	∞		well, 20 feet. I'm getting - his chain saw died
თ	Ą.	No. He paced it off. He was estimating the	တ		on him. He had a rope. And he lowered it down,
9		height of the tree from where it would fall.	9		and he asked for me or Bill to restart it for
-	Ö	Okay. Any other preparations that you observed	7		him, and I restarted it. And then he raised it
12		him undertake before he actually began cutting?	72		back up in the tree and pulled it back up there
<u>5</u>	Ä	Preparations? Getting the chain saw ready. He	13		and then just kept going.
4		ate breakfast in between. He's the kind of guy	4	ø	Okay. And so how is he getting up the tree?
15		that would work for 10 minutes and then take a	15	Ą	He's climbing.
9		20-minute break and work for 10, you know.	9	Ġ	He's climbing the tree?
17	Ö	Okay. So at some point the chain saw gets fired	17	Ą	Yes.
<u>e</u>		up, I take it?	9	Ö	Does he have little spikes on his shoes?
<u>ი</u>	Ä	Yes.	19	ď.	I didn't see spikes, no.
20	ø	And are the McGuires still out in the yard?	20	ď	So is he cutting the branch and using the stump
21	ď	I believe so.	7		as a step?
72	ø	From the Interrogatory answers it looks to me	23	Ä	Yes. He had some sort of belt he had wrapped
23		like they were not present in the area when you	23		around the tree. I have never done anything like
24		actually got hurt?	24		that, so i that's not I have not that

Fisher Court Reporting
Rockford, Illinois
815/226-9755

30 of 63 sheets

		112	200		114
-		skilled.	~		for me. I'll pull it back up."
7	ø	You have never cut a tree down the size of this	N	ø	You believe it stalled, and he lowered it down to
ო		one?	ო		have somebody else start it?
4	⋖	No.	4	Ą	Yes.
(O	Ö	And you have never used any straps or belts or	G.	ø	Did you recall him saying, "It's too dangerous to
ဖ		hamesses to ascend the tree?	9		start up here on my own"? Is it just something
_	Ä	I wouldn't climb into a tree like that, no.	7		you assumed?
∞	o	Now, I mean, you're watching him do it?	∞	Ą	I assumed it. I would think it would be too
O	Ą	It looks scary.	Ò		dangerous.
0	ø	You're watching him do this?	10	ø	So you did restart it?
,	⋖	Yes.	<u> </u>	₹	Yes.
7	ø	How many branches do you think he cut, I mean, up	12	ø	And so when it goes up on the rope, it's running,
<u>د</u>		to this point where	13		but the blade is not furning, obviously?
4	4	(Interrupting) There was a lot of branches. I	7.	Ą	Correct.
<u>ت</u>		mean, I was surprised how many branches are on a	15	Ġ	You have to use the trigger to get the chain to
16		pine free. So I can't guess the number, but	16		move?
17		there was a lot.	17	Ą	Correct
00	c	And he's got some kind of a strap holding him to	3	C	And I presume the rope is not aging through the
ō	i	the tree and he's using his feet as support?	0	ł	frioner area?
2 6	<	Standing on the etime that he had out for it	, ,	<	No see and the see
7 6	č		2 5	(C	There is a
	(4 (į.	
	oj.	And and then the chain saw is attached to a rope	22	ď,	(Interrupting) It's tied around the bar.
		me sort?	g	ø	Got you. So it gets back up to him. Does he
24	∢	Yes. He had tied a rope around the handle of the	24		continue on with the cutting?
.,		(, , , , , , , , , , , , , , , , , , , 	284×26		115
-		chain saw and had it up in the tree with him.	~	Ä	Yes.
N	ď	And is Mr. McGuire out there for this?	7	ø	And what is the next involvement of any sort that
n	⋖	Yes,	ო		you had?
4	ø	Mrs. McGuire, too?	4	ď	Bill wanted to get some of the sticks that he was
2	⋖	At times.	5		cutting down off the ground and into a pile so he
9	ø	Are they doing anything other than watching him?	9		started doing that. And then my dog went and
7	٥	Bill was talking to me. He really liked his	7		drabbed some sticks because he sees sticks, vou
00	 -	vacation, and he was he had story after story.	- 00		know. So I went over and I was helping Bill out
თ	Ö	So he's really kind of a spectator more than	ග		the sticks into a pile next to the garden. They
10	į	amything, and he's having conversations with vol.?	9		were just faving on the ground. We were standing
: :	Ą	Both of us were ves.	7		there doing nothing.
12	Ø	He's not directly assisting David up there in the	12	Ġ	Okay. So you were basically just helping Bill
6		tree?	5		move some of the debris over into a pile?
7	Ŕ	Bill did yes, exactly.	4	Ŕ	Yes.
5	Ö	Did Bill ever climb the tree?	15	Ö	The smaller stuff?
16	Ą	No.	16	Ä	Well, the long
17	O	All right. So he's about 20 to 25 feet up when	17	ø	(Interrupting) The limbs?
<u>∞</u>			18	Ą	Yes,
9	Ą	I think it just died.	⊕ ⊕	ø	And what was the plan for those, if you know?
20	ø	It died. He needed somebody else to start it?	20		Were they going to be chipped up?
21	۷	(Indicates affirmatively.)	21	Ä	Well, Bill wanted to burn then. In fact, he
22	ø	He didn't try to start it himself up in the tree?	22		started a fire and was burning them.
23	Ą.	No. He said it was dangerous. He said, "I'm	23	Ö	Okay.
24		going to lower it down to the ground. Start it	24	Ä	And somewhere along the way David wanted to save

Fisher Court Reporting Rockford, Illinois 815/226-9755

31 of 63 sheets

			116			118
	<u> </u>		them.	<u>_</u>	ø	For a good portion of time?
-		ď	All right. So all you're doing is taking the	2	Ŕ	Yes.
	<u>ო</u>		stuff that has fallen off the tree and dragging	ო	ď	At some point Bill started dragging these
	4		it into a separate area at this point?	4		branches to a different area, and you lent a
-		Ą.	Yes.	, C)		hand?
	ω		All right. And did Bill ask you to help, or you	ဖ	Ą	Yes.
	<u></u>		were just there and you decided to help him?	7	ø	You didn't do that anticipating any payment of
	ω		I just decided to help him.	Ø		any sort, correct?
	0	oʻ	Did you at that point discuss, you know, payment	0	Ą	Correct.
	10	_	for doing this?	9	ø	And then how long does this go on where you're
			No.	<u></u>		moving branches?
	12	ď	Did you consider yourself doing him a favor by	7	Ą	Well, some time. David, he took some good long
			just helping?	5		breaks. So a few hours. At least a couple. I
	14		Yes.	14		mean, we weren't moving branches for two hours.
	5	Ö	Was it your plan to maybe - had you decided at	5		You move them for two minutes and you're done for
inder.	16		that point to take any of the wood as firewood?	16		20 minutes, you know.
	17		No. I told him I didn't want it.	17	ø	Until there is some more down?
	18		None of it?	8	Ą	Yes.
	19	Ą	None of it. It's pine.	19	ø	Because you're not standing under there as they
	20	ø	Even the trunk of it once it was done?	20		are dropping down?
	7	∢	None of it is any good for burning in a	2	Ą	Right
	22		fireplace.	22	ø	So it's off and on for a couple of hours vou're
	23	ø	So once you got back there and saw it was going	23		moving these branches?
	24		to be a pine tree coming down, you knew you	24	Ą	Yes.
			117			119
1 	_		weren't going to be taking advantage of any of	~	ġ	At some point does David get the whole – the
	<u>α</u>		the wood?	7		
. T. S. C. C.	ო	Ą	Сопест	n		smaller branches are gone?
	4	ø	It wasn't your chain saw, correct?	4	Ą	He got it pretty far up. And when he came down,
	D.	Ą	Right	ۍ		he looked pretty scared. I was like "I wouldn't
	9		What purpose other than talking to Bill did you	ဖ		want to do that. I have to give it to you
	_		have for staying?	7		because I wouldn't climb up like that."
	00	Ą	Well, Carol talked to me about it was just	∞	Ö	Did he aet all the way to the top, very top of
	О		social. Carol was talking about old people that	<u>ග</u>	į.	that 50 or 60 feet high?
	10		worked at Intermatic. Bill was telling me about	0	Ą	No. no.
	-		his vacation. And it was just talk, you know. I	<u></u>	ď	So at some point he comes down, and there is
	12		didn't plan on staying that long at all, but they	12		still some of the triangular part of the tree
	5		just keep talking. I didn't have anything else	13		with the branches?
	4		to do that day, so I just	44	Ą	Yes. There was a good better than a third of
	15	Ö	What day of the week was it?	15		it, maybe a little more, left.
	9		i don't recall offhand.	16	ď	So roughly two-thirds of it is free of the limbs?
	17	Ö	Was it a weekend?	17	ď	Between a half and two-thirds, yes. Somewhere in
	₩	Ä	No, it was not a weekend.	18		there.
	<u>+</u>		All right. So you decided you weren't going to	19	ø	And then he comes down. Is that when he falls
	20		take any wood, and it was really by you were	Q.		the tree?
	7		kind of hanging out socializing with the	ý.	Ä	No.
	22		McGuires, if I'm understanding what you're	2	ď	Did he ever cut the tree and see it fall over?
	23		saying?	<u></u>	Ą (No.
M-SASS-SO	74 74	ď	Yes.	24	عٰ ا	Did you get injured before that happened?
water.	****		i	Ġ	4	

Fisher Court Reporting Rockford, Illinois 815/226-9755

Paul Dulberg

		120			122
•			_		like that, no.
• • •	2	 So he comes off of the tree having cut down half 	7		MS. FREEMAN: Just answer the question.
17	က	to two-thirds of the limbs?	က	Ą	No.
	•	A. Un-huh.	4	ø	All right. So now David needed some help with
5		D. Right?	τ,		something. What was it, as you recall? What did
		A. Un-huh.	9		he need help with?
<u>~</u>		Q. Is that a yes?	7	Ą	He had accumulated a very large pile of, you
w.	8	A. Yes.	80		know, the long pine branches. He asked if I
.,	ර	 All right. And then during that period of time 	တ		could help him for a few minutes. I said sure,
9	_	while he was up there, that is when you and Bill	9		He says, "I need you to hold these while I cut
=	-	were dragging some of these branches over to a	7.		off the things on them." And he showed me what
72	VI	different area?	12		he wanted, showed me where to stand. And I said,
رن	·	A. Yes.	13		"Yeah, I can do that," you know. And - yes.
4		 And at what point is it that you're involved in 	4	ø	All right. So I guess from what I envision,
15		any activity which resulted in your injury?	15		he's cut all of these limbs off of that pine
16		A. When David came down, he took a good long break.	16		tree. Now there is a big pile of them; one you
17		He was tired. He was climbing the tree. He was	17		guys weren't able to move, you and Bill?
29	m	tired. I think he ate something for lunch. I	18	ď	He had anotherpile from the tree right next to
9	œ	was offered a pop. You know, I sat there and	19		it, yes.
20	_	drank a pop, was playing with my dog. After	20	ø	And what was he going to do? Trim some of the
77		lunch Dave went back over there to do some more	7		smaller branches off the limbs?
22	<u>ر</u> .	work. He started trimming on the tree next to	22	Ą	That's what he wanted to do. He wanted to save
23	~	it. Wasn't even the same tree. Same thing,	33		the center part for firewood or something like
24		taking off the lower branches. And it was when	24		that for campfires or something. I don't know.
		121			123
<u> </u>	_	he was doing that, when he was done with trimming	Υ-	Ö	So by cleaning off the smaller branches, then
N	٥.	that tree, that is when he asked me to come over	7		there would be some logs that could be cut up
ന	~	and hold something for him.	ო		that would be suitable for firewood?
4		 O. So after funch he stopped working on the tree 	4	Ą	Correct.
ζ.		that you saw him work on all morning, correct?	ı,	ø	Did you and he actually — did he tell you what
ဖ			9		his plan was or what he was going to do?
	_	 Q. And started working on an adjacent tree? 	۲.	Ą.	He told me exactly what to do. He knew what he
∞		A. Un-huh.	∞		was doing You-know, seemed that way to me.
<u>თ</u>		 Q. He was at ground level again just cutting off 	<u>ი</u>	Ö	And he told you what he wanted you to do?
9	_	branches?	5	Ą.	Yes.
=			-	ö	And what did he tell you to do?
12		 Q. That was the first time he directly asked you for 	12	Ą.	Took the branch pull it over here so it's away
73		help?	13		from the rest of them. Hold the one end up, and
4	•	A. Yes well, other than start the chain saw	4		he would cut the smaller stuff off the other end.
5			5		And when that was done, put it down, grab the
16	-	 Q. Yes. So up until that point in time I take it 	16		next one, put it up and - you know, yes?
17		you had not offered David any thoughts about how	17	ö	So I'm understanding, you're taking a limb that
~	••	to proceed with the tree trimming, whatever he	9		had been cut off the tree, you're holding it
49	~	was doing? You're just watching?	5		upright?
20		A. Yes.	20	Ä	No
21		Q. You didn't offer him any comments on how to do	21	Ġ	No?
22	۸.	this, the way he was going about getting this	23	Ą.	Can I do I don't know how it translates.
23			23	Ö	We'll explain it on record. But if that straw
24		A. I have never seen it done, that big of a tree	24		will help you orient us as to what you were
		•			

126	That's what he wanted those for is to cut it in	smaller pieces	. K 105		then we list stated taking the other ones, the longer things off. He dictated what he wanted	Some of them he wanted - you know, he wanted to	See what he could get out of it ares. All-archt. So the first counts you trimmed the	branches in and then cit them into smaller to	immediately?	A.C.	Did you hold the longer limb as he cut it into	100	set up two logs and was able to set it on there		So you didn't hold the log as he was trimming them into smaller pieces?	The middle part, no. I was there when he took	off the little peces.	and then immediately made them into logs?	Y.,	And then after a while he decided he was going to	THE ALL THE THE THE TOTAL WELL THERE TO THE TOTAL THE TO		And you were doing it with a couple of dozen of	Test of the good of the second	All right. So he told you how he wanted - he	basically told you he wanted you to hold the	(Inferrupting) Yes	= while he trimined those up?	(8.5) (7.4) Jilly Too Wall View Was also as the contraction of the con	Stand there and hold in the one end?	When they were done they had to be put over here	and then grab a new one, you know, bring it over	to this spot so he could start again.	He would stay there, and you would drag the log	to a pile and then drag a new branch over?	Prior to undertaking this trimming did he offer you any instructions beyond "Here, hold this?"? Did he say, "Keep your hands free. Stay away"?
	1. Ą.	7	ω Q	4 A	റ ഗ	۷ -	o o) }	- = =	12 A.	ο Ο	ζ. •			യ യ	. A	<u>-</u> ر			Q,	u m	4 A.	ro «	7	o o	o (2 Q	ε ×		. A			O O	,	2 & 4 Q
46			A					·		_	5 3	<u> </u>	16	17	<u>ත</u> දා	20	7 2	3 8 7	4	******					عالم. السا	O (5 5	<u> </u>	. 6	7	<u>~</u>	19	2 2	2 2 2
124		Tis.		of #	e way	· fo	s.			.00			closer		b _a	0	် ရာ (၁)	ت جانت تا	125	ø		<i>ر.</i>	Mayrhy	ii. iikaya d	low, it						h this	Φ	7			· · · · · · · · · · · · · · · · · · ·
	doing —	(Interrupting) The branch would be like this		All right. So the heavier — the thicker part of	we brand is aying on the ground? Actually, the thinner part was. That is the way.	he wanted it i	Yes.	The long-part of it?	S.O.	And he's trimming off the smaller branches?		Nes.	Does he start at the end and work his way o	0.001	And how long are these limbs?	They re pretty long. I would only be able to	guess. I would have to say 20 feet. Pretty big.	Know. Know. Clear So how many of these things do you think		you were able to accomplish before you were initional?	We did quite a few.	And are you able to quantify that in any way?	More than one, obviously?	a little more. We did it you know, we did	that for about I would say a good - you know, it	was a while. I don't know exactly. I didn't	a h	Yes,	All right.	(Internution) A dozen? At least a comple of	dozen of these things you have gone through this	process trimming all these branches off in the	way he told you to do it, you hold the end and	he's going to work his way up?	Right. **Once all of those little branches are off	There—is it kind of a longer log? Yes. Did he then cut that into smaller pieces?
		A. (Interrupting) The branch would be like t			A. Actually the trimer part was. That is the	139	A. Yes.	9UN .	Yes.	rn.		Yes			Wolong are these limbs?		guess. I would have to say 20 feet. Pretty	Know. Know. Know. College So how many of these things do you	chay.		A. We did quite a few.		More than one, obviously? A Yes More than a few Maybe a few doze		that for about I would say a good you kn	was a while. I don't know exactly. I didn't	Q. Are we talking a half hour or more?		Q. All right.			process trimming all these branches off in th	way he told you to do it, you hold the end an		A. Right. Q. **Once all of those little branches are off	there—is it kind of a longer log? A. Yes. Q. Did he then cut that into smaller pieces?

1 A. He said, "Stand here. Hold it here and don't fight." 2 C. Stocher than telling you where to stand and low to hold it and not left soin, did he gote you." So where than telling you where to stand and low to hold it and not left soin, did he gote you." So where than telling you where to stand and low to hold it and not left soin, did he gote you." So where the standard low to hold it and not left soin, did he gote you." So where the standard low to hold it and not left soin. The you'd standard left. Weep you'r anything. 4 A. West amough away from a safety standooinfe left was far enough away from me it wasn't. 5 A. West amough away from me it wasn't. 6 So up I'm life you were actually in the feet and the was far enough away from me it wasn't. 7 A. Kest. 7 A. Kest. 8 A. In right. And during this 20 or 24 more limbs that you guys trimmed up before you were hurt, was M. McGuire or four feet, maybe five feet. 8 A. In right. And during this 20 or 24 more limbs that you guys trimmed up before you were hurt, was M. McGuire or flour feet, maybe five soil wasn't le paying attention at that you guys trimmed up before you were hurt, was fur. McGuire or there is somewhere in there. There was a good chunkon was Mr. McGuire or the was working, so I wasn't have men't was didn't have anything on them, you was wr. Was working, so I wasn't have men't was doing. I stopped paying attention to what I was doing. I stopped paying attention to what I was doing. I stopped paying attention to what I was doing. I stopped paying attention to when were you were there or not during the timming part you're not sure? 9 A. Yes. 10 A. Yes. 11 A. Yes. 12 A. Yes. 13 A. No. 14 A. No. 15 A. No. 16 A. No. 17 A. No. 18 A. No. 19 A. No. 19 A. No. 10 A. No. 11 A. No. 12 A. No. 13 A. No.		130 That phase of the job?	2 A. No. 7 3 Q. Did vou at that point believe you were taking 7	5 A. Yes.			9 the McGuires at that point?	10 A. They didn't say much.	ż	off the limbs, I take it Mr. McGuire wasn't there	ı	15 A. No. We were — it was getting into the afternoon 16 after — like after lunch and I think he was		_	Ġ	2) A. Yes, Iremember Mr. McGnire saving that he		23 save them. 24 O And at no time that day did you run the chain		Saw?		4 A. (Interrupting) No.	_	6 A. No. 7 Q. All right. Why don't you get to we have got	to the dozen or two dozen or so of these limbs		10 recall, what happened.	ġ		Ä	 And then what happened? A. He walked towards me, and the chain saw camerup. 	2/4 ·	18 DUT	19 Q. Were you guys actually working on trimming a limb	20 arthat-point?	ίď	23 A. Yes.
	ļ									48.4b =		e de la																	4.00							7	
	***	He said, "Stand here. Hold it here and dont.	move. He said don't allow it to move because it would roll, you'know, so you had to hold it	So other than telling you where to stand and how	to hold it and not let it spin, did he give your anywardings that were safety-priented like "Keen	your hands free. When I get close to you, keep	your hands to you," anything –	(Interrupting) No 3	You gothur, ald anything about that task	concern you from a safety standpoint?	He was far enough away from me it wasn'ts	So up until you were actually fruit he kept a certain amount of distance away from voi ?	Yes	How close was the nearest he got to you prior to	when you got hung	mayor tures of rout reet, maybe more reet.	those branches that were next to the trunk that	dion't have anything on them, you know. They dion't have the growth. The growth was out in	129	The ends.	that you guys trimmed up before you were hurt,	was Mr. McGuire out there?	Yes wait a minute. I was working, so I wasn't	paying attention at that point. I was nelping hold the limb. You know, I was paying attention	to what I was doing. I stopped paying attention	to Bill and Carol, so I don't know where they	were. You know, I know they were coming in and	Okay. So whether they were there or not during	the trimming part you're not sure?	Yes.	It could be? Maybe not? Yes.	That being the case, I take it you don't recall	either one of the McGuires intervening, saying,	"Hey, that doesn't look safe," or "Be careful,"	nythin	NO. And your ecall Mr. Gagnon telling you where to	stand and how to hold the branches. Did either

0	4.0	My right.	- 0	0 <	Before you got hit with the saw?
. w		the air?	7 m	તં છે	And take it unlike the other branches, there
4 ro	⋖		4 u		may have been a branch closer than the four to
9	ď		ာ ဟ	Ą	No. He stopped cutting the limb, chain saw went
∠ ⊗		clarified. The limbs that we're talking about what was the diameter on average?	⊳ α		down-went to idle. You know, he walked toward
თ			o		like next instruction, what to do, okay, and 1
19		Yes	10		don't know what he was thinking or what he was
	∢ .	Maybe – I don't know what you consider that	,		doing or what, but the chain saw started comming
4 6	_	good as mine	7 5	4 :	up, and the gas Went on, and I tried getting the hell out of the way and - yes.
4	ď.	Okay. Welf. its certainly not the full width of	4	ď	Softwasht during a cutting process that you
15			45		were hurra
1 9	∢ (₹ (Yes, you're right
<u> </u>)	He disengaged from trimming the branch, if I'm;
<u> </u>	⋖	Coffee cup there, yes	0 0	,	understanding your resumony, and the chain weat into an ide bostion?
29	Ø		20	Α.	The motor went to idle
72		Xes	21	ġ	And the chain is not even moving, and he's
52		_ `	22		holding it down to his side?
33		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		≮ (Both hands
47	3	And men you were strong enough, and at le	24	9	With both hands. But the chain is not moving?
·····		133	,	<	135
- ^		watch than the manny enough to hold it	- c	⋠∊	Yes
l W	4	Right, here (indicating)	۷ %	j j	And the customers are gap between you and min in ferms of space?
4	Ø	Right	4	Ą	Right
2			သ	ö	And you were still holding the branch at this
ω 1		And you're right hand dominant?	ဖ	1 /** /	
~ α	¢ C	•	\	₫ (Yes.
, o	ď		ο σ	غ ک	When I heard the chair saw the motor ened in
9	Ø		5	!	and I saw with my eyes it start to come up.
<u>ب</u>		and the rest of it would stretch out towards	7	£11	dropped the branch, tried to get the heck out of
7 5	<	15 7,50	7 5		there because it's coming up between me and the
	(Tienna)	5 ,		oranch: What the tuck are you thinking?" 3
4 fc	C	And then von say Mr. — you described it as	4 t		don't know how to say you know, I screamed:
9 9	\$		2 9		he saw coming off the branch. I don't know
17		and then you just got cut. Can you elaborate on		Ö	Okay.
∞		tle bit? He didn't just — you were	18		MS. FREEMAN: Wait for a question.
0 0		actually—he was actually working on frimming a		o	So you're holding the branch with your right hand
2 2	⋖	The praise, correct?	7 8		just like you had done on the two dozen or more a
23	Ø	And so I take it he was frimming, getting closer	8		and stops frimming, correct?
23	<	and closer to you?		4 (Yes. He was done.
24	∀	Before at yes.	24	oj	And then he —

I had no idea and I went link panic mode All right. And so I think you said you had released the branch before the saw came in contact with your arm? (Indicates affirmatively.) Is that right? Fee And did you turn your book? Un-hun, Describe for me this point in time where you see this blade coming up with the saw moving and all for a studien or me this point where you see this blade coming up with the saw blade and out and arm is hit What did you do? Ilet go of the branch, and I tried bringing my arm up and away from the saw blade and out and around to get away. It was coming right up, you yet fraway last enough? All right. So you tried to get your arm out of the way. The blade is coming up, but you didn't get it away last enough? And then at this point where your arm is actually injured, do you believe that either one of the mann. In lucky to have that. And then at this point where your arm is actually injured, do you believe that either one of the weren't. All light. So If I'm understanding your testimony then, at the time the blade made contact with you, you were not actively assisting, him by fiolding a branch? I have said they weren't. All light. So I'm understanding your testimony then, at the time the blade made contact with you, you were not actively assisting, him by fiolding a branch? I Oh, yes, And there was no dialogue from Mr. Gagnon as he approached with the blade as to what his miention was at that point in time where the saw became I guess. J (interrupting) Pointed downward and began moving upward? Right.; Uhere was no statement out of him at all? No. I was looking to see if he was going to say	something to me because it looked like he was approaching me to say something; he wanted me to do something else, of, you know, I thought therey was an instruction coming. But ultimately there was no additional comment of made by him prior to the roms on the chain saw.
40 404040 4 0 40 40404	ø
- 0 0 4 0 0 C 0 0 C C C C C C C C C C C C	19 22 23 23 24
MS. FREEMAN: (Interrupting) Wait until he finishes. A fricthe trear walks toward you holding the chair saw in a position where he might be able to cut fifth chair was moving? A. Kes. C. Pointed downward? A. Ves. C. Interrupting) But the chain is not moving. A. Vice. A. Might. A. Oft, yes. C. And when you heard it ramp up, was it a concern of your arrig? A. Oft, yes. C. And when you heard it ramp up, was it a concern of your arrig. A. Oft, yes. C. And when you heard it ramp up, may art, yes. C. Did you's eet the chain might be moving at that point? A. Oft, yes. C. And say but heard it ramp up in terms of prins and nooked? A. Oft, yes. C. And as you heard it ramp up in terms of prins and of your arrig? A. Oft, yes. C. And as you heard it might be branch at this point? A. Ves you still folding the branch at this point? A. Iwas looking at it while I was watching him you kind you let go of the tree? A. Iwas looking at the blade coming toward you? A. Mind you let go of the tree? A. Waid you let go of the tree? A. Wes. C. But the blade, nonetheless, still makes contact, with your am? A. Ves. C. But the blade, nonetheless, still makes contact, with your am? A. Yes. C. But the blade, nonetheless, still makes contact.	 Q. Did it ever make contact with the tree branch? A. No. C. From your variage point was it — well, strike, that. Did Mr. Gagnon fell you what his plan was when he got hear you and turned the saw on and had lifted the blade toward you?
- 2 & 4 \(\varphi \) 0 \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	22 23 24 24 24 25 25 25 25 25 25 25 25 25 25 25 25 25

142		your impression of a kickback that you described earlier that is not what vou recall hannoning.		\$	but he never got there? He got to your arm		30500		what his intentions were he lifted up the chain	saw, the roms ramped up, and the chain is moving.	you were not able to get out of the way in time??	Correct.		1	National Management of the second service of the servi	I :	dynamics of what happened in a situation where he	explained what he was trying to do?! Of course I asked him, and I don't remember at		explain it. He just (indicating). You know II	don't think he knows. I honestly don't think he knows.	. ,	times you asked him – and it's more than once, I take it, correct?	- %		blade made contact with your arm?		Other than referencing a kickback in the ERC		point in time was your first notice that	Mr. Mcculle of Mrs. Mcculle were aware of you being potentially hurg	- 14 - 14	
×	_			œ	_	_ ∢ -		ď				∢ 0	·	ď				Ą				Ö			Ġ		•	Þ (C				40	
	2 6) 4 ro	φ	<u> </u>	_ က (5 T	12	<u>t</u>	3 4	16	18	13 2	2 2		3 4			N E	4	מו	9		9 0	Villa:	12	4	15	16	- %	19	2 2	2 2	2 5
140 ramping up and the blade coming up toward you?	Correct.		ληολ		cutting through a branch and caught the very tip		19999	,	.,	he was trying to accomplish at that point in. firme?	्रा	thing that came out of my mouth was – excuse the exploited — "What the flick are will thinking?"	****	' Cap	So he didi	141	he was trying – the task he was trying to /	accomplish at was more snock and stunned about this scene having happened?			the blade and now did he ever tell you in his words what he was specifically trying to do at	好光料	In the emergency room he used the word kickfack, but I didn't understand what he meant or how, you	know. And they are going in to sew me up and put	the muscles back together, you know, as best they can I don't know what happened there.	OM 04	ER using the phrase kickback?	Yes. All refit. But from your ventage point this idea.	of a Kickback, it wouldn't have anything to do	with a kickoff of a branch or a log or a limb	No. It had nothing to do with that.	-Alema	then kick toward you? You oldn't see that?
	∢ (ý		40	ľ	Ą.	Ö	4	O		⋖		ø	Ą	Ġ				Ą	ø		1	ď			Ø	•	∢ ⊂	ý		Ą	ø	
																																	•

Paul Dulberg

		144	_		146
	Å.	į	4	Ą	No.
	2 Q	And when they came out, was there any discussion	N	Ġ	Did Mr. Gagnon ever tell you he was going to pay
	n	u and Mr. Gagnon about what had	ო		you anything?
~		happened?	4.	Ÿ	No.
	5 A.		IQ.	ø	Did he ever make any comment to you that he was
-		-	φ		being paid to get this done by his parents?
, -	7	on the premises as being more concern about how		Ÿ	He did say he was getting something for it. I
		you were doing than what happened?	∞		don't know what, I don't know the terms. I
	9 A.	If was pretty important to me.	ത		remember something in there he was referringto
10		Right.	19		he had to do this because he owed his mom money
÷		Yes, it was very important. Carol was very	7		or samething. I don't know.
12	رم د	concerned. She come out yelling, "I heard it.	12	Ġ	And I take it Gagnon didn't promise to share
13	~	I knew my son cut you." She came out screaming,	<u>ნ</u>		payment he may have been receiving with you?
4,		you know, and yes yes.	4	Ą	No.
15	Ġ.	Did either of the McGuires ever make any comments	5	ø	Did you consider yourself a volunteer out there?
16	"	to you to suggest or pursuant to which you formed	16	Ą	Yes.
17		the impression that they saw what happened?	17	ø	But obviously vou felt vou were taking directions
18	۶. ج	No. They said they didn't. She said she heard	18		from Gagnon but vou were volunteering?
19	~	it. She heard the screams. She heard what was	19	Ą	Yes,
20	_	said right after. She heard all of that, She	20	ø	You didn't expect to get anything out of this?
-2	_	was right there in the kitchen.	7	ď.	No.
22	O	She heard the screams and her thought was	3	C	Certainly not an injured arm?
3		complode and or delivery and an area areas	3 1	ý <	Deficiently not an injured and it
3 5	۷	findicates affirmativale)	3 5	ξ (Definitely not unis, no. Iwaybe a pop, you know.
Ĭ		(indicates animatively.)	44	ازد	All right. So we have all of your medical
		145			147
	о -	How soon after this happening did you move on to	~		records but I want to go through this a little
		the emergency room?	~		bit. At the emergency room they evaluated your
	∝ ∡	I don't know timewise. I was in shock. It	ო		arm, correct?
	_	seemed like it took forever. So I can't tell you	4	Ą	Yes.
ιΩ (FE-MC)	10	whether it was five minutes or ten minutes. I am	ro ro	Ġ	They cleaned out the wound?
	"	not capable of doing that for you. I can tell	ဖ	Ä	Yes.
		you that I started giving orders at thatpoint	7	Ö	Did they do some X-rays at the ER?
60	~	First time all day. And I needed a towel, I	∞	Ą	Yes.
ග	~	needed sanething to put on it, I needed to tie it	<u>ი</u>	Ö	Did they tell you that it didn't reach the point
2	_	off. We needed to go to the emergency room now,	10		where it hit any of your bones?
E CONTRACTOR		and there was no waiting.	7	Ą	No, it did not.
12	Ö	So once you got hurt, you became more focused	12	ø	Initially was it the impression, as you
 E	~	about getting the care you needed?	13		understood it, that it was a tear through the
47		Yes.	4		skin and into the muscle?
		Up until	5	Ą.	Yes.
	Α.	(Interrupting) I was quite vocal.	16	ø	There was no belief there was nerve involvement
17		Up until the point where you were cut with the	17		initially?
18	~~	chain saw had the situation ever turned from a	29	Ą	You know, once they gave me the painkiller, I
- 19	~	volunteer situation like you described early on	19		don't I was in la la land.
29	_	to an employment situation were you thought you	20	Ø	To the best of your understanding, did they do
2		were going to be compensated?	2,		anything else in the emergency room other than
22	ď.	No.	8		clean it and then stitch it up?
23		Did the McGuires ever promise to pay you	23	Ą.	Yes. They did the stitches and closed it up and,
24		anything?	74		you know, X-rays. I don't remember what all.

L		148	-		450
~	ø	In the emergency room did they have you use your	-	ø	And even today you're still having problems?
2		hand and move it to see if you were still	0	Ą	Yes.
ო		functioning?	<u>ო</u>	Ġ	Sometime I think later in 2011, maybe it was
4	⋖	Yes.	4		early 2012, you had an EMG study done on your
io	Ċ	And was it still functioning at that point?	ιΩ		right arm?
ဖ	Ą	Parts, yes. They didn't really check it. I did	9	Ą.	I think I had a few of those.
<u> </u>		that. I wanted to know what would work, and I am	_	ø	Nerve conduction study?
∞		moving my hand around to see what is going on.	∞	Ą	Yes.
ග		And once the pain medicine they gave me kicked	O)	ġ	And there was something done early on with the
9		in, you know, I was able to move a little bit but	10		Shoulder to Hand Clinic, Dr. Talerico or
7		not a whole lot	7		something like that?
7	ď	Once the pain medicine kicked in, I take it the	12	Ą	I remember Talerico. I did go see him.
5		injury itself felt a little better?	13	ø	That doctor had evaluated the EMG study, and he
4	Ą	Oh, I went (indicating). It was	4		evaluated you, didn't feel there was any nerve
13		MS. FREEMAN: (Interrupting) Just answer	15		impairment. Do you recall that?
16		the question.	16	Ą	He said well, I left Dr. Talerico because I
7	ø	It did?	17		don't think he knew who he was talking to. He
<u>~</u>	Ą	Yes.	18		started yelling at me about asking for pain
6	ø	And then how long was it before - well, strike	13		medication, and I never even got anything from
50		that. Eventually did you have to go somewhere	20		that man ever in my life. And I left seeing him
7		and have the stitches out?	7		because I don't think he there was something
22	Ą	Yes.	22		wrong there. And I only saw him twice, and I was
23	ø	And who did that?	23		out of there.
24	Ą.	Dr. Sek.	24	ø	Do you recall him giving the opinion that he
		149	ļ <u>.</u>		151
-	ø	Where is Dr. Sek?	۲-		didn't think there was anything surgically he
7	Ą	He's right here on Elm Street.	7		could do for you?
က	Ö	He's still operating here?	m	Ą	Not at that point. He did say time will tell.
4	Ą	I have known him since I was five years old.	4	Ġ	Okay. And then you left Dr. Talerico?
5		MS. FREEMAN: Just answer the question.	ເດ	Ą	Yes.
ဖ	ø	We have sent a records request for him several	φ	ø	And did you go somewhere else?
7		times and there has never been a response. He's		Ą	Yes,
∞		still working here somewhere in McHenry?	∞	ġ	Because my records stop at the very beginning of
თ	Ą	Yes.	0		2012.
10	ø	He took the stitches out?	10	Ÿ	Dr. Sagerman,
7	Ą	Yes,	=	ġ	Where is Dr. Sagerman?
12	ø	Over the first month or two or three did you do	12	Ÿ	I gave you his address earlier, or his place,
<u>ლ</u>		any physical therapy?	13		Vernon Hills.
4	Ÿ	I was told by Dr. Sek give it some time, it's	<u>-</u>	ø	Oh, that's right. And when did you start seeing
15		going to take time. He did not send me to	5		Dr. Sagerman?
16		physical therapy or anything else.	16	Ą	I don't remember the date. I'll be honest with
17	ġ	And I know from the record that, as you have	17		you.
38		explained already, when you tried to use the	18	ġ	He was after Dr
<u>6</u>		computer, that you continued to have some	19	Ą	(Interrupting) Talerico.
20		symptoms with the right arm and hand even after	20	ġ	- Talerico?
21		I guess the laceration had healed?	7	ď	Yes, yes.
22	Ä	Right,	22	ø	All right. And then did Dr. Sagerman do anything
33	o .	All right?	23		for your right arm different than what
24	₹	Kignt	24		Dr. Talenco did?

		152	_		154
τ-	Ą.	-8	~	Ą	Yes,
2	Ö	All right. And anything beyond the physical	N	ø	Earlier on you described the pain that was with
ო		therapy?	د		the tendinitis, the forearm and everything. Is
4	4	He ordered up a new EMG.	4		the forearm implicated on the right?
ю	ġ	And then what?	ις.	Ä	On the right?
ဖ	⋖	More physical therapy. It was a lot of physical	9	ø	Yes, in terms of pains or sensation?
~		therapy.	7	Ą	I get a pain right next to the bone. There is a
60	ø	Has anybody done any surgeries on your arm?	∞		big lump of scar tissue, you can feel it, and it
<u>ი</u>	Ą	Yes. He did.	6		hurts there when I try to grab too much stuff
9	Ö	When did he do that?	9		that is heavier or anything with weight.
Ξ	Ą	July of this year.	7	ġ	So if you strain the right arm, you will realize
12	ø	As you understand it as the patient, what did	12		some pain right where the laceration was?
55	•	Dr. Sagerman do to the right arm?	3	Ą	Yes, it will burn a little.
4	Ą.	Removed a ton of scar tissue, he said. And he	4	ø	So then with respect to the right am, you
5		said and what they call it's a neurosis or	5		described the numbness in the pinky and the ring
9		I don't know the words he used.	16		finger, a weakened grip and then occasional
17	Ö	I don't know either. I don't have any of these	17		shooting pain where the laceration was with heavy
\$		records.	18		strain. And what else do you notice about the
<u>0</u>	Ą	Okay.	9		arm today, the right arm?
20	Ö	So there was some kind of a surgery. Which parts	8	∢	You play with the scar tissue ball that is
73		of your arm did he work on?	7		forming in there, and it burns under the elbow.
22	Ą	Forearm and the elbow.	2		It's like a direct link. If you pinch it. it's
23	Ö		33		(indicating)
24	Ą		24	Ö	And is there any further recommended treatment
		153	ļ		, , ,
-	Ö	Have vou had any more surgeries since then?	_		for the right arm or any of the symptoms that are
٠,	Ä		٠, ٠		ior are right airt of airy of the symptoms that are linearing?
~	C	Are there any njapped?	، ۱	<	Voc 1 am on modioation for it
, 4	<i>i</i> 4		. 4	ίο	Mat do vou take?
ı,	C	Are you still doing physical therapy?	. ц	į	(Sahanentin
ω	ď	Not for my right arm anymore but for my left.	0	: c	Is that an anti-inflammatory or pain med?
_	Ø	How is the right arm now since this procedure	^	Ä	It's a type of pain medication helieve
ω,		done by Dr. Sagerman?	- φ	ď	Ç.
თ	Ŕ	It's better in the sense the pain level is down.	<u>ი</u>	Ą	I take an anti-inflammatory.
10	ø	Okay. Same; the pinky, the ring finger and the	10	Ö	Is that for the left arm or the right arm?
F		thumb?	7-	Ą	It's all right. I take - I'm trying to think
12	Ą	Those are the most affected, yes.	7		now. Well, I have, in case I need it, and I try
<u></u>	ø	What about the index and the middle fingers? Are	5		not to take them, but Tramadol and hydrocodone,
4		those impacted as well?	4		but I try not to take those.
15	Ä	Yes.	5	ö	Okay. So that's the medicine that you're still
9	ø	Are the ones that are affected the worst the	16		taking. Is there anything – and there is no
17		pinky, the ring finger and the thumb on your	17		physical therapy with respect to the right arm
18		right hand?	18		ситеntly?
6	Ą.	All of the fingers are affected in the sense of a	19	Ÿ	No. We're pretty much done with that
20		grip. The ones that feel numb are the pinky and	29	ġ	And then in terms of function, you have mentioned
7			21		there is weakened grip?
22	Ö	So there is a weakened grip overall?	22	Ä	Yes.
23	Ä	Oh, yes.	23	ø	And you have the numbness in the pinky and ring
24	oj	And then the pinky and the ring finger are numb?	24		finger. What other limitations can you

Paul Dulberg

<u> </u>			156	-		158
	Y		appreciate with respect to the right arm?	~	Ą.	Yes, yes. The pinky and the ring finger and the
	7	ď	Pinky.	7		thumb is - I have a problem with the thumb
11	'n	Ö	What about it?	က		coming in here (indicating). Not like this
	4	<	It wouldn't go in.	4		(indicating), but this way (indicating). And my
	ις	ø	So you can't -	ιΩ		hand shakes.
	9	Ÿ.	(Interrupting) I can't (indicating).	ဖ	ø	Has the doctor told you - that would be Sagerman
	7	ø	You can't move the pinky so it abuts the index	^		 when you can expect any further improvement,
٠.,٠	œ		finger?	∞		or is this what you're going to have?
- XX	Ф	Ä	Or the ring finger.	တ	Ġ	He said nerve damage takes a long time to heal
	10	o	The ring finger?	9		especially as we get older. He wouldn't rule out
	~	Ą	Correct.	7		a full healing. He wouldn't say I was going to
	12	Ö	And anything else? Do you still have the full	12		be stuck like this forever. He just said time
<u> </u>	5		range of motion in your hand?	13		will tell.
	4	ď	Yes. As long as I do it controlled and slow. If	4	Ö	So we don't know yet, and he doesn't know for
	5		I start forgetting and - you know, because I	15		sure?
	9		feel good and I start doing things fast, it's	16	Ą	Right.
-32-	17		like all of a sudden l'il get – it will bum	17	ø	I'm going to show you what I'm going to mark as
_	8		here (indicating), burn under here (indicating),	18		2.
46.5	6		and it will like pang all the way down. It will	9	Ą	He knows more about it than I do.
	20		start tingling real bad again.	20		MS. FREEMAN: There is no question
	21	ø	So in terms of the shoulder movement, fine?	21		pending.
	22	⋖	Shoulder is fine.	23		THE WITNESS: Got you.
3	23	Ö	Elbow movement fine?	৪	ø	I think I know the answer to this, but this is
	24	∢	No. The elbow is a bit sore. I think it's	24		medical expenses as of March 19, 2012, \$7,333.04.
<u></u>			157	_		159
7.00	٠-		because of the surgery he did in there. He had	-		There is more medical expenses we don't have?
4 3 5	0		to do a nerve release or something. It was	7	Ą	Right
	3		tight — Carior 65960	က	ø	The surgery in July and the physical therapy
7	4	ø	And did the doctor tell you whether that nerve	4		and
	2		release in the elbow was somehow related to the	ιΩ	Ą	(Interrupting) Yes.
د نور	9		injury to the mid forearm?	ဖ	ø	I take it you're making a claim for the tennis
	7	⋖	He said that it's natural. You know, the way he	7		elbow as well?
6.4	œ	generative.	explained it to me, it tore through the middle.	<u>∞</u>	₹	You know, they tell me it's a natural part of it
٠ .	0	er Ju	It's not a cut, it's a tear. Things got pulled	<u>Б</u>		because of the not using this arm (indicating)
3	10	N.	from both ends, you know, and that's the next	2		and using this thing (indicating) for everything
	7	AND SHAPE SE		£		from drinking to driving to everything that I do.
100	12	, Est		12		And they - yes.
	5	rs-neepř		13	Ö	es ass
·	4	ings.	this type	4		it have?
· _	ر ک	o		15	Ä	It's a result of.
•	16		is that all the time or just periodically?	9	ø	doens
	17	ď	It's sore pretty much all the time.	7		and care of the left arm?
<u> </u>	18	ö	And you can still move it in all directions,	138	Ą	Yes, minimal.
<u> </u>	6			19	Ö	We don't have those as part of this as well,
	20	Ä	Yes. As long as I'm careful.	20		correct?
	21	ď	And then the hand, with respect to the movement	72	Ą	Right
	22		of it is a weakened grip, but in terms of	72	ġ	I just want to go through some photos here. This
	23		moving it, with the exception of the pinky, it	23		is a photo of your arm after the chain saw
	24		still moves the same?	24		injury, obviously, correct? 2A?

Paul Dulberg

		750			CSF
-	A. This	This is a long time after, yes.	~	Ŕ	Yes.
7			8	ø	Where is this?
ო	dxə	expense summary Exhibit No. 3. Sorry.	က	Ä	That's at his home.
4	•	(Exhibit No. 3 marked for	4	ø	When did you take that?
ιņ		identification by Mr. Barch.)	S	Ą	That phone conversation you asked me I talked to
9		MR. BARCH: I shouldn't have premarked	φ		him about, I went up there to get his address for
7	the	Ç	7		his house for Hans, and he was outside.
8	Q. The	The other questions I was asking you when I was	80	ď	Oh, so when your attorney needed his address, you
ത	refe	referring to Exhibit 2, it's now 3. The answers	6		went up there to get it?
10	WOL	would be the same? We don't have all the medical	5	Ą.	I knew where he lived I didn't know the
7	фх	expenses?	~		address, so I just drove past
12	A. Right.	ht	12	ø	, 2.
13 (O. 2A,	2A, that is your forearm after the chain saw	5	Ą	As I drove by the house, yes.
4	injury?	ıy?	4	ø	nat?
15	A. Yes.		15	ď	Yes, I showed it to him.
16 (Q. Isth	Is that how it looks today?	16	ø	And then I guess 2J, this was just part of the
17 /	A. No.		17		records. Is this before the second - before the
18	Q. Wh	What is that -	\$		July surgery or
19	A. (Inta	(Interrupting) No.	<u>თ</u>	Ą	(Interrupting) This is the X-ray from the
20	O. Wh	What is going on now?	20		emergency room.
7	A. K's	It's now got a scar that crosses it where they	21	ø	Okay.
22	Wer	went in.	83	Ä	Kind of shows
8	Q. Okay.	ay. So that is the second surgery, though?	23		MS. FREEMAN: (Interrupting) There is no
24	A. Yes.	ń	24		question pending.
		161			163
-	Q. The	The second procedure. So these are all pre	-		THE WITNESS: Sorry.
7		(Interrupting) Pre the July surgery, yes	7		MR. BARCH: 1 think's all I have for now.
3	Q. The	The July, 2012. This is what it would have	ო	EXA	EXAMINATION BY MR. ACCARDO:
4	<u>8</u>	looked like, I take it then, had you not had the	4	ø	For your left arm and left elbow, you had injured
rO	add	additional surgery?	ß		those before 2011; is that right?
	A. Cor	Correct.	ω	Ą	Excuse me?
) /		Same thing with 2D and 2E?	7	ø	You had injured your left arm and your left elbow
~ ~		Yes. These are all from pre.	∞		before 2011?
	Q. Nov	Now we go over to 2F. There is an additional	თ	ď	Correct
10	ohq	photo with some more of I guess an incision that	9	ø	And that was in a car accident?
7	נים	runs up and down your forearm?	7	Ą.	Yes.
-	A. Yes.	6	12	ø	And that took place when?
13 (Q. And	And there is also one that's the July, 2012	13	Ą.	Ten years ago.
4	stuff?	13	14	Ġ	What type of injury did you suffer in that car
15	A. Yes.		15		accident?
16 (Q. You	You have scars now on your arm from those as	10	Ą	I suffered a broken neck, and I had to have an 💎
17	well?	اغ	17		ulnar nerve fransposition done.
18		ιό.	2	Ö	Okay. And where was that done?
19 (O. 2F,	2F, G, H show the arm after that July, 2012	19	Ä	That was done I think late what did they call
20		surgery?	29		that? That was a long time ago at the hospital,
21		Correct	21		Lake Forest Hospital.
		What is I? This came from your counsel, too, 21.	23	Ö	Do you remember which doctor performed that?
23	A. Tha	That's David.	23	Ä	The same doctor.
24		That's Mr. Gagnon?	24	ø	The same doctor as what?

Fisher Court Reporting Rockford, Illinois 815/226-9755

43 of 63 sheets

		164			166
_	Ä	Sagerman.	٧		employed the chain saw?
7	ø	Okay.	N	Ą	No.
ო	Ą	That's why I knew him.	ო	ø	And before the accident the day you were cutting
4		MS. FREEMAN: Justanswer the question.	4		down the pine tree did you have any criticism
'n	ď	And after the surgery after the automobile	ıç.		with the way David was using or employing the
9		accident about ten years ago did you still have	ဖ		chain saw?
7		trouble with the left arm?	7	Ą	No.
ω	Ą	Still do today.	œ	ø	Was there any alcohol involved in the June, 2011
თ	ø	From the time of the car accident up until the	თ		incident?
10		time of the accident with the chain saw in June	9	Ä	Possibly on Bill's part, Bill McGuire, but
7		of 2011 did you have trouble with the left arm	F		neither of us.
12		and the left elbow?	72	Ö	Not on David's part?
5	∢	Yes.	5	Ą	No.
4	ø	And has that changed since the accident in June	4	ġ	Any reason to believe that David was under the
15		of 2011?	5		influence of any type of drugs or alcohol at the
16	Ä	Yes.	16		time of the accident?
17	ø	How so?	17	Ą	No.
38	Ą	The other side of the elbow hurts.	18	Ö	At any point before the actual accident took
5	o	Okay. Which side of the elbow hurt before?	19		place when you were cutting down the pine tree
20	Ą	This side (indicating) was from the car accident.	20		did you express any displeasure or any concern
7		It's like the funny bone.	72		over the process that David had set up for
22	ø	We're talking about more of the inside of your	22		trimming the limbs?
33		- Lyon-	3	٥	P S
2	٥	Voc	3 6	; c	Voi: didn't 000 000 month 000 100 100 100 100 100 100 100 100 10
ţ	ŧ	107	7.7	j	יסם מימיו ל פפר מווא מיסטיפווו איותו ונל
`	C				/91.
- 1	j.	All right.	Ψ	₹ (He seemed like he knew what he was doing.
N _.	₹ (Where this is out up here (indicating).	ςi	oj.	My question to you was did you see any problem
ო	ġ	Okay. And by "out here" (indicating), you're	က		with it, though?
4		talking about the outer part of the elbow?	4	Ą.	No. I wouldn't know.
Ŋ	Ä	Yes.	2	ġ	Now, I just want to go back to right before you
9	Ö	You still have trouble with the inner part of the	9		got cut and talk a little bit about the saw
7		elbow?	_		because I am a little confused. When David
60	ď	Yes. Cold days.	ω		started walking towards you, was the chain still
6	ġ	The time when you were working with David on the	ග		going or had it already been put into idle atf
10		apple tree	0		that point?
-	Ä	(Interrupting) Yes.	Ž	ď	He was cutting, stopped, came up, took the finger
72	Ö	 was that the only time you had worked with him 	12		off the trigger because the whole thing went
5		where there was a chain saw involved before June	13		down, you know - I think it stopped. The chair
4		of 2011?	4		pretty much stopped
15	Ą	With him with the chain saw, yes. There was a	15	ø	Okay. And then he starts walking toward you?
16		tree down in the front yard, but I don't know who	16	Ä	Right
17		did it. I assumed he did.	17	ø	And at any point did you see his finger hit the
₩	Ö	I'm just talking about you working with him with	18		frigger?
9		the chain saw before 2011.	19	Ą	I didn't see his finger hit the trigger, no.
20	Ą	Yes.	29	Ö	You just heard?
21	Ö	Was it just the apple tree?	2.1	Ą.	Yes.
22	ď	That was it.	22	Ö	And then you saw the chain
23	ø	During the cutting of the apple tree did you have	23	Ą.	(Interrupting) Yest
24		any criticism with the way that David used or	24	ø	- start to speed up?

			897			VET
	•	Ā				110
-	· N	Ö	Or your actually saw the chain engage??	. 0	Ą	Yes.
	ო	۲	(es.)	က	Ö	And how would you describe the manner in which he
	4	Ö	Okay	4		did that? Was that something that was-
	ın,	ď	Start to move.	S	Ą	(Interrupting) Just raise it.:
		Ö	About how much time elapsed from the time he put	9	Ö	Was that something that was fast? Was it slow?
	7		the saw into idle or took his finger off the	7		Was it sudden?
	ω (trigger until you heard or saw the chain engage	φ (₹ (If was very sudden and fast
*	n 9	<	againt was injust a marrer of seconds (» (ġ	Did it look like he had lost control of the saw,
,		₹ (res, it was seconds.	2	•	or ard it look like he did it on purpose.
- '		ઝં	And men about now much time elapsed from me	_ {	Ċ	No, it looked like he was in control, but I don't
	7 5		mile you saw of the circum engage until the	, t		Kriow – 1-Have asked rillit. I don't know if ne
- 7	. ż	<	wife you were actually cut:		C	dipped over someoning &
- 4		Ċ	Spir Secolids. I. calle laste	4 r	ý	(interrupting) that not in just asking you
		ġ	were fill did voi see David move in anvit	, ć	4	Grund I don't Imour the engineers that
*	<u>,</u>			, ,	Ċ	Or Wide Court Mich and Sire to Links
		٥	Say that again Thest vol. in the middle 3	- X	j	Volt right amor volt deft hand right?
		C	Affer win saw the chain and the saw engage herores	<i>σ</i>	Ą	
		İ	vou were cut did vou see David's body move in	20	Ö	Okav. And you were facing with your body towards.
- 2	2		any particular way? Did you see any type of	21		DIAPA
- 0	: 23		rerking movement or anything like that?	22	Ą.	Wes !
		<		3	c	,
4 0		ĊC	Riff at some point Think you said you saw the	2 Z	ý	Only Alia tilet witer you near an asaw tile oralling
<u>'</u>		;	180			* Company of the Comp
	~		Call paints wes	,	٥	200
	- c	٧		- 0	(C	And then you! Think motioned you said you
	1 (*	C	Of an How high was the saw when if citivous	1 m	j	trimed von hody two do have been to the right
) 4	į Ą	If was my eve height. My eyes:	4		and to and away?
	10	O	And now was David holding it at that point?	ιΩ	Ŕ	Yes. First I went up, and then I was trying to
	မ	Ą	(Indicating).	ဖ		get up and out of the way because that saw blade
	7	Ö	Okay. You're showing me.2	7		came up to a 45, and I had to get the heck out of
	œ	Ą	(Interrupting) Saw pointing up.?	00		there.
	o	Ö	Saw pointing up One hand would have been on the	თ	ø	Where was your arm when it actually got cut, and
	10		Dark Commence of the commence	10		in what position was it?
	17	ď		11	Ä	Can I stand up and show you so I can describe it?
	12	Ö	The safety bar?	72	Ö	(es)
~	5	Ą.	Yes.	13	Ä	It was I was turned like this (indicating)
	14	Ö	And then the other hand where?	4		and it cut me right here (indicating)?
_	15	Ä	Down on the trigger.	15	Ö	OKAY
	16	ø	Okay. And the actual saw was pointed straight up	16		MR. ACCARDO: So let the record reflect
<u> </u>	17		in the air 2	17		that Mr. Dulberg's right arm was basically
	18	ď	No. It was may be a 45 it went to	₩		parallel with his nose and eyes
_		O	When you heard and saw the chain engage, where	19	ď.	is that about right?
	50	•	was the saw pointing?	2 2	₹ (Yes, it was. Yes
- V C	2 2	₹ 0	So from the time viou heard or saw the chains	2 5	oj ⊲	And your body was turned about —
, ()		ý	engage up until the time you were cut. David *	1 23		get away.
(()	24 5		moved if from about 45 degrees to the ground up?	75	Ø	Okay. After the chain and the saw engaged did

entropy (

Paul Dulberg

		627	L		767
		211	-		4/1 4/1 4/1 Paris Marie Practification of Novid 10/10
		more of a movement with his hands and arms?	. 2		vou about what he thinks happened on the date of
<u>ო</u>	Ą.	Savitagain	ო		the accident?
4		After you saw the saw and the chain engaged dig	4	Ą	He doesn't know.
. rc	Ì	David keen walking towards voil or was It simply		c	Has he offered any type of explanation as to what
) (party mode with his bands and arms?	, «	į	
_	Ā	Twas a motion to	· /	ď	No. I ffink he's afraid to I don't know
- 00	O	So he had stopped walking or moving towards you?		:	MS. FREEMAN: There is no guestion pending.
0	,	I think that there were still forward momentum	, o	Ö	Why do you think he's afraid to?
10	:	doing on wes. because it started and it came up	9	Ä	Because I don't think he knows.
		- yes, there had to be. I don't know. There	: 7	ď	As you sit here today do you think this is
12		had to be, though. My eyes were on the blade at	12		something he did on purpose or intentionally?
13		that boing	13	Ą	I think he screwed up and had a brain fart.
	ø	And now! know you said when you were in the	4	ø	So the answer to my question would be no?
15		emergency room that David said something about	15	Ą.	Right
16		kickback?	16	Ö	At any point while you were in the emergency room
7	Ą	Tasked him - the emergency room staff asked	17		did you ever have a discussion with David where
<u>©</u>		what the heck happened, and that was his	18		you indicated to him that you thought that both
6)		(esponse)	19		of you could make a lot of money off of this?
20	Ö	Did you overhear what he told to the people at	20		Did that conversation ever happen?
Ę		the emergency room?	21	Ą	No.
22	Ā	es.	22		MR. ACCARDO: I don't have anything
23	ø	What did he tell the people at the emergency	23		else.
44		room?	24		MR. BARCH: Only question I have in
		173			175
_	Ä	He said kickback or something. I just don't	-		follow-up just one.
2		know. He took his hands, put them on the head	7	$\frac{8}{10}$	EXAMINATION BY MR. BARCH:
က		and put them between his knees and just stayed	ო	ø	You mentioned that you and Mr. Gagnon were not
4		there and did not say nothing.	4		drinking that afternoon, correct?
ťΩ	Ö	Did they ask him more than once what happened?	'n	ď.	Соптест.
9	Ä	Yes, a couple of fimes, and I just looked at the	ဖ	Ö	And you said Bill. I guess you're referring to
<u></u>		emergency room staff, and I said, "I think it's	~		Bill McGuire may have been drinking?
φ		an accident. Let's just get this done.	∞	ď,	He's been known to.
တ	ď	When they asked him the second or the third time.	o	ø	Okay. As you sit here today do you believe that
5 5	<	what happened, what was his response of	5 5		If he had consumed beer or something that day, that that played come role in what hannaned to
- 5	Ċ	and he lifet core III don't brown what harvaned II	. ţ		volument the chain cam?
<u>λ</u> ξ		lust don't know."	<u>ί</u> 65	Ŕ	It played no role.
14	Ġ	At any point did you have a conversation with	4		MR. BARCH: That's all
15		David in the emergency room, outside of the	5		MR. ACCARDO: Nothing else.
16		presentation of the emergency room personnel,	16		MS. FREEMAN: I think we will waive
17		about what happened?	17		signature.
18	Ą	No.	18		(The deposition of this witness came
19	Ö	Now, I know that when you were asked before about	19		to a close at 3:33 p.m.)
20		some discussions or attempts at discussions about	20		
7		what has happened from the time of the accident	7		
22		up until today's date, I think you sort of just	22		
23		 sort of made some noises and said David did 	23		
24		not want to talk about it. I want you to tell	24		

Fisher Court Reporting Rockford, Illinois 815/226-9755

Page 176 to 176 of 176

u u	86:14	160:9	abuts 141 - 156.7	153-16, 153-19
•	2011 [57] - 9:8, 9:16,	3-19-70 [1] - 9:6	Academy [3] - 12:8,	157:11
\$10 [2] - 50:11, 53:9 \$7 333 04 m - 158:24	15:4, 15:7, 15:10,	3[1]-	12:9, 12:11	affects [1] - 24:2
t-mon (ill amond the	17:4, 20:23, 21:5.	3416 2:2	ACCARDO [12] - 2:8, 4:4 4:8 4:20 5:1	6-12 7-5 23-18
-	24:16, 29:18, 37:15,	355[1] - 55:15	5:4, 5:8, 5:11, 163:3,	55:7, 75:1, 86:19,
'90s [1] ~ 11:16	43:1, 43:22, 44:3, 44:9, 48:14, 51:14.	3:33 [1] - 175:19	171:16, 174:22,	89:2, 113:21, 136:15, 138:5
-	51:24, 53:1, 56:8,	4	Accardo [2] - 4:17,	144:24
	53:17, 50:21, 51:22, 62:13, 63:2, 63:6.	4 [1] - 3:3	5:13 Accardol m. 3:3	afraid [z] - 174:7, 174:9
1 [1] - 49:8 1-24-13 m - 1:8	63:11, 63:15, 63:21,	40 [1] - 50:11	3:5	aftermath [1] - 79:20
1(previously ri	64:2, 64:20, 65:10,	40-hour[1] - 50:10	accident (तज्ञ - 49:24,	afternoon [3] - 4:16,
3:11	73:12, 74:8, 74:15.	45 in - 169:18.	78:6, 163:10,	130:15, 175:4
10 [4] - 89:12, 89:16, 100-15, 100-16	77:14, 81:8, 86:20,	169:21, 169:24,	164:9, 164:10,	54:13
1016 131 - 8:19. 9:2.	88:11, 89:1, 91:3,	170:1, 171:7	164:14, 164:20,	agency [1] - 40:15
57:12	91:15, 100:2, 150:3, 163:5, 163:8.	4606[2] - 8:8, 8:18	166:3, 166:16, 166:18, 173:8	Agent (1) - 1:8
1099 [15] - 17:5, 17:10, 17:11, 17:22	164:11, 164:15,	2	173:21, 174:3	24:24, 25:5, 30:2,
20:14, 39:24, 48:9,	165:14, 165:19, 166:8	50 [1] - 119:9	accomplish [3] -	30:3, 37:5, 41:4,
51:11, 51:15, 51:19,	2011-2012 [1] - 90:12		accordance (2) - 4:11	65.15, 67.14, 163-13, 163-20
54.3	2012 [9] - 30:9, 78:4,	ဖ	5:15	164:6
12 [2] - 1:5, 89:16	90:11, 150:4, 151:9,	6 [1] - 49:11	accumulated [1] -	agree [z] - 43:22,
12:17 [z] - 1:21, 176:5	161:13, 161:19	60 [z] - 104:1, 119:9	122:/	67:18 2000-72
160 m - 3:13 163 m - 3:5	2013 [3] - 1:21, 176:5,	6323 [1] - 2:5	58:15, 61:13	agreement [2] - 5:14,
175 [1] - 3:6	176:14		acquire [1] - 10:23	176:4
176[1] - 3:24	20% [1] - 02. 10		action [3] - 1:18,	ahead [1] - 80:20
178 [1] - 1:5	22nd m - 1:2	70 [z] - 39:12, 39:13	1/6:11, 1/6:13	airizj - 132:3, 169:17
18 (1) - 57:2	23(1) - 57:3	14 [2] - 13:10, 13:20	active [2] - 56:19.	alconol (2) - 155:8, 166:15
18,000 [2] - 52:24, 53:2	24 [1] - 129:2	80	56:22	aleck [1] - 32:13
19 [2] - 57:2, 158:24	24th [2] - 1:20, 176:4	8171-3-4 86-0	actively [2] - 51:24,	alert [2] - 101:16,
1988[1] - 10:11	28 1391 - 9:8, 15:6.	80 [1] - 50:14	139:6 activities m - 35:8	136:21
1998 [3] - 14:22, 18:1,	16:15, 20:23, 21:5,	815)226-9755 [1] -	35:14, 35:18, 59:4	
1999 111 - 16:10	24:16, 29:18, 37:15,	176:20	activity [5] - 35:8,	algebra [1] - 11:23
7	42:24, 43:22, 44:3,	σ	63:6, 76:23, 87:14,	alive [1] - 68:21
2	51:23, 60:21, 61:21,		actual [7] - 69:24.	allow [1] - 128:2
2 [2] - 158:18, 160:9	62:13, 63:2, 63:5,	9 [2] - 17:3, 89:12 922 111 - 176-19	73:4, 99:20, 131:11,	amount [1] - 128:16
2(previously [1] -	63:11, 63:15, 63:21, 64-2, 64-19, 65-10	21:01-11375	131:12, 166:18,	amounts [1] - 62:9
3:12 20 🙉 - 111·8 113·17	65:14, 67:11, 67:23,	4	169:16 acute (3) - 24:23, 25:1,	AMR [2] - 50:22, 51:20
118:16, 124:21,	73:12, 74:8, 74:15,	abilities [2] - 46:19,	25:2	37:23, 40:8, 40:14,
129:2	77:14, 81:8, 86:20,	47:24	addition [1] - 39:24	41:18, 45:8, 49:14,
20-minute [1] - 109:16	101:2	ability [3] - 23:23,	additional [6] - 12:3,	51:1, 51:9, 51:21,
2003 H - 18:16	28th [1] - 176:14	24:3, 72:18 able nor - 23:9-36:15	139:23, 161:5, 161:9	51:22, 52:4, 52:13, 52:15, 53:7, 53:8
2004111-18:16	2A[2] - 159:24, 160:13	36:19, 36:20, 46:14.	address सि - 151:12,	55:22
2007 [1] - 86:9	2D [1] - 161:7 2E [1] - 161:7	49:24, 50:19, 51:15,	162:6, 162:8, 162:11	Angela [2] - 1:22,
2008 [4] - 14:22,	2F [2] - 161:9, 161:19	54:2, 66:14, 122:17,	adjacent [2] - 8:21,	176:3
715:23, 17:3, 86:14	21[1] - 161:22	124:20, 125:1, 125:4 126:16	admonitions [1] -	angle [1] - 29:11 annexed [1] - 176:4
18:15	2J [1] - 162:16	132.2, 136.4,	69:10	answer [16] - 5:20,
2009 [3] - 14:22,	8	142:18, 148:10	adult (r) - 68:16 advantage (r) - 117:1	5:24, 6:24, 7:4, 7:8,
2010 ist - 40:9. 86:9.	2 m 460:3 460:4	1:18	affect [1] - 72:17	48:22, 122:2,
6.50 6.50	3 [3] - 16U:3, 16U:4,		affected [4] - 153:12,	
		~ ~ ~		

69:24, 70:15, 70:18, 70:22, 70:23, 71:5, 71:7, 71:12, 71:14, 122:17, 129:9, 166:10, 175:6, 175:7 71:17, 71:19, 72:1, 72:6, 72:8, 72:14, 140:3, 140:4, 140:8, 168:20, 70:16, 70:22, 71:12, 45:12, 45:14, 62:10, 72:18, 72:19, 72:22, bind [7] - 70:15, 71:3, bothering [1] - 29:23 71:5, 71:13, 72:7, oit [9] - 10:5, 10:14, bothered [2] - 30:1, 74:23, 75:6, 75:8, blaming [1] - 16:17 bothers [1] - 34:10 binding [7] - 70:15, 140:13, 141:6, 142:17, 143:14, bones (1) - 147:10 bottom [1] - 88:15 bought [2] - 105:1, borrow [1] - 91:23 73:3, 73:9, 74:1, 136:22, 137:12, 137:16, 137:24, 72:5, 73:3, 77:4 blade [47] - 69:12, 148:10, 156:24, 87:2, 138:8, 168 170:20, 171:3, 138:11, 138:15, books [1] - 39:21 Bill's [1] - 166:10 blank [3] - 47:13, blocks [1] - 8:23 bone [3] - 33:20, 138:19, 139:5, 139:11, 140:1, 133:18, 147:2, 171:6, 172:12 body [10] - 25:9, 154:7, 164:21 118:3, 120:10, boot [1] - 47:20 bills [1] - 45:24 bill's [1] - 103:2 96:20, 105:4, 77:9, 114:13, block [1] - 90:4 47:14, 53:22 birth (1] - 9:5 bin [1] - 39:1 73:4, 77:2 106:20 171:21 167:6 bends [1] - 72:9 bent [2] - 71:10, 72:6 best [2] - 141:12, 85:13, 85:16, 90:21, 97:3, 102:24, 104:8, 96:19, 96:23, 96:24, beginning [1] - 151:8 behalf [4] - 1:17, 2:3, 106:1, 106:2, 106:3 big [12] - 82:19, 86:5, 86:7, 89:10, 89:11, bill [2] - 107:8, 115:4 38:14, 39:13, 41:7, 91:14, 92:18, 93:8, 81:24, 86:9, 94:5, 94:7, 104:16, 104:22, 105:12, bickering [3] - 96:3, behind [2] - 105:12, Bill [40] - 1:18, 2:7, 57:11, 84:5, 85:7, between [21] - 16:2, 26:6, 78:5, 81:18, biggest (1] - 50:19 BILL [2] - 1:9, 1:10 bending [3] - 71:4, better [3] - 119:14, bigger [5] - 38:13, beyond [4] - 96:1, bicker [4] - 97:17, 106:14, 109:14, 103:22, 121:24, 122:16, 124:21, 113:14, 113:15, 110:2, 110:13, 119:17, 135:2, 127:23, 142:12, belief [z] - 82:10, belts [1] - 112:5 bend [1] - 28:23 89:12, 103:21, 104:18, 105:3, 105:18, 107:7, 115:8, 115:12, 115:21, 116:6, 117:6, 117:10, 135:12, 144:3, belt [1] - 111:22 148:13, 153:9 173:3, 173:11 111:10, 113:7 107:8, 110:5, 96:11, 97:20 76:17, 77:8 2:6, 2:10 147:20 147:16 154:8 89:15 108:3 152:2 4:19, 4:23, 5:3, 5:6, 5:10, 5:12, 6:2, 6:13, 6:17, 7:6, 7:12, 7:20, bad [2] - 78:19, 156:20 based [2] - 17:15, 31:2 automobile [1] - 164:5 avoid [3] - 75:16, 77:4, background [1] - 10:6 basis [5] - 18:5, 40:14, 24:21, 35:11, 41:17, 8.1, 80:18, 80:22, 82:3, 95:11, 160:2, 160:6, 163:2, 69:23, 73:11, 73:23, 74:11, 143:20 Barch [z] - 2:4, 160:5 attorney's [1] - 78:15 backwards [1] - 15:3 bar [6] - 71:10, 76:12, Barch).....[2] - 3:4, available [3] - 42:17, backyard [1] - 67:19 4TTORNEY [3] - 2:1, 48:24, 79:9, 80:3, 80:6, 80:15, 80:19, attorneys [1] - 7:14 avenues [1] - 45:17 attorney [14] - 5:18, 7.17, 47:8, 48:22, average [1] - 132:8 Barbara [1] - 9:22 BARCH [24] - 2:4, began [3] - 104:14, Avenue [1] - 55:13 Attorney [1] - 1:19 became [5] - 25:2, 52:6, 60:7, 85:8 109:12, 139:15 aware [6] - 69:17, 169:10, 169:12 176:11, 176:12 banter [1] - 96:11 140:22, 145:12 beer [1] - 175:10 174:24, 175:2, 58:11, 139:13, begin [5] - 7:17, ball [t] - 154:20 bear [1] - 36:20 162:8, band [1] - 29:5 42:20, 42:22 77:8, 114:22 2.4, 2.8 175:14 68:16 48:12, 48:13, 173:20 arms [2] - 172:2, 172:6 associate's [1] - 10:23 114:7, 114:8, 165:17 69:18, 69:23, 73:24, attempted [1] - 46:18 attention [3] - 129:6, assistance [z] - 91:2, assisting [3] - 74:21, associated [6] - 64:3, attached [1] - 112:22 as-needed [z] - 52:6, attempts [4] - 31:23, arrived [1] - 104:16 assisted [/i] - 19:21 aspect [1] - 110:15 arrival [2] - 102:23, arriving [1] - 101:9 163:7, 164:7, 164:11, 170:18, ascend [1] - 112:6 assumed [4] - 5:4, attempt [2] - 21:6, 152:21, arrangement [1] aspects [1] - 14:9 assist [3] - 65:21, 154:11, 154:14, 155:10, 155:17, 159:14, 159:17, 159:23, 161:16, aside [2] - 62:21, 38:15, 138:18 138:23 Army [3] - 56:18, arose [1] - 52:16 161:19, 163:4, 152.8, 54:19, 155:1, 113:12, 139:6 76:22, 159:13 142:9, 143:14, 146:22, 147:3, 149:20, 150:5, 171:9, 171:17 articulated [1] -102:19, 111:6 ate [z] - 109:14, attack [1] - 77:1 153:6, 153:7, 156:1, 159:9, 129:7, 129:8 56:19, 56:24 152:13, 151:23, 143:12 120:18 52:13 103:6 85:19 9.0 93:4 32:4, 32:7, 32:15, 32:18, 32:18, 33:16, 33:18, 34:22, 35:21, 36:16, 136:24, 137:17, 138:4, 138:13, apple [14] - 92:16, 92:22, 93:20, 94:8, 94:17, 95:10, 95:11, 28:11, 29:20, 30:14, 30:16, 30:18, 30:21, anticipated [1] - 101:7 anti-inflammatory [2] anti [z] - 155:6, 155:9 application [1] - 37:2 apply [3] - 37:3, 37:6, 24:20, 24:22, 25:8, 26:1, 27:15, 28:3, appear [1] - 109:2 aPPEARANCES [1] appreciate [2] - 80:2, 75:17, 77:5, 92:20, anticipate [2] - 6:19, applicable [1] - 4:15 appealing (1) - 37:7 applying [1] - 39:17 answers [5] - 6:21, Appeared [3] - 2:3, 95:15, 96:24, 100:21, 126:15, 165:10, 165:21, applied [z] - 36:23, 158:23, 164:4, 170:16, 174:14 appreciation [1] approaching [1] approached [1] anticipating [1] appeal [1] - 37:9 areas [1] - 34:23 - 155:6, 155:9 apart [1] - 95:15 area (10] - 27:20, 114:19, 116:4, 160:9 arise [1] - 36:21 arm [64] - 24:13, 48:15, 149:5 118:4, 120:12 93:9, 109:23, 37:17, 48:16, 2:6, 2:10 109:22, 139:20 165:23 139-11 37:18 101:5 156.1 118:7 63:22 33.55

Fisher Court Reporting

Boulevard fil - 2:5	bucks 111 - 50:14	cart 151 - 39-3 39-5	136-5, 136-9	close 7 - 58:8 67:7
bound [1] - 70:18	buddies [2] - 58:3,	39:9, 39:14, 41:8	136:11, 136:16,	92:10, 128:8,
bowling [2] - 59:5,	58:4	case [7] - 51:13, 75:8,	136:19, 136:22,	128:18, 136:13,
59:0 hrain #1 - 174:13	building (1) - 25:1 himping (1) - 85:21	97.5, 97.6, 101.22, 129-17, 155-12	142:15, 142:16.	closed 11 - 147.23
branch (33] - 56:17,	bundles [2] - 92:15,	catalog [1] - 19:2	145:18, 159:23,	closer [7] - 17:1, 93:5,
76:16, 76:23,	93:11	cats [1] - 106:1	160:13, 164:10,	99:18, 124:16,
111:20, 123:12,	burn [6] - 99:24,	caught [1] - 140:9	165:13, 165:15,	133:22, 133:23,
127:20, 133:20.	115:Z1, 130:ZZ, 154:13. 156:17.	caused [2] - 79:21, 80:7	166:6, 167:8,	closes m - 135:2
134:4, 134:17,	156:18	causes [1] - 28:19	167:13, 167:22,	closest [1] - 88:5
135:5, 135:11,	burning [7] - 34:7,	center [2] - 25:23,	168:2, 168:8,	closing [1] - 28:7
135:13, 135:16,	34:11, 34:20, 35:6,	122:23	168:12, 168:15,	Code [1] - 5:16
135:19, 137:5,	36:2, 115:22, 116:21 hims n = 154.21	certain [2] - 106:5,	169:22, 170:23.	coffee [3] - 7:22,
138:14, 139:7,	business (101 - 16:4.	certainly 131 - 35:13.	171:24, 172:4,	cold 141 - 34:8, 34:9.
139:8, 140:5, 140:9,	16:5, 16:22, 18:8,	132:14, 146:22	175:12	34:10, 165:8
140:13, 141:19,	19:3, 19:11, 21:15,	Certificate (1) - 3:24	chance [4] - 7:3, 7:9,	collateral [1] - 19:2
141:23, 142:8,	21:16, 21:17, 86:11	certificate [4] - 13:1,	43:20, 80:19	college [7] - 10:12,
142:11, 142:12,	BY [5] - 4:4, 8:1,	13:7, 13:10, 13:19	characterize 11:-	10:13, 10:18, 10:19,
branches [35] - 92:12,	00,22, 105.5, 175.2	176:1	85:17	College 27 - 10:17
92:14, 93:9, 99:21,	Ç	Certified (31 - 1:23,	check [3] - 30:15,	11:19
99:23, 103:21,	,	176:3, 176:19	102:20, 148:6	combination [5] -
103:22, 110:16,	calculations [1] -	certify [2] - 176:4,	checked [1] - 101:19	20:1, 28:18, 63:18,
110:23, 111:2,	20.10 ralendarm - 41.15	176:10	Unicago [4] - 2.9,	77:10, 91:6
112-12, 112-14,	campfires (1) - 41.15	chain [127] - 32:11,	12:14, 47:3, 55:15 child n1 - 59:21	comfortable [1] -
118:11, 118:14.	capable (1) - 145:6	62:12, 62:14, 62:21,	children 121 - 59:14.	12.23
118:23, 119:3,	car [8] - 9:1, 62:5,	64:4 64:8 64:12	59:15	78:9, 80:2, 80:5.
119:13, 120:11,	62:10, 162:12,	64:19, 65:2, 65:3,	chipped [1] - 115:20	116:24, 129:10,
120:24, 121:10,	163:10, 163:14,	65:5, 65:13, 65:22,	chips [1] - 70:6	134:11, 135:12,
122:8, 122:21,	164:9, 164:20	66:2, 66:8, 66:19,	Christmas [2] -	135:16, 137:12,
125:1, 124:12,	card [1] - 22:6	66:24, 67:12, 67:15,	103:20, 103:23	138:11, 138:16,
126:10, 127:2.	care is - 11:5, 69:5	67:17, 67:24, 68:3,	Cirero (1) - 126.21	138:17, 138:19,
128:22, 129:23,	69:7, 145:13, 159:17	69:10, 69:18, 69:19	CIRCUIT [21 - 1:2	158:3. 169:1
130:12, 134:3,	careful [2] - 129:19,	69:23, 71:7, 71:10,	circular _[1] - 71:23	commencing [1] -
135:21	157:20	71:16, 71:20, 71:22,	circumstances [1] -	1:21
prand [1] - 106:19	Carol [9] - 90:21,	72:9, 72:13, 72:18,	42:18	comment [3] - 139:23,
106-19	104:8, 104:18,	72:24, 74:16, 76:3,	city [3] = 12:13, 46:21,	140:24, 146:5
break (4) - 80:14	117.8 117.9 129.9	77:0 77:40 82:21	4(15 City, 1, 2, 20	comments [5] - 83:13,
81:1, 109:16, 120:16	144:11	83:18, 91:8, 91:12,	Civil pr - 4:12, 5:16	121:21, 144:15
break-off [r] - 81:1	Carol's [1] - 62:17	91.23, 92.2, 93.24,	claim [2] - 48:17.	commercial [1] -
breakdown [1] - 81:18	CAROLINE [2] - 1:8,	94:23, 95:7, 95:14,	159:6	19:10
breakfast [1] - 109:14	1:9	95:19, 95:20, 96:18,	claiming [2] - 49:12,	common [1] - 58:15
breaks (1] - 116:13	2-1:17,	97.5, 98:3, 98:9,	50:23	communication [4] -
127:17	63:5. 84:5, 84:13.	100:13. 101:6.	clariffed [1] - 132.7	76.5, 76.5, 76.14, 81-18
bringing [2] - 92:4,	85:7, 85:19, 86:4,	105:1, 106:18,	clean 11 - 147:22	communications [1] -
138:14	91:14, 98:18,	108:14, 109:13,	cleaned [2] - 92:9,	81:2
brings [2] - 14:18,	102:24, 105:19,	109:17, 110:22,	147:5	community [1] - 10:18
70:11	106:14, 107:4,	111:8, 112:22,	cleaning [1] - 123:1	Community [1] -
broken (4 163:16	Caroline's 121-58-2	115.1, 114.15,	clicks [1] - 23:1	26:14
broker [1] - 20:21	105:24	130:24, 131:16,	climb [3] - 112:7,	19·12 21·21 46·17
brought [1] - 92:1	carpal [1] - 29:14	133:16, 134:6,	climbing 131 - 111:15,	47:22, 48:10
bucket [1] - 38:18	carried [1] - 88:16	134:11, 134:18,	111:16, 120:17	company [8] - 14:8,
buckets [3] - 38:14,	carry (1] - 93:13	135:8, 135:9, 136:3.	Clinic [1] - 150:10	16:19, 19:4, 21:19,
40:10	Cate (1) cont of the			47.4, 47.9, 55.10,

g Fre la

126:9, 126:22, 127:5, 131:12, 173:6 controlled [1] - 156:14 86:8, 92:15, 118:13, 118:22, 125:15, 99:14, 102:22, 104:2, 104:5, 104:7, 117:4, 118:8, 118:9, 163:9, 175:4, 175:5 contractor [1] - 17:12 61:19, 61:20, 61:22, 71:21, 72:11, 72:15 16:20, 17:17, 19:9, 22:22, 23:11, 23:17 65:11, 66:12, 71:17 27:12, 42:13, 46:2, 78:10, 85:14, 86:4, corrected [1] - 88:12 87:15, 97:21, 98:6, 98.7, 98:10, 98:11, 52:1, 52:10, 53:17, 78:20, 79:4, 80:24, 81:24, 82:1, 108:6, counsel [5] - 81:14, 27:17, 28:5, 32:4, 34:2, 36:5, 36:18, 43:8, 52:11, 61:1, 74:9, 77:16, 86:3, conversation [10] -51:2, 51:5, 51:10, control [2] - 170:9, 108:13, 114:14, conversations [4] сопесц [67] - 15:8, COUNTY [1] - 1:3 143:10, 143:15, 159:20, 159:24, corner (1) - 90:23 133:20, 135:22, 142:19, 142:21, 176:11, 176:12 count [2] - 64:24, County [1] - 4:13 173:14, 174:20 couple [17] - 6:2, controversy [1] -161:6, 161:21, 114:17, 117:3, 140:14, 142:6, 147:3, 156:11, 6:6, 6:9, 78:19, 121:5, 123:4, 137:8, 140:2, 81:12, 162:5, 95:9, 161:22, 113:10 66:14 176:7 connecting [1] - 24:15 connection [5] - 58:1, conduction [1] - 150:7 concerning [3] - 26:7, confused [2] - 140:23, connected [2] - 57:23, 84:11, 85:10, 85:17, completed (1) - 13:13 consider [3] - 116:12, contacted [1] - 46:24 Complaint [1] - 57:12 complaints (1) - 35:5 computer [9] - 19:21, 19:22, 22:18, 36:11 36:16, 46:11, 47:16, continue [3] - 51:11, confinued [3] - 4:10, compatible [1] - 47:3 container [2] - 39:7, computer-assisted contact [17] - 47:10, consult [1] - 108:20 53:19, 61:10, 78:7 condition [1] - 93:5 73:4, 77:13, 94:5, consideration [1] compensated [1] -CONTINUED [1] concept [3] - 22:5, concern [7] - 99:2, confer [1] - 80:13 136:23, 137:16, 142:10, 143:14 132:11, 146:15 complaining [2] -128:13, 136:18, 108:15, 144:12 137:19, 138:4, 149:19, 152:1 51:18, 114:24 107:14, 108:7, 47:19, 149:19 144:7, 166:20 consumed [1] concerned [2] -85:19, 85:20, 139:6, 140:5, 22:13, 22:19 27:1, 176:6 23:20, 97:3 nj - 19:21 175:10 99:13 167.7 58:11 41:7

debris [4] - 70:7, 75:13, 75:17, 115:13 David [73] - 2:10, 58:3, 99:20, 100:4, 100:9, damaged [1] - 107:18 dangerous [9] - 64:5, 113:23, 114:5, 87:20, 90:21, 91:22 95:14, 95:18, 96:17 deal [2] - 40:11, 89:8 96:23, 96:24, 97:8, 64:15, 84:3, 84:10, 92:2, 92:5, 92:17, 92:21, 93:17, 94:5, days [3] - 50:4, 50:8, 62:4, 62:14, 63:19, D-u-l-b-e-r-g [1] - 4:7 damage [3] - 107:10, damaging [z] - 99:3, database [1] - 47:16 94:16, 94:20, 95:6, 97:24, 98:2, 98:12, 64:6, 64:8, 64:10, 65:3, 113:23, 114: 84:12, 87:3, 87:9, David's [3] - 103:3, dangers [1] - 65:5 Dated [1] - 176:14 Dave's [1] - 110:8 105:13, 105:15, 105:21, 106:14, 108:20, 110:13, 113:12, 115:24, 120:16, 121:17, 173:15, 173:23, date [5] - 9:5, 9:9, 151:16, 173:22, 166:14, 166:21 166:12, 168:20 Dave [3] - 57:21, 118:12, 119:1, 102:24, 103:9, 104:6, 104:17, 167:7, 168:16, 122:4, 130:22, 161:23, 165:9, 165:24, 166:5, 169:5, 169:23, 170:21, 172:1, 172:5, 172:15, 174:1, 174:17 107:1, 108:4, 107:14, 158:9 96:19, 120:21 DAVID [1] - 1:8 dad [1] - 68:19 165:8 108:8 114:9 create [z] - 35:9, 35:18 cup [2] - 28:23, 132:19 115:5, 121:9, 134:6, customers [2] - 20:20, 75:21, 76:16, 76:23, 99:13, 99:15, 99:21, 73:18, 73:20, 77:4, 91:14, 92:7, 92:17, 92:21, 93:10, 95:15, criticism [2] - 165:24, customer [2] - 22:20, 11:21, 11:22, 12:3, 12:16, 81:5, 83:18, Court [4] - 4:13, 8:8, crosses [1] - 160:21 cut [54] - 65:8, 67:8, cutting [31] - 69:18, 92:7, 92:11, 95:4, courses [z] - 11:20, 69:13, 73:7, 73:8, 70:9, 71:4, 73:4, 134:14, 140:9, 140:12, 165:23, course [9] - 11:18, 104:23, 109:12, 106:15, 108:11, 122:10, 122:15, 111:20, 114:24, 100:21, 106:12, 112:12, 112:20, 123:18, 125:24, 126:13, 131:17, 144:13, 144:23 168:16, 168:20 166:3, 166:19, 133:17, 136:4, 145:17, 157:9, 169:3, 169:23, 103:7, 104:14, 119:22, 120:2, 123:2, 123:14, 126:1, 126:10, 141:20, 142:8, 167:6, 168:13, 171.9, 171.14 110:22, 112:2, COURT [1] - 1:2 110:3, 111:5, court [1] - 4:15 99:17, 99:23, cuts [1] - 65:7 84:6, 143:3 8:18, 9:17 20:22 51:5

diagnosed [1] - 31:12 45:12, 45:13, 116:7, 116:8, 116:15, definitely [2] ~ 141:14, DEPOSITION [1] - 1:7 34:5, 35:15, 133:15, dialogue [1] - 139:10 defendants [2] - 1:17, described [8] - 33:22, Defendants [1] - 1:11 deposition [8] - 1:16, diameter [2] - 132:8, designer [3] - 18:21, definition [1] - 142:3 22:13, 32:1, 32:8, 32:15, 35:16, 36:6, degrees [z] - 169:24, design [27] - 13:24, 14:1, 14:2, 14:11, 19:8, 19:10, 19:20 46:18, 47:24, 48:5 defendant [2] - 2:10, describe [8] - 13:10, 14:16, 18:10, 19:2 demonstrating [1] decision [3] - 45:6, demonstrated [1] -28:5, 58:18, 60:3, 20:24, 21:7, 22:2 45:1, 45:22, 46:2 decided [8] - 45:11 deprive (11 - 80:18 details [2] - 83:12, demise [1] - 16:17 device [1] - 38:24 demonstrate [1] -Diane [1] - 103:3 degree [1] - 10:23 142:4, 145:19, 154:2, 154:15 detail [1] - 71:12 4:9, 5:14, 5:18, description [2] -175:18, 176:8, 138:10, 144:6, 105:20, 107:21 170:3, 171:11 176:9, 176:12 117:19, 127:1 18:24, 19:16 25:12, 72:2 132:17 146:23 83:15 170:1 91:11 69:14 98:8 82:2 9

> Fisher Court Reporting Rockford, Illinois

815/226-9755

14:24, 15:2, 17:8, 17:23, 48:10, 48:11, 166:1, 176:11, 176:13 employee [2] - 18:2,	176:12 employees (1) - 21:22 employer (5) - 13:3, 14:14, 16:2, 61:18, 84:19	employing (i] - 166:5 employment [12] - 17:2, 17:20, 37:19, 41:18, 43:20, 43:24,	44:1, 45:18, 48:14, 49:24, 59:2, 145:20 encompass (1) - 18:22 encounter [2] - 84:8,	84:9 end (rt) - 16:14, 42:18, 50:17, 76:24, 123:13, 123:14, 124:16, 125:18, 127:10, 127:15,	ended [s] - 15:10, 15:16, 16:10, 16:12, 16:16, 52:1 ends [s] - 27:17, 129:1, 157:10 endurance [s] - 7:20 engage [r] - 168:2, 168:19, 168:12, 168:19, 169:19,	nos.23, 170.24 engaged (4 - 63:6, 172:4 enhance (1) - 34:19 enroll (1) - 10:16 entire (3) - 79:14, 92:21, 130:11 entitled (1) - 1:18 entries (1) - 22:24 entry (4) - 19:23, 23:2, 45:4 entry (4) - 19:23, 23:2, 45:4 entry (4) - 19:23, 23:2, 45:4 entry (4) - 19:24 eximate (4) - 61:1, 64:18, 89:17, 104:2 estimating (1) - 109:9 evaluated (3) - 147:2, 150:13, 150:14 event (19) - 31:24, 32:16, 33:8, 36:5, 43:8, 43:11, 44:11, 61:14, 51:23, 56:8.
E e-mailed [1] - 80:16 e-mails [1] - 46:24 early [5] - 11:16, 87:8,	145:19, 150:4, 150:9 earnings (1 - 48:18 easier (1 - 6:9 East (1) - 2:5 easy (11 - 6:19	eat [1] - 25:20 educational [1] - 10:5 effort [3] - 45:19, 83:6, 106:15	eighth [2] - 68:8, 68:9 either [17] - 23:8, 41:22, 46:7, 48:23, 56:1, 71:4, 85:12, 91:7, 91:11, 96:16,	98.9, 107:19, 129:18, 129:23, 138:24, 144:15, 152:17 elaborate [z] - 22:4, 133:17 elapsed [z] - 168:6,	168:11 elbow 37 - 24:8, 24:9, 24:14, 25:6, 25:10, 26:8, 26:10, 26:18, 26:19, 26:23, 27:2, 27:20, 27:22, 28:18, 30:12, 31:5, 31:12, 32:1, 32:21, 33:16, 33:24,	156.23, 156.24, 156.24, 156.24, 156.24, 157.15, 157.15, 163.7, 163.4, 163.7, 164.19, 164.19, 164.19, 164.19, 165.4, 165.7 Elder 19. 8:19, 9:2, 57:13 eliminated (1) - 119.2 Elm [3] - 1:19, 2:2, 149:2 emergency (16) - 141:9, 142:23, 145:2, 145:10, 147:2, 147:2, 147:21, 172:23, 173:15, 173:16, 173:17, 173:16, 173:17, 173:16, 173:17, 173:16, 173:17, 173:16, 173:17, 173:16, 173:17, 173:16, 173:17, 173:16, 173:17, 173:16, 173:17, 173:16, 173:17, 17
125:15, 125:16, 127:5, 131:8, 131:12, 135:20 Dr I191 - 26:11, 26:12, 26:16, 30:2, 31:2,	148:24, 149:1, 149:14, 150:10, 150:16, 151:4, 151:10, 151:11, 151:15, 151:18,	151:22, 151:24, 152:13, 153:8 drag [z] - 127:19, 127:20	dragging [8] - 116:3, 118:3, 120:11 drank [7] - 120:20 draw [7] - 22:10 drawing [2] - 47:14,	53:22 drink [z] - 7:22, 110:6 drinking [s] - 159:11, 175:4, 175:7 driveway [r] - 87:6 driving [z] - 97:14, 159:11	drop [1] - 105:16 dropped [2] - 135:11, 170:24 dropping [2] - 118:20, 141:23 drove [3] - 88:8, 162:11, 162:13 drugs [1] - 166:15 due [3] - 37:23, 37:24,	49:24 DULBERG (4) - 1:5, 1:7, 1:16, 4:1 Dulberg (7) - 4:7, 4:10, 4:16, 8:4, 9:22, 80:23, 176:5 dulberg (7) - 171:17 Dulberg (7) - 171:17 Dulberg (7) - 171:17 Dulberg (7) - 171:17 dulp (2) - 4:2, 176:5 dump (1) - 58:21 dump (1) - 58:21 dump (1) - 58:23 dump (1) - 38:23 dumps (2) - 38:20, 38:21 during (2) - 38:20, 38:21 during (2) - 38:20, 38:21 during (2) - 38:20, 38:21 during (2) - 129:20, 129:20, 129:24, 130:11, 134:14, 165:23 dust (1) - 70:7 dunantics (1) - 143:1
158:6, 163:22, 163:23, 163:24 doctors [1] - 26:7 dog [7] - 102:5, 102:6, 102:17, 105:8,	115:6, 120:20 dogs [r] - 106:1 dominant [2] - 76:7, 133:6 done [32] - 17:5	20:24, 39:21, 44:4, 44:23, 55:4, 56:10, 87:12, 91:2, 92:8, 97:10, 111:23,	116:20, 118:15, 121:1, 121:23, 121:24, 123:15, 127:16, 131:12, 135:20, 135:23,	146:6, 150:4, 150:9, 152:8, 153:8, 155:19, 163:17, 163:18, 163:19, 173:8 down [75] - 6:4, 10:19, 12:13, 26:14, 27:20,	27:23, 27:24, 28:4, 29:12, 29:13, 33:23, 36:12, 38:15, 46:11, 47:23, 55:13, 55:16, 67:19, 67:22, 86:9, 88:13, 88:14, 91:14, 92:17, 92:21, 93:18, 94:8, 96:13, 96:13, 96:13, 96:13, 96:12, 98:21, 100:12,	10:21, 10:12, 10:21, 10:12, 10:21, 10:12, 10:12, 10:12, 10:12, 10:12, 10:12, 10:12, 11:22, 11:24, 11
dictated [1] - 126:6 died [3] - 111:8, 113:19, 113:20 different [11] - 43:11, 45:20, 73:21, 84:17,	93:9, 96:4, 96:5, 118:4, 120:12, 142:2, 151:23 difficult (1 - 81:17 diminishing (1) -	66:20 direct [1] - 154:22 direction [1] - 7:18 directions [2] -	146:17, 157:18 directly [a] - 15:20, 15:22, 40:14, 40:16, 113:12, 121:12 disability (1) - 36:23	disabled (1) - 37:14 disagreeing (1) - 107:4 disappeared [2] - 110:7, 110:9 discovery [2] - 4:9, 5:18	DISCOVERY (11 - 1:6 Discovery (11 - 1:16 discuss [5] - 83:8, 83:10, 97:18, 106:4, 116:9 discuss/bicker (1] - 97:15 discussed [5] - 80:10, 81:11, 81:23, 82:8,	discussion [9] - 80:7, 80:9, 99:5, 105:11, 106:14, 106:21, 108:10, 144:2, 174:17 discussions [4] - 104:23, 108:2, 173:20 discussions [4] - 134:17 dispose [1] - 90:10 dispose [1] - 90:10 dispose [1] - 90:10 dispose [1] - 90:10 dispose [1] - 128:16 distraught [1] - 128:16 distraught [1] - 140:22 ditch [1] - 24:18, 27:1, 27:2, 31:16, 150:13, 157:4,

52 of 63 sheets

164:4, 174:8, 175:16 fourth-to-the-last [11] -28:11, 40:23, 40:24, forgetting [1] - 156:15 four [9] - 10:18, 60:23, free [5] - 72:13, 88:18, frequency [z] - 60:15, 41:11, 41:12, 41:13, fourth [2] - 49:4, 49:9 friend [3] - 9:20, 9:23, 33:24, 34:14, 34:15, following-named [1] foundation [1] - 89:6 27:14, 31:7, 75:24, 81:24, 95:9, 122:2, 88:22, 90:22, 93:2, four-year [1] - 10:18 fragments [1] - 70:6 FREEMAN [16] - 2:1, forming [1] - 154:21 forearm [10] - 33:23 52:9, 75:8, 172:9 full (17] - 8:2, 28:4, forever [2] - 145:4, forward [4] - 5:10, Forest [1] - 163:21 Fourth [1] - 41:14 friends [2] - 60:4, 119:16, 127:24, 158:20, 162:23, fuck [2] - 135:13, formed [2] - 65:2, 152:22, 154:3, 160:13, 161:11 135:18, 136:1, front [z] - 88:16, froze [1] - 70:18 forgot [2] - 40:4, forklift[1] - 38:9 148:15, 149:5, form [3] - 13:12, France [1] - 2:4 follows [1] - 4:3 132:20, 134:4 157:6, 97:7, 128:20, forth [1] - 96:3 50:18, 66:22 165:16 100:20 144:16 140:20 158:12 154:4, 61:12 128:8 78:7 49:9 61:7 follow-up [1] - 175:1 following [5] - 39:18, finger [20] - 23:6, 23:9, flow [2] - 22:19, 72:13 111:2, 121:12, 126:4, 126:8, 126:9, firewood [3] - 116:16, 122:23, 123:3 32:20, 33:22, 34:13, 34:19, 34:22, 35:9, fire [5] - 33:10, 33:13, 34:4, 115:22, 137:7 fireplace [1] - 116:22 focused [1] - 145:12 five [9] - 52:22, 53:1, first [27] - 4:2, 18:11, 68:11, 68:14, 69:1, 56:7, 87:17, 87:22, 26:16, 29:20, 37:3, 51:4, 51:19, 52:13 finish [3] - 7:7, 10:6, 37:8, 37:9, 50:21, fingertip [1] - 32:19 fine [6] - 4:22, 5:9, 25:23, 156:21, 32:23, 33:2, 33:4, finished [1] - 10:15 finishes [1] - 136:2 53:1, 53:8, 60:11, fingers [14] - 27:24, 28:6, 28:8, 28:12 33:11, 153:10, 153:17, 153:21, 153:24, 154:16, 155:24, 156:8, 156:9, 156:10, 158:1, 167:11, 167:17, 167:19, 126:22, 140:18, flatbed [1] - 89:22 fired [z] - 109:17, follow [1] - 175:1 132:15, 153:13, 156.22, 156.23 75:19, 110:21, flexion [2] - 27:5 143:19, 145:8, 128:20, 134:5, 149:12, 171:5 flimsy [1] - 89:7 flared [1] - 25:5 financially [1] -145:5, 149:4 flew [1] - 42:2 fix [1] - 62:8 fly [1] - 70:7 140:10 153:19 176:13 10:10 168:7 far Ing - 26:4, 27:11, 31:3, 31:13, 67:5, 97:11, 99:10, 111:5, 168:14, 170:6, 170:8 felt [3] - 74:16, 146:17, few [16] - 10:15, 10:20 122:9, 125:3, 125:6, 104:1, 109:7, 111:8, 44:10, 60:23, 63:13, 66:16, 66:17, 77:15, family [3] - 11:7, 11:9, fact [4] - 32:11, 85:16, extending [1] - 27:15 30:9, 42:1, 109:10, figured [1] - 108:24 fill [5] - 39:8, 44:3, extension [3] - 27:3, extensor [1] - 25:23 fall [6] - 29:23, 30:8, ехtгете [3] - 27:17, **fashion** [1] - 71:23 fair [4] - 7:9, 25:12, falling [1] - 107:11 face [2] - 6:9, 6:10 Facing [1] - 170:20 112:19, 113:17, fellow [2] - 57:20, 138:20, 156:16, extent [2] - 63:15, eyes [4] - 135:10, father [1] - 68:24 91:18, 118:13, 119:9, 124:21, falls [1] - 119:19 favor [2] - 94:10, fallen [1] - 116:3 fast [6] - 138:17, figure [1] - 82:7 169:4, 171:18, 119:4, 128:14 feet [11] - 89:12, 128:20, 134:5 115:21, 139:7 fancy [1] - 5:19 fart [1] - 174:13 126:4, 150:6 85:17, 144:6 eye [1] - 169:4 28:4, 28:12 69:5, 69:6 116:12 148:13 172:12 119:22 106:23 65:16 81:21 exactly [10] - 18:13, 23:7, 23:19, 25:5, 40:10, 43:2, 102:15, eventually [1] - 148:20 113:14, 123:7, 125:9 expectation [2] - 5:23, expletive [1] - 140:20 160:3, 160:4, 160:9 experience [3] - 65:6, explained [6] - 26:19, expressly [1] - 176:9 exception [2] - 92:24, extended [2] - 27:21, exacerbate [1] - 35:5 exchange [1] - 44:18 3:2, 4:4, 8:1, 80:22, 75:4, 75:11, 76:15 42:6, 83:6, 100:17, express [2] - 86:17, 57:9, 61:11, 79:10, expenses [6] - 53:4, EXAMINATION [6] excuse [2] - 140:19, expecting [1] - 94:2 expense [1] - 160:3 expect [z] - 146:20, extend [2] - 25:19, explain [6] - 28:24, evolved [1] - 58:18 examined [2] - 4:2, **EXHIBITS** [11] - 3:9 158:24, 159:1, 159:13, 159:16, EXHIBIT [1] - 3:10 3:12, 3:13, 49:8, events [1] - 24:15 examination [1] -Exhibit 7 - 3:11, experienced [3] explanation [1] -149:18, 157:8, exact [2] - 14:23, 123:23, 143:5 except [1] - 92:7 107:1, 143:2, 67:17, 67:18 85:12, 88:19 163:3, 175:2 157:23 157:12 166:20 160:11 163.6 158:7 41:17 60:24 176:7 176:7

41:2, 42:1, 43:20, 43:23, 44:1, 51:3, 43:23, 44:1, 51:3, 51:20, 52:15, 56:10, 132:14, 156:12, 132:14, 156:12, 132:14, 156:12, 132:14, 156:12, 43:20, 43:23, 44:1, 51:9, 51:20, 52:3, 43:2, 43:2, 43:2, 43:20, 43:23, 44:1, 51:9, 51:9, 51:20, 52:16, 148:3, 148:5 functioning 12 - 148:3, 148:5 functioning 12 - 148:3, 148:5 functioning 12 - 148:3, 148:5 functioning 13 - 148:3, 148:5 functioning 13 - 148:3, 148:5 functioning 13 - 148:3, 148:5 functioning 13 - 148:3, 148:5 functioning 13 - 148:3, 148:5 functioning 13 - 148:3, 148:5 functioning 13 - 163:19, 63

gabapentin [1] - 155:5 G-r-o-v-e-s [1] - 42:12 62:21, 63:19, 64:15, 77:14, 80:24, 81:19, **Gagnon** [28] - 2:10, 57:21, 60:1, 62:14, 87:3, 87:12, 107:9 gathered [1] - 79:13 generate [1] - 46:12 gagnon [1] - 107:17 garden [z] - 92:20, **3AGNON** [1] - 1:8 82:8, 94:7, 98:9, 137:22, 139:10, garage [4] - 59:8, general (1) - 85:5 130:20, 133:16, 146:18, 161:24, game [z] - 21:18, gas [2] - 113:18, 129:22, 130:4, 140:15, 144:3, 146:12, Gerard [1] - 2:8 giffs [1] - 93:23 gap [1] - 135:2 gist [1] - 84:2 134:12 146:2, 175:3 22:21 115:9

> Fisher Court Reporting Rockford, Illinois 815/226-9755

given [5] - 22:8, 31:16,

45:7, 61:15, 176:8

godfather [1] - 59:20

glides [1] - 72:14

glad [1] - 132:6

God [ri] - 140:23

34:17, 35:1, 35:3,

grab (7) - 28:22,

golf [1] - 59:5

123:15, 127:17,

28:14, 28:15, 33:6,

hydrocodone [1] -

155:13

154:9, 164:18

24:2, 25:18, 26:2 26:5, 27:16, 28:5

hurfing [1] - 99:6

164:19

hurts [12] - 23:24

dea [3] - 82:20, 138:1, immensely [1] - 34:10 identifying [2] - 96:15, ILLINOIS [2] - 1:1, 1:3 11:12, 60:11, 60:15, 68:6, 77:20, 126:11, impacted [1] - 153:14 illustrate [z] - 46:19, impaired [1] - 37:13 impedes [1] - 23:23 1:24, 2:2, 2:5, 2:9, 4:14, 5:16, 10:19, dentification [1] -Minois [10] - 1:20, 134:19, 134:20, immediately [1] immediately [8] -126:23, 140:22 impediment [1] impairment [2] -23:10, 150:15 176:3, 176:20 idle [5] - 134:7, 167:9, 168:7 106:11 143:22 141:17 47:23 160:5

Fisher Court Reporting Rockford, Illinois

815/226-9755

99:3, 99:6, 103:6,

103:10, 105:12,

107:18, 108:3,

129:11, 143:24,

108:8, 110:5,

162:7, 162:13

houses [1] - 8:23

huhs [1] - 6:8

27:22, 32:17, 32:18, 34:17, 99:10,

107:18, 109:24, 110:3, 127:6,

128:12, 128:15, 128:19, 129:3, 131:9, 134:15, 143:21, 145:12,

hundreds [2] - 64:23

hurt [19] - 27:20,

Kickoff [1] - 141:19 Kickoff [1] - 141:19 Kid [1] - 87:6 Kids [2] - 87:20, 106:23 Kind [32] - 12:5, 14:14, 18:24, 21:15, 25:4, 26:22, 38:6, 39:3, 42:6, 45:6, 45:21, 47:2, 59:3, 59:8, 62:3, 67:20, 75:9, 79:24, 88:4, 93:22, 93:23, 103:18, 113:9, 117:21, 125:22, 133:10, 152:20, 157:12, 162:22 Kinden [1] - 144:21 Knees [2] - 173:3, 173:11 Knowledge [2] - 94:24, 176:6 Known [7] - 54:24, 69:17, 81:19, 82:11, 84:3, 149:4, 175:8 Knows [5] - 55:4, 143:6, 144:7,	LA(1)-1:5 la-la (1)-147:19 laceration (3)- 149:21, 154:12, 154:17 lack (2)-70:19, 71:2 lack (2)-70:19, 71:2 lack (2)-70:19, 71:2 lack (2)-70:19, 71:2 lack (2)-70:19, 71:2 lack (2)-16:3 lack (1)-16:3 lack (1)-16:3 lack (1)-16:3 lack (1)-16:3 lack (1)-16:3 lack (2)-70:19, 71:2 lack (2)-70:19, 72:19 last (1)-16:19 last (1)-16:19 lack (2)-2:1, 2:8 lack (1)-16:19 lack (2)-57:10, 57:21 lawsut (2)-57:10, 57:21 lawsut (2)-57:10, 57:21 lawsut (2)-8:18 laying (3)-86:10, 115:10, 124:5 layoff (3)-86:7, 86:13
July (e) – 152:11, 152:23, 159:3, 161:2, 161:3, 161:19, 161:19, 162:18 June (49 – 9:8, 9:16, 15:6, 16:15, 20:23, 21:5, 24:16, 29:18, 37:15, 42:24, 43:22, 44:3, 44:8, 48:14, 51:14, 51:23, 59:17, 60:21, 61:21, 62:13, 63:2, 63:5, 63:11, 63:15, 63:21, 64:2, 64:19, 65:10, 65:14, 67:11, 67:23, 73:12, 74:8, 74:15, 77:14, 81:8, 86:20, 91:3, 91:15, 100:2, 101:2, 164:10, 164:14, 165:13, 166:8 Juskie (3) – 15:11, 15:12, 16:18, 15:21, 15:24, 16:23, 17:2, 17:9, 20:15, 20:19, 20:20, 20:21, 21:10, 50:20, 51:2, 51:5, 51:10, 51:16, 51:19, 51:24, 52:10, 52:18, 51:24, 52:10, 52:18,	FEST1, 56:6 JUSKIE [1] - 15:15 Keep [2] - 127:24, 128:7 Keep [1] - 6:2, 42:15, 59:23, 67:5, 96:6, 117:13, 128:8, 138:21, 172:1, 172:5 Key [2] - 22:24, 23:2 Key [2] - 22:24, 23:2 Key [2] - 22:24, 23:2 Key [2] - 22:24, 23:2 Key [2] - 22:24, 23:2 Key [2] - 22:24, 23:2 148:15 Key [2] - 73:24, 74:3, 148:14 Kick [3] - 73:20, 75:9, 141:24 Kick [3] - 73:24, 74:3, 74:9, 74:12, 74:22, 75:16, 75:19, 75:22, 141:9, 141:15, 141:9, 141:15, 141:9, 141:16, 173:1 Kicked [9] - 59:8, 75:6,
90:18, 92:13, 93:12, 94:19, 96:7, 17:16, 106:1, 106:4, 106:7, 108:12, 112:14, 114:22, 112:14, 128:10, 13:13, 136:1, 136:9, 139:14, 145:16, 148:15, 156:9, 133:13, 136:1, 136:9, 139:14, 145:16, 148:15, 151:19, 156:6, 159:5, 160:19, 161:2, 162:23, 169:14, 171:22 interventing III - 129:18 interventing III - 129:18 interventing III - 129:18 interventing III - 129:18 interventing III - 129:18 interventing III - 129:18 interventing III - 129:18 interventing III - 129:18 interventing III - 129:18 interventing III - 129:18 interventing III - 129:18 interventing III - 129:18 interventing III - 129:18 interventing III - 129:18 interventing III - 129:18 interventing III - 120:14, 140:12, 165:13, 166:8	63.7 issue [1] - 4:20 issue [1] - 4:23 issue [1] - 24:24 items [1] - 73:21 itself [2] - 20:20, 148:13 Jacket [1] - 28:22 January [4] - 1:21, 37:4, 176:5, 176:14 jacket [1] - 28:22 job [16] - 15:6, 15:9, 22:12, 23:11, 37:16, 38:11, 41:3, 45:15, 45:19, 51:20, 52:15, 58:24, 67:14, 67:20, 86:16, 130:1 jobs [3] - 45:21, 46:7, 84:17 Joe [7] - 44:6, 44:8, 49:17, 52:6 Joe [7] - 44:9, 49:17, 62:6 Joe's [1] - 42:9 Johnsburg [2] - 10:9, 58:6
Individually [2] - 1:8, 1:10 Inflammatory [2] - 155:6, 155:9 Influence [1] - 166:15 Information [1] - 47:17 Injections [1] - 30:12 Injured [2] - 119:24, 125:2, 138:24, 146:22, 138:24, 146:22, 148:13, 144:6, 148:13, 157:6, 159:24, 160:14, 163:14 Inner [1] - 120:15, 144:6, 148:13, 157:6, 159:24, 160:14, 163:14 Inner [1] - 25:13 Inquire [1] - 25:5 Inside [2] - 143:23, 164:22 Inside [2] - 143:23, 164:22 Inside [2] - 143:23, 164:22 Inside [2] - 143:23, 164:22 Instruction [3] - 95:18, 97:12 Instruction [3] - 94:2, 94:6 Instruction [3] - 94:2, 93:18, 130:4, 134:9, 139:22 Instruction [3] - 94:2, 98:18, 130:4, 134:9, 139:22 Instruction [3] - 94:2, 98:18, 130:4, 134:9, 139:22	intending (i) - 73:18 intensive [g] - 12:17, 12:19 intention [i] - 139:12 intentionally [i] - 174:12 interested [g] - 44:12, 176:13 interested [g] - 44:12, 176:13 interested [g] - 44:12, 176:13 interprested [g] - 44:12, 176:13 interprested [g] - 6:6, 17:6, 17:21, 17:24, 18:7, 18:24, 19:5, 19:8, 19:17, 20:14, 56:4, 56:7, 84:13, 86:5, 117:10 interprest [g] - 6:9, 6:19 interprest [g] - 6:9, 6:19 interprest [g] - 6:9, 6:19 interprest [g] - 6:9, 6:19 interprest [g] - 6:9, 109:22 interrupting [s/] - 5:1, 14:7, 19:24, 20:3, 27:12, 31:6, 32:3, 35:7, 40:6, 49:2, 51:17, 53:9, 55:17, 56:3, 60:9, 62:23, 67:7, 67:9, 70:8,
impetus [1] - 81:13 implicated [1] - 154:4 important [4] - 6:5, 81:20, 144:9, 144:11 impression [4] - 22:16, 142:4, 144:17, 147:12 improvement [1] - 158:7 IN [1] - 1:2 in-house [2] - 19:7 inadequate [1] - 72:21 inc [4] - 16:8, 16:18, 16:22, 55:11 inc [4] - 16:8, 16:18, 16:22, 55:11 inches [4] - 93:2, 97:7, 132:12, 132:20 incident [2] - 8:15, 9:7, 15:6, 16:14, 21:9, 23:4, 23:17, 37:24, 38:1, 51:3, 54:15, 55:21, 60:12, 61:21, 77:14, 78:9, 88:13, 13:11, 13:112, 13:13, 166:9 including [1] - 49:13 income [19] - 17:15, 17:18, 45:18, 49:12, 50:18, 50:24, 55:20, 56:18, 50:24, 55:20,	Incorporated

Page 8 to 8 of 16

mark [4] - 53:20, 54:5, ubrication [1] - 70:19 M-c-A-r-t-o-r[1] - 10:2 10:17, 11:19, 11:24, Mark [z] - 17:6, 54:24 65:21, 66:1, 66:10, marked)... [2] - 3:11, lubricant [3] - 72:14, machine [2] - 38:17, manuals [1] - 75:15 69:11, 86:23, 88:1 material [5] - 38:3, 38:4, 38:5, 38:6, 9:14, 57:4, 59:10, 9:24, 10:1, 65:20 MARKED [1] - 3:10 marked [1] - 160:4 matters [1] - 176:6 lowered [2] - 111:9, manner [t] - 170:3 McArtor 181 - 9:20, lunches [1] - 84:21 Lyford [1] - 176:19 March [1] - 158:24 lunch [4] - 120:18, manual [3] - 68:1, married [5] - 9:12, matter [1] - 168:9 mailed [1] - 80:16 ower [6] - 110:16, maintenance [3] -113:24, 120:24, lucky [1] - 138:22 man [1] - 150:20 MCC [1] - 11:21 mails [1] - 46:24 math [1] - 52:22 lubed [1] - 72:12 ump [1] - 154:8 120:21, 121:4, MacMurray [4] -Wast [1] - 48:24 54:15, 158:17 mad [1] - 82:10 110:23, 111:2 major [1] - 11:1 72:17, 72:21 Σ 68:3, 68:15 lube [1] - 71:2 66:22 130:16 124:22 38:23 114.2 84.6 86:16, 168:18, 170:9 126:23, 131:5, 132:5 137:8, 170:9, 170:10 lines [2] - 70:20, 83:15 lost [8] - 48:17, 49:12, 50:18, 50:24, 56:11, 109:2, 119:5, 137:3, 41:15, 49:3, 100:19, 131:5, 131:8, 132:7, ocal [z] - 4:15, 11:20 iving [2] - 9:23, 61:6 00k[12] - 7:17, 22:9, log (6) - 73:7, 73:19, looked [10] - 13:14, lingering [1] - 155:2 ocations [1] - 14:4 located [3] - 12:11, 125:22, 126:18, 127:19, 141:19 lottery [2] - 21:19, 100:23, 104:17, looks [3] - 109:22, ooking [5] - 51:4, 126:10, 126:16, 105:13, 129:19, imbs [17] - 67:19, 122:15, 122:21, 130:13, 130:14, listing [1] - 49:14 oose [z] - 93:12, loves [1] - 105:8 97:24, 103:14, 139:19, 161:4, 104:7, 104:11, 112:9, 160:16 137:9, 139:18 99:21, 115:17, 130:20, 130:22 listed [1] - 57:12 lived [2] - 44:21, ocate [1] - 47:8 logs [6] - 123:2, 170:11, 173:6 loss [1] - 50:19 124:19, 129:2, ives [1] - 65:16 119:16, 120:3, link [1] - 154:22 imitations [1] listen [1] - 31:9 Look [1] - 42:4 26:12, 55:12 lined [1] - 50:2 ist (1) - 35:12 162:10 155:24 166:22 93:13 eaving [2] - 12:2, 17:6 limb [13] - 76:16, 77:7, letter [5] - 37:14, 78:15, 78:16, 78:21, letters [6] - 79:6, 80:2, earn [3] - 12:10, 54:1, left [43] - 5:13, 6:4, 11:3, 17:24, 18:2, 19:18, 24:5, 24:7, 24:20, 24:21, 25:4, 163:4, 163:7, 164:7, level [4] - 12:3, 111:1, layperson [z] - 18:23, ligament [1] - 24:12 30:20, 31:5, 31:12, 32:1, 76:12, 97:24, 47:22, 48:6, 77:23, 29:1, 29:20, 30:18, 25:8, 26:7, 26:10, 26:18, 26:22, 27:2 80:5, 81:4, 82:10, lift [z] - 38:9, 90:22 lifetime [1] - 67:10 101:13, 106:13, 119:15, 150:16, less [z] - 9:1, 56:5 eading [3] - 77:16, lifted [2] - 137:24, 83:14, 123:17, 124:8, 124:14, 131:19, 131:21, 159:13, 159:17, letting [tg - 137:6 likely [2] - 43:19, eagues [2] - 59:5 118:13, 125:15, 134:6, 164:11, 164:12 126:13, 129:7, eave [z] - 51:16, 150:20, 151:4, 153:6, 155:10, eads [1] - 39:16 eague [1] - 59:6 ayperson's [1] least [7] - 46:18, life [1] - 150:20 lent [1] - 118:4 121:9, 153:9 light [1] - 89:9 lead [1] - 40:12 85:11, 108:2 31:22, 142:15 132.24 77:11 79:15 110.4 76:21

118:16, 122:9, 145:5 momentum [t] - 172:9 mom's [4] - 9:21, 59:7 54:16, 54:18, 78:10, 88:12, 88:19, 88:21, 65:16, 83:2, 100:13, 136:4, 136:19, 142:7 minute [4] - 9:1, 41:4, 69:23, 70:7, 71:13, 76:22, 82:11, 87:19, 42:15, 55:23, 59:24, 70:11, 99:1, 143:12 24:24, 25:5, 31:24, 47:17, 53:14, 59:15, Wike [12] - 9:20, 9:24, 23:3, 23:16, 24:23, 49:17, 61:24, 64:12, middle 191 - 8:5, 33:4, 21:24, 37:20, 37:21 mom [7] - 10:3, 11:6, mentioned [9] - 20:4, metal [51 - 29:7, 29:8, mind [8] - 6:3, 14:18, minimal [1] - 159:18 59:24, 63:4, 63:22, 10:3, 21:14, 21:15, 61:6, 65:18, 65:19, 58:3, 78:4, 126:20, Monday [2] - 39:18, 64:3, 64:19, 67:1, minutes (9) - 36:13, months [20] - 21:8, 81:7, 87:8, 87:19, military [1] - 56:15 mine [3] - 5:3, 5:5, monthly [1] - 60:7 month [8] - 12:20, Menards [1] - 88:6 109:15, 118:15, Mom [1] - 106:19 102:24, 146:10 money [3] - 94:2, 146:10, 174:19 mode [1] - 138:1 168:18, 171:22 **Midwest** [1] - 6:7 might [19] - 7:12, mentioning [1] -153:13, 157:8, 155:20, 175:3 miles [1] - 8:24 80:13, 129:5 36:17, 36:19, mid [t] - 157:6 79:7, 82:18 29:9, 71:19 149:12 132:13 142:22 41:11 66:10 150:19, 155:3, 155:7 medications [1] - 31:5 measuring [1] - 109:5 1:20, 2:2, 4:12, 8:13, meet [2] - 61:8, 81:14 1:9, 1:10, 1:17, 1:18, 2:6, 2:7, 57:11, 84:5, 91:8, 91:11, 93:15, 93:17, 94:7, 95:6, 95:13, 101:10, 70:17, 85:15, 89:12, medicine [3] - 148:9, McGuires [25] - 57:15, measure [2] - 108:23, 95:17, 95:18, 96:8, 96:17, 97:23, 98:2, 98:8, 100:3, 100:5, 105:50, 105:20, McGuire's [3] - 57:11, 57:18, 57:23, 84:8, 84:10, 85:18, 85:20, 58:20, 59:23, 60:24 McGuires' [4] - 86:21, 87:12, 87:24, 102:1 mean pej - 4:23, 5:6, medical [6] - 146:24, memory [1] - 47:18 52:19, 55:2, 58:19, 64:9, 64:11, 65:24, 91:5, 94:21, 94:22, 6:15, 27:8, 28:22, 30:1, 38:4, 48:19, meaning [2] - 47:5, meant [1] - 141:10 means [2] - 70:18, 130:13, 130:21, 143:20, 166:10, 148:12, 155:15 McGuire [36] - 1:9, McHenry [6] - 1:3, 112:12, 112:15, 117:22, 129:18, 118:14, 131:11 158:24, 159:1, 144:15, 145:23 159:16, 160:2, medication [3] -108:14, 113:2, 129:24, 130:9, 139:1, 143:18, 108:6, 109:20, 112:8, med [1] - 155:6 113:4, 129:4, 62:19, 63:5 160:10 109:2, 109:8 149:8 142:3 175:7 296.7

Fisher Court Reporting Rockford, Illinois

815/226-9755

Page 9 to 9 of 16

overlapped [1] - 16:22 overheating [1] - 71:2 85:20, 103:7, 162:7, overheard [1] - 108:6 overheats [1] - 71:14 89:7, 89:11, 89:15, 90:23, 91:6, 92:7, 94:16, 103:21, 112:3, 122:16, operator's [2] - 67:24 override [1] - 105:20 25:9, 85:10, 85:14, overhear [2] - 96:23, open [1] - 42:13 operate [2] - 14:11, operated [1] - 74:16 66:8, 66:11, 83:17 66:5, 67:12, 74:24 operating [5] - 13:2, operation [2] - 69:1, opinion [1] - 150:24 opinions [1] - 66:23 oriented [1] - 128:7 one-week [1] - 14:5 overall [1] - 153:22 operates [2] - 72:9, ordered [1] - 152:4 operator [4] - 65:8, ongoing-type [1] oversimplify [2] ongoing [2] - 17:7, orient [1] - 123:24 outside [8] - 25:6, 123:13, 123:16, 125:5, 127:15, orders [1] - 145:7 overlapping [1] -132:22, 153:16, 138:24, 161:13, overheated [2] -127:17, 129:18, outer (1) - 165:4 ones [7] - 97:19, 132:2, 132:16, 124:22, 126:5, 153:20, 160:7 oral (1] - 39:19 169:9, 175:1 70:19, 73:1 173:15 172:20 61:12 74:20 149:3 103:7 38:9 73:5 68:3 36:11, 46:21, 60:14, 60:21, 63:8, 71:5, 75:4, 78:12, 78:21, 87:6, 91:16, 116:20, oil [2] - 106:17, 108:15 50:8, 50:22, 63:9, 63:14, 74:20, 76:24, occasions [2] - 66:21, often [7] - 42:24, 60:6, 147:18, 148:9, 148:12, 173:5 one [s4] - 4:24, 6:14, 47:11, 47:14, 47:22 60:12, 60:14, 77:18, on-the-job [1] - 67:20 Oldenburg [2] - 1:22, 7:14, 7:17, 10:21, 14:5, 23:10, 26:13, OF [4] - 1:1, 1:2, 1:7, occasion [z] - 91:20, occurred [2] - 66:15, 39:8, 39:13, 41:6, 41:20, 43:7, 44:3, 46:7, 46:20, 47:4, occurring [1] - 73:7 old [4] - 9:10, 87:9, 48:2, 48:4, 50:6, 116:23, 125:21, 136:14, 138:21, 146:17, 159:24 offhand [2] - 47:1, older [2] - 130:18, once [21] - 11:21, 120:19, 121:17, 62:11, 114:13, 125:5, 128:11, 121:21, 127:22 offered [4] - 91:2, office [zj - 18:19, offices [2] - 1:19, 143:9, 145:12, occurrence [2] occasional [1] offer [3] - 37:18, Offices [1] - 2:1 occur (1) - 86:7 Office [1] - 2:8 117:9, 149:4 16:19, 43:6 84:8, 85:12 158:10 154:16 117:16 176:3 174:5 176:1 78:15 26:13 92:21 67:23 80:7 North [2] - 2:9, 176:19 notice [8] - 4:10, 4:19, next [12] - 33:20, 43:5, observed [1] - 109:11 obviously [9] - 61:21, 21:13, 30:24, 51:5, 52:10, 105:1, 106:19, 108:14, 127:17, 127:20, 152:4 Northwest [1] - 26:14 northwest ಣ - 46:20, 157:2, 157:4, 158:9, 73:23, 75:11, 75:13, neurosis [1] - 152:15 new [13] - 14:9, 20:6, numerous [1] - 62:9 objection [2] - 7:13, 11:10, 42:2, 61:17, nothing [7] - 83:14, noticing [1] - 29:19 number [3] - 55:17, noises [1] - 173:23 122:18, 123:16, 128:22, 134:9, numb [z] - 153:20, none [5] - 103:17, never[17] - 10:15, object [1] - 75:23 nerves [1] - 30:15 nonetheless [1] nose [1] - 171:18 4:20, 5:2, 5:15, 154:15, 155:23 137:10, 142:9, 143:4, 143:12, 104:10, 115:2, 115:9, 120:22, 116:19, 116:21 105:9, 115:11, 141:21, 173:4, 29:20, 143:19, 111:23, 112:2, 104:4, 116:18, 175:15, 176:6 60:24, 112:16 112:5, 121:24, oath [1] - 176:7 149:7, 150:19 154:7, 157:10 Izi ssauquinu Q 47:5, 47:7 154:18 137:16 153:24 7:15 8:2, 8:5, 9:21, 13:17, nature [4] - 12:7, 18:8, 21:16, 26:15, 26:16, 53:23, 55:10, 65:17, 55:13, 85:2, 137:23 51:19, 52:6, 52:13, negatively [1] - 56:9 name [22] - 4:5, 4:16, 24:19, 30:6, 157:7, need [11] - 5:7, 7:21, 7:22, 62:12, 71:11, 88:5, 88:17, 96:12, MS [15] - 27:14, 31:7, 16:6, 19:15, 21:13, 42:9, 46:22, 46:24, nearest [1] - 128:18 neighborhood [2] -75:24, 81:24, 95:9, 47:8, 53:21, 53:22 56:19, 56:23, 57:1 muscles [z] - 34:16, National [4] - 56:18, 56:5, 61:14, 62:1, nerve [7] - 147:16, multiple [1] - 65:24 muscle [3] - 24:11, needed [21] - 19:4, named [2] - 57:20, needs [2] - 72:12, natural [6] - 24:17 145:10, 145:13, 90:23, 100:13, 122:6, 122:10, neck [1] - 163:16 113:20, 122:4, 136:1, 148:15, 149:5, 158:20, must [1] - 103:10 174:22, 174:24, 122:2, 135:18, 175:2, 175:14, 157:13, 159:8 155:12, 160:2 162:23, 164:4, near [4] - 26:14, 174:8, 175:16 32:12, 147:14 97:18, 97:19, 145:8, 145:9, 30:23, 37:11 8:20, 57:19 175:15 162:8 141:12 176:5 65:19 4:19, 4:20, 4:23, 5:1, 5:10, 5:11, 5:12, 6:2, 6:13, 6:17, 7:6, 7:12, 160:2, 160:6, 163:2, 25:18, 25:22, 28:18, 80:22, 82:3, 95:11, morning [3] - 100:19, 54:13, 56:8, 77:23, Morning (1) - 103:12 30:4, 30:22, 70:23, motioned [1] - 171:2 23:13, 23:14, 24:3, 44:10, 52:22, 53:1, moving [21] - 34:18, 38:5, 39:14, 52:9, 5:3, 5:4, 5:6, 5:8, 19:24, 21:4, 21:6, notion [11] - 25:16, 29:5, 41:7, 72:10, 118:23, 134:21, 134:24, 136:5, 136:9, 136:11, 7:20, 8:1, 80:18, mouse [12] - 19:23, mouth [1] - 140:19 moved [1] - 169:24 moves [1] - 157:24 136:19, 136:23, 138:11, 139:15, 142:16, 148:8, 22:24, 23:2, 23:7 movable [z] - 39:3, 78:2, 78:11, 83:3 MR [34] - 4:4, 4:8, 115:13, 118:15, 118:11, 118:14, 157:15, 157:23, move [19] - 10:12, 156:21, 156:23, 157:21, 168:22, 168:16, 168:20 most [t] - 153:12 mostly [2] - 87:2, mother [1] - 9:20 72:24, 156:13, motor [3] - 72:1, 122:17, 128:2, 157:18, 168:5, 101:14, 121:5 134:20, 135:9 148:10, 156:7 movement [5] -145:1, 148:2, 93:8, 114:16, 172.6, 172.7 35:14, 45:4 97:12 39:4

Fisher Court Reporting Rockford, Illinois 815/226-9755

57 of 63 sheets

20:10, 22:15	part-time [6] - 38:3,	53:19, 176:5	placed [1] - 89:22	169:9, 169:20, 170:1
overused [1] - 24:20		person's [1] - 63:19	Plaintiff [1] - 1:6	political [1] - 11:2
owed [1] - 146:10	41:21, 42:5	personal [3] - 14:8,	plaintiff (1] - 2:3	poof [4] ~ 107:9,
own [2] - 45:7, 114:6	participate [2] - 43:7,	67:18, 102:16	plan [8] - 101:4, 107:1,	107:18, 108:8, 110:8
Owner S [1] = 107.13	participated III -	63:21, 76:15	116:15, 117:12.	pop (/] = 34:1, 34:2, 120:19, 120:20.
Δ.	11:18	personnel (1] - 173:16	123:6, 137:22	132:17, 132:18,
4.04 475.40	particular [6] - 11:3,	phase [3] - 130:1,	planned [3] - 43:10,	146:23
p.m [3] - 1.21, 1/5:19, 176:5	13:3, 13:15, 130:19,	130:12, 130:19	50:4, 153:3	Popovich [2] - 1:19,
paced [1] - 109:9	100.1/, 100.21 parties 41 - 5:15.	phaseu [t] - 65.0	planning [z] - 45.0, 102:19	5.1 portion [2] - 71:20.
pacing [1] - 108:23	86:2, 176:11, 176:13	80:10, 80:23, 81:12,	plans [1] - 61:4	118:1
package [1] - 19:2	parts [4] - 62:10,	82:9, 162:5	plastic [3] - 29:4, 29:8,	position [10] - 17:21,
page [3] - 49:3, 49:4,	95:22, 148:6, 152:20	photo [2] - 159:23,	29:9	17:22, 18:18, 19:15,
naid M - 93.15 93.17	passing [2] - 61:3,	161:10	plate [2] - 29:7, 29:9	1971, 2722, 3971,
94:13, 146:6	o4.∠4 nast ⊡ - 22·19_29·23	photos [1] - 135:22	play [1] - 134:20	171:10
pain (15] - 28:19,	39:21, 44:4, 50:16,	70:15. 73:3. 106:2.	175:13	positions [3] - 46:2,
33:15, 34:5, 34:20,	65:24, 162:11	141:15	playing [2] - 105:8,	48:5, 48:13
35:19, 148:9,	patient [1] - 152:12	physical [14] - 26:24,	120:20	possibility [3] - 54:22,
148:12, 150:18,	Paul [7] - 3:3, 4:7, 4:9,	30:11, 31:1, 31:3,	pleasantries [2] -	101:23, 101:24
155.9, 154.7, 154.7,	8:4, 31:7, 107:22,	31:14, 149:13,	85:5, 105:9	possible [3] - 47:16,
155:6, 155:7	1/6:5 nAIII 141 - 1-5	149:10, 152:1, 159:2 159:6 153:5	point [64] - 7:13,	67.5, 92.10 nossibly m - 44.19
painful [9] - 25:14,	PAUL 131 - 1:7, 1:16.	155:17, 159:3	64-7 67-10 72-24	166:10
25:17, 25:21, 33:5,	4:1	pick [5] - 5:12, 35:3,	101:16, 102:14,	post [1] - 144:6
33:13, 33:21, 34:2,	pay [5] - 12:22, 17:14,	39:8, 45:16, 93:13	102:19, 102:24,	potential [2] - 45:17,
35:22, 45:3	53:10, 145:23, 146:2	picked [4] - 89:19,	103:16, 104:4,	66:23
painkiller [1] - 147:18	paying [3] - 129:6,	92:6, 92:12, 92:14	104:14, 104:22,	potentially [3] - 51.20,
pains [1] = 134.0	129:7, 129:8	picking (1] - 99:15	107:23, 108:4,	77:6, 143:21
27:23, 27:24, 28:4,	payment [4] - 17:15,	pickup (rj - 102:8	109:17, 110:2,	pounds [2] - 59: 12, 30:13
29:9	navroll 21 - 17:9.	22.6.22.17	116:4, 116:9.	Dour 121 - 39:7. 41:6
pang [1] - 156:19	61:18	pieces 151 - 21:18.	116:16, 118:3,	pouring [1] - 38:18
panic [2] - 138:1,	peck [2] - 23:6, 23:9	125:24, 126:2,	119:1, 119:11,	power [4] - 69:3, 69:6,
140:23	pending [4] - 51:4,	126:19, 126:21	120:14, 121:16,	71:3, 71:20
papers (1] 83:20	158:21, 162:24,	pile (8] - 99:24, 115:5,	128:11, 129:6,	pre [3] - 161:1, 161:2,
parameters (2) - 22.8	174:8	115:9, 115:13,	130:3, 130:3,	161:8 massadad kr. E6:0
22:11	people [10] - 3571, 58-14 66-17 66-24	122-14, 122-16,	135:6, 136:20,	preceded [1] = 50.0 preceding [1] = 60-12
paraphrasing [1] -	67.4 82.23 89:19	pinch 131 - 73:8, 77:7.	136:23, 137:5,	precipitated m = 81:1
81:5	117:9, 172:20,	154:22	137:21, 138:10,	premarked [1] - 160:6
parcel (1] - 35:15	172:23	pinched [2] - 77:9,	138:12, 138:23,	premises [1] - 144:7
parents [2] - 94:11,	perfectly [2] - 24:19,	77:11	139:12, 140:16,	preparations [2] -
part [36] - 24:13, 25:9,	50.5 perform 31 - 86:21	710:16: 110:23.	143:4, 143:13,	109:11, 109:13
28:17, 32:18, 33:18,	87:24, 88:10	112:16, 116:19,	143:19, 145:7,	98:13
33:19, 35:15, 38:3,	performed [1] -	116:24, 122:8,	145:17, 147:9,	present [7] - 64:16,
40:11, 40:24, 41:1,	163:22	122:15, 166:4,	148:5, 151:3, 166-18 467-10	65:6, 67:1, 95:6,
74:1, 98:19, 99:1,	pernaps (1) - 94:13	166:19 nines (11 - 124:22	167:17, 168:24,	95:13, 109:23, 139:1
107:2, 119:12,	17.2 18.14 20.13	ninky 1121 - 32:23	169:5, 172:13,	presentation (1)-
122:23, 124:4,	33:8, 56:24, 64:8,	33:11, 153:10,	173:11, 173:14,	173:16
124:6, 124:8,	86:14, 90:6, 120:9	153:17, 153:20,	174:16	presented [1] - 63:23
124:10, 126:20,	periodically [3] - 52:3,	153.24, 154:15,	28-9 32-22 136-6	press [5] - 13:15,
136:21, 144:6,	55:5, 157:16 neriods (1) = 65:1	156:7, 157:23, 158:1	136:7, 137:11,	13:17, 18:13, 18:15, 18-17
159:8, 159:19,	Perry [1] - 4:17	pivoting [1] - 171:22	139:14, 139:15,	presses [4] - 12:10,
162:16, 165:4,	PERRY [1] - 2:8	place [7] - 8:16, 56:3,	169:16	13:3, 18:9, 18:12
165:6, 166:10,	person [3] - 21:13,	78:12, 90:5, 151:12,	pointer [1] - 55.4	pressure [6] - 73:7,
100.12		163:12, 166:19	formers = [+] Summod	

76:17, 76:24, 77:1,	pronation [1] - 28:1	ramping [2] - 36:22,	152:18, 162:17	17:18
77:5	propels [1] - 72:1	140:1	recreational [1] - 59:3	reported [1] - 1:22
presume [1] - 114:18	properties [1] - 8:21	ran [4] - 18:13, 27:12,	recreationally [2] -	REPORTER[1]-
preury [12] - 14:17,	property [19] - 6:16, 9-2 9-3 9-17 61-23	30.4, 63.16 range 181 - 25.16	30.20, 30.22 reduced m - 176.7	1/0.1 Reporter(31 - 1:23.
119:4, 119:5.	62:17, 62:19, 63:5.	25:18, 25:21, 25:23,	refer [1] - 33:1	176:3, 176:19
124:20, 124:21,	63:19, 82:18, 88:20,	28:17, 30:4, 30:21,	referenced [1] - 37:17	Reporter [1] - 3:24
144:9, 155:19,	91:1, 91:3, 93:9,	156:13	referencing [1] -	request [2] - 81:13,
157:17, 167:14	95:1, 95:14, 101:9,	rant[ii] - 83:6	143:16	149:6
prevent [1] - 25:12 prevented [1] - 32:15	107.11, 107.13 provide[ri] - 54:2	ranung [1] - 65.5	referring [4] - 37.20, 146:9, 160:9, 175:6	requires [2] - 22:24, 75:23
primary [1] - 67:14	pull [6] - 25:19, 26:4,	rare [1] - 74:21	reflect [2] - 4:8,	reside [3] - 8:7, 9:16,
print [1] - 20:21	33:6, 114:1, 123:12,	rate [2] - 49:20, 50:11	171:16	10:3
printed [1] - 22:6	157:11	ray [1] - 162:19	refresh [1] - 47:18	respect [9] - 31:11,
Printing [12] - 15:11,	pulled [4] - 75:8,	Raymond [1] - 8:6	regardless 🛚 -	34:18, 50:22, 96:24,
15:12, 15:15, 16:6,	103:10, 111:12,	rays [2] - 147:7,	142:14, 143:8	143:18, 154:14,
16:3, 16:16, 16:22,	137.3 nriffing rat - 27.16	147.24	register [1] - 27:7	157.21
51:2, 55:11	47:13, 62:5	147:9	37:8	response [5] - 83:21,
printing [11] - 12:10,	purpose [4] ~ 67:14,	reaching [1] - 28:13	rejection [1] - 37:11	140:21, 149:7,
13:3, 13:15, 13:17,	117:6, 170:10,	read [3] - 68:3, 68:15,	related [2] - 157:5,	172:19, 173:10
14:17, 16:8, 18:9,	174:12	75:15	176:11	responsible [2] -
18:12, 18:13, 18:15,	pursuant [5] - 4:10,	reading [2] - 67:24,	relation [6] - 8:18,	82:17, 82:22
18:17	5:14, 50:17, 144:16,	176:9	11:14, 21:5, 44:8,	rest [6] - 35.22, 35.24,
private [1] = 10:19	170.4 DIPSTIP 11 - 49:24	ready [2] - 54:7,	estri, setri	133:11
problem (81 - 23:14.	put (211 - 31:3, 38:13.	real (61 - 24-23, 25-1	58:18 60:1	restart [2] - 111:10,
24.2, 26.19, 32-2,	38:14, 39:1, 39:4,	25.2, 79:17, 89:9,	relative [1] - 176:12	114:10
32:5, 158:2, 166:24,	39:9, 62:21, 88:17,	156:20	relatively [1] - 41:16	restarted [1] - 111:11
167:2	89:20, 90:19,	realize [1] - 154:11	release [zi - 157:2,	resting [2] - 35:21,
problematic [2] - 24:5,	102:11, 115:8,	really [8] - 29:24, 81:7,	157:5	35:22
25:2	123:15, 123:16,	85:1, 105:10, 113:7,	released [2] - 138:3,	restoration [2] - 87:3,
35:10 150:1	145:9, 167:9, 168:6.	113:9, 117:20, 148:b	139:8 remains (4) - 404:4	or.3 restoring (11 - 59:7
Procedure [2] - 4:12.	173:2, 173:3	11.3 11.5 61.5	remember (2011)	restroom 111 - 7:21
5:16	putting [6] - 28:21,	85:23, 166:14	11-21, 14:23, 21:13.	result [2] - 49:12,
procedure [2] - 153:7,	29:12, 85:18, 87:14,	recalled [1] - 98:13	41:14, 41:23, 43:2,	159:15
161:1	97:4, 106:17	receipts [1] - 52:20	46:23, 48:16, 49:2,	resulted [1] - 120:15
proceed [2] - 7:18,		received [6] - 13:7,	50:6, 62:5, 62:6,	reversed [1] - 75:10
121:18	3	13:11, 29:22, 37:18,	63:8, 63:20, 97:3,	revisit [1] - 54:22
process [9] - 37.2,	quantify [1] - 125:4	51:1, 76:4	97:16, 99:4, 101:12,	rid [1] - 90:14
105:19, 111:5.	question-and-	146·13	108:13, 130:21.	ring (11) - 33:1, 33:11.
125:17, 134:14,	answer [1] - 5:20	recent [2] - 61:11,	143:3, 146:9,	153:10, 153:17,
166:21	questions [9] - 4:18,	84:9	147:24, 150:12,	153:21, 153:24,
Products [1] - 49:14	48.21, 59.23, 98:17,	recently [2] - 60:8,	151:16, 163:22	154:15, 155:23,
profamily [1] - 62:14	160:8	91:4	remina [1] - 51.0	156:9, 156:10, 156:1 rick m - 67:6 73:41
progress [1] - 51.10	quit [1] - 36:22	recess [1] = 00.21	removed 141 - 88:20.	risks m - 63:22.
14:17, 20:6, 20:7,	quite [2] - 125:3,	recollection [1] -	96:16, 99:6, 152:14	66:23, 67:3, 69:16,
22:23	145:16	142:14	remuneration [1] -	69:17, 69:22, 76:21
programs [1] - 14:6	<u> </u>	recommended [1] -	93:22	Riverside [1] - 2:5
project [2] - 104:24,	4	154:24	renew (1] - 50:20	Road [1] - 176:19
130.13 projections (11 - 56-10	rack [2] - 38:15	record [12] - 4:0, 4:6,	reliew [1] = 50.2 renewed 11 = 51.10	
projects [1] - 66:2	raise [1] - 1/0:5	25:8, 32:22, 49:7,	repair [2] - 86:22, 88:1	176.20
promise [4] - 43:23,	ramp (4) - 136:16.	123:23, 149:17,	repaired [1] - 87:4	role [4] - 18:18, 18:20,
44:1, 145:23, 146:12	136:18, 137:2,	171:16, 176:8	repeat [1] - 82:6	175:11, 175:13
promotions [1] -	137:11	records [6] - 29:21,	replicate [1] - 22:10	FOIL[2] - 38:13, 126:3
21.23	ramped [1] - 142:16	147.1, 148.0, 131.0,	report [2] = 17.15,	1.2 - [1] - 2.4
i			4	

59 of 63 sheets

74:17, 75:9, 76:3, 76:5, 76:13, 77:9, 94:23, 95:6, 95:7, 96:18, 97:5, 98:3, 110:13, 110:21, 136:16, 136:22, 109:13, 109:17, 138:11, 138:15 133:16, 134:1, 105:1, 106:18, 110:22, 111:8, 112:22, 113:1, 116:23, 117:4, 121:5, 121:14, 131:1, 131:16, 134:6, 134:11, 135:9, 135:10, 137:23, 138:3, 100:13, 101:6, 108:14, 109:5, 135:16, 136:4, 82:21, 83:13, 114:12 16:9, 18:9, 18:12, 18:15, 33:23, 64:10, Rules [z] - 4:12, 4:13 runs [3] - 41:24, 42:8, run [5] - 12:10, 61:9, running [10] - 12:23, roughly [2] - 18:14, rpms [5] - 136:16, 137:2, 137:11, 173:16, 174:16 rope [5] - 111:9, 112:22, 112:24, 172:15, 172:17, 172:21, 172:24, 173:7, 173:15, 139:24, 142:16 rule [1] - 158:10 113:18, 130:24, 114:12, 114:18 147:2, 147:21, 148:1, 162:20, room [17] - 6:14, 145:2, 145:10, 141:9, 142:23 rules [1] - 4:15 roof [1] - 62:8 119:16 131:3

sagerman [1] - 151:10 56:24, 67:12, 67:15, 32:11, 46:15, 62:12, 63:18, 63:23, 64:4, 65:5, 65:13, 65:22, Sagerman (11) -26:11, 26:12, 30:2, 62:14, 62:22, 63:7, safety-oriented [1] sat [3] - 46:17, 90:7, 66:2, 66:8, 66:19, 64:8, 64:19, 65:2, salaries [1] - 49:13 151:15, 151:22, 152:13, 153:8, sanding [1] - 62:9 safety [3] - 128:7, save [3] - 115:24, 122:22, 130:23 128:13, 169:12 Sagerman's [1] safe [1] - 129:19 5aw [137] - 31:2, 31:2, 151:11, 158:6, 164:1 120:19 26:16 128:7

175:12

160:21

58:5, 58:9, 58:10, 58:12, 58:13, 58:16, scratch-off[1] - 21:18 Screw [7] - 37:22, 37:23, 40:8, 40:14, 49:14, 51:1, 51:9 22:20, 31:21, 31:22, 44:12, 49:15, 54:17, 73:10, 77:19, 77:21, 38:13, 38:18, 38:19, Scott [1] - 26:17 scrap [2] - 90:5, 90:8 screams [2] - 144:19, sections (1) - 126:14 see [43] - 9:2, 21:23, 58:19, 60:6, 60:12, screwed [1] - 174:13 self [2] - 17:20, 45:6 scratch [4] - 21:18, 21:22, 22:2, 22:20 seconds [3] - 168:9, 85:7, 85:12, 86:4, 100:16, 101:19, 60:5, 60:16, 68:7, scream [1] - 143:22 60:21, 61:4, 61:6, 38:23, 39:6, 41:6 second [7] - 47:11, 11:20, 58:3, 58:4, screws [7] - 38:12, seeing [5] - 77:15, seem [1] - 107:13 science [1] - 11:2 screen [1] - 22:18 168:10, 168:14 102:20, 111:19, 136:22, 137:12, 139:18, 141:22, 167:17, 167:19, 168:16, 168:20, 150:20, 151:14 135:14, 140:18 160:23, 161:1, 138:10, 139:1, 119:22, 126:8, 141:24, 148:2, 148:8, 150:12, Sek [3] - 148:24, 149:1, 149:14 166:24, 167:2, 162:17, 173:9 sees [1] - 115:7 screaming [1] -73:19, 75:23, screamed [2] -84:24, 95:17 144:13 144:22 168:21 67:17, 67:24, 68:4, 68:12, 68:14, 69:1, 69:10, 69:18, 69:24, 70:7, 71:7, 71:20, saws [z] - 64:12, 65:3 scheduled [1] - 41:22 11:12, 11:14, 11:15, 169:1, 169:3, 169:8, 77:20, 82:21, 83:14, 95:14, 95:19, 95:20, 91:23, 92:2, 93:24, 98:9, 98:12, 99:11, 83:18, 91:9, 91:12, school [17] - 10:6, scared [1] - 119:5 scars [1] - 161:16 168:12, 168:15, 169:19, 169:20, scene [1] - 141:3 139:12, 139:24, 144:17, 145:18 160:13, 164:10, 165:13, 165:15, scar [4] - 152:14, 141:22, 142:16 150:22, 159:23 168:19, 168:24 scary [1] - 112:9 165:19, 166:1, 169:9, 169:16, 169:22, 170:9, 170:23, 171:6, 171:24, 172:4, 154:8, 154:20, 140:4, 140:10, 167:22, 168:2, 166:6, 167:6, 168:7, 168:8,

sent [2] - 48:21, 149:6 Shoulder [1] - 150:10 3:24, 176:3, 176:19 Sharp [5] - 16:6, 16:9, 16:18, 16:22, 17:19 shooting [1] - 154:17 12:19, 12:20, 80:21 set [5] - 61:3, 126:15, Shorthand [4] - 1:23, 88:20, 89:5, 90:24, sensation [3] - 34:7, separate [1] - 116:4 severely [1] - 37:13 severing [1] - 99:21 seminars (1) - 14:7 shaking [1] - 46:15 SHORTHAND [1] several [3] - 13:24, shoes [1] - 111:18 shoulder [4] - 6:8, sending [2] - 80:3, service [2] - 56:19, shakes [1] - 158:5 seminar [1] - 14:5 seminar-type [1] setting [1] - 94:20 shoot [1] - 162:12 show [4] - 103:12, 158:17, 161:19, sense [3] - 50:21, session [1] - 5:20 shock [2] - 141:2, shovel [2] - 87:6, series [1] - 22:24 126:16, 166:21 short [4] - 12:17, 32:19, 156:21, send [z] - 83:19, 153:9, 153:19 sew [1] - 141:11 79:21, 146:12 shed [5] - 88:13, sheds [1] - 89:7 share [3] - 79:8, sharp [1] - 16:7 sets [1] - 28:21 45:20, 149:6 34:11, 154:6 shift [1] - 57:8 171:11 149:15 156:22 91.19 87:20 176:1 145:3 56:22 14:5 80:6 self-employment [1] -

size [3] - 22:11, 89:15, 38:20, 103:1, 105:1, 122:11, 122:12, 46:11, 47:23, 63:16, side [16] - 16:4, 16:5, 25:6, 33:20, 46:20, 47:5, 69:12, 77:2, 84:14, 103:9, 132:9, 134:22, 164:18, 103:2, 103:3, 110:8 76:15, 140:3, 140:8, SM [zj - 13:18, 13:20 shows (1] - 162:22 shrugs (1] - 6:8 **situation** [11] - 43:4, situations [1] - 66:4 six [3] - 56:8, 77:23, signature [3] - 49:5, showing [1] - 169:7 signing [2] - 48:16, sit [9] - 17:1, 36:12, smaller [12] - 39:7, 45:7, 66:7, 74:22 snowed [1] - 62:6 showed [7] - 27:9, simply [1] - 172:5 skilled [z] - 67:12, signage [1] - 19:3 126:10, 126:14, slow [z] - 156:14, 123:14, 124:12 smart [1] - 32:13 164:19, 164:20 sitting [3] - 64:9, 145:19, 145:20 skin [1] - 147:14 small [2] - 38:23, 115:15, 119:3, 126:2, similar [1] - 46:4 simple [2] - 72:2, sister [4] - 103:1, 143:1, 145:18, 142:24, 143:8, 122:21, 123:1, 174:11, 175:9 67:22, 90:16 49:8, 175:17 sky [1] - 170:1 sick [1] - 83:4 125:24, 162:15 126:19 105:9 170:6 92:16 176:9 112:1 112:2 78:2

> Fisher Court Reporting Rockford, Illinois 815/226-9755

social [3] - 59:3, 85:7,

117:9	stand [7] - 37:6,	78:5, 86:10, 89:1,	92:24, 93:2, 93:5,	tandem [1] - 65:13
socializing [1] -	88:12, 122:12,	109:20, 119:12,	97:24, 99:16, 99:18,	tape [1] - 109:8
117:21	127:15, 128:5,	135:5, 137:5,	111:20	task [4] - 110:21,
socially [3] - 58:8,	129:23, 171:11	137:16, 148:2,	stumps [1] - 112:20	126:3, 128:12, 141:1
56719, 56722 Cofficate (2) - 14:12	Standing 15 - 120.1	150:1, 153:5, 149:0,	Subject (2) - 141.2	GG-11 70-13 75-15
14:16. 20:1	92:18, 110:18,	155:15, 156:12,	83:8	75:20, 75:22, 76:21,
sole [1] - 19:11	112:20, 115:10,	157:18, 157:24,	subjects [1] - 80:9	77:1
sometime [5] - 15:23,	118:19	164:6, 164:8, 165:6,	substance [1] - 78:18	teach [1] - 14:9
17:3, 86:13, 88:23,	standpoint [/] -	167:8, 172:9	suburb [1] - 12:13	teacher [1] - 14:8
150:3	126:13 etart mai , 6:22 6:23	54-19, 50:1, 50:23	Suburbs [4] - 12:14,	rear [3] = 24:11,
14-23 40-9 57-3	7.7 15:18 37:23	stints ⊡ - 40:21,	Successful (41 - 99.8	technically 121-
86:15, 115:24.	37:24, 39:18, 40:7,	41:21, 43:7, 43:12,	sudden [4] - 138:12,	73:22, 74:5
119:17, 128:21,	41:10, 51:22,	43:19, 44:4, 53:11	156:17, 170:7, 170:8	telephone [1] - 80:15
148:20, 149:8, 151:6	113:20, 113:22,	stitch [1] - 147:22	sued [1] - 82:16	temp [2] - 40:14,
son jej - 58:2, 87:3,	113:24, 114:3,	stitches [3] - 147:23,	suffer [1] - 163:14	40:18
88:8, 91:22, 96:9,	114:0, 121:14, 124:46 127:18	stood (1) - 107.8	suffered [2] - 50:19,	temporary [8] - 40:21,
144:13 600pt21 20-18	135-10 151-14	stop 161 - 7:1 7:16.	103:10	45.7, 45.18, 44.4,
41.16 145.1	156:15, 156:16,	18:17, 73:1, 80:3,	suggest [1] = 144.10	52.3
Sooner [1] - 5;6	156:20, 167:24,	151:8	summary 11 - 160:3	Ten [1] - 163:13
sore [3] - 156:24,	168:5	stopped [11] - 78:6,	supervision [1] -	ten [11] - 36:13, 36:17,
157:15, 157:17	started [28] - 15:24,	78:8, 78:13, 86:16,	176:8	36:19, 50:14, 62:7,
sorry [7] - 5:4, 30:3,		121:4, 129:8, 134:6,	supervisor [2] - 40:19,	84:13, 85:11, 87:17,
72:18, 107:22,	29:23, 68:11, 68:14,	167:11, 167:13,	42:4	87:23, 145:5, 164:6
140:4, 160:3, 163:1	100:8, 104:12,	167:14, 172:8	supination [1] - 28:1	tendency [1] - 6:21
sort [12] - 13:8, 13:21,	108:4 110:3	Stops [3] = (0.25,	support [1] - 112:19	tendered [1] - 49:7
29:6, 38:24, 40:15,	110-13, 110:14	Store 11 - 85·15	- iti uoition tri -	tending [1] - 91:21 tendinition: 154-3
112:23 115:2	115:6, 115:22.	storm [1] - 62:8	79:23	tendinus [1] = 134.3
118:8, 173:22,	118:3, 120:22,	story [3] - 82:11,	Supreme [1] - 4.15	tennis 151 - 24:8, 24:9.
173:23	121:7, 126:5, 131:2,	113:8	153:1	26:19, 31:12, 159:6
sorts [1] - 28:22	134:11, 145:7,	straight [3] - 26:1,	surgery [9] - 152:20,	terminal [1] - 46:11
sounds [1] - 57:14	150:18, 167:8,	28:3, 169:16	157:1, 159:3,	terms (15; - 17:2,
sources [2] - 55:20,	starting 12 - 15:3	strain [2] - 154:11,	160:23, 161:2,	31:16, 52:19, 74:23,
56:2 6836 81 135:3	32:18	134.10 stran (11-112-18	161:5, 161:20,	76:3, 99:20, 107:16,
specific M - 10:21.	starts [2] - 36:22,	straps [1] - 112:5	102.10, 104.3	146:8, 154:6.
14:14, 69:9, 74:7	167:15	straw [1] - 123:23	surprised (1) - 112:15	155:20, 156:21,
specifically [4] -	state [2] - 4:5, 8:2	Street [4] - 1:20, 2:2,	surrounding [1] -	157:22
108:5, 141:7,	STATE[4] - 1:1	2:9, 149:2	75:17	test [3] - 7:21, 30:18,
143:12, 174:1	State [3] - 1.23, 4.14,	stretch [i] - 133:11	sworn [2] - 4:2, 176:6	30:20
spectator [1] - 113:9	statement m - 139:17	Strike [8] - 14:20, 60-16 78-19 04-5	sympathy [1] - 86:17	testified [1] - 4:2
speed [2] - 155.8, 167:24	stay [2] - 127:19,	101:1, 101:12,	symptom [/] - 34:6	testinony [5] - 17 0.9
spell [4] - 4:5, 8:11,	127:24	137:21, 148:19	29:19, 36:20.	36:14, 134:18,
10:1, 15:14	stayed [1] - 173:3	stringer [1] - 38:21	149:20, 155:1	139:5, 176:8
spikes [2] - 111:18,	staying [2] - 117:7,	strong [z] - 25:3,	symptomwise [1] -	tests [3] - 27:12, 30:4,
111:19	steef 131 - 38:7, 89:7.	132:24 struck M = 140-13	32:14	30:17 THE 623 1:2 6:4
Spin [2] = 72.13, 120.0 Splinf 111 - 29:3	83:8	stuck 11 - 158:12	syndrome [1] - 29:15	6:12, 6:16, 7:5, 7:11.
split [1] - 168:14	step [1] - 111:21	study [4] - 30:14,	-	7:19, 7:24, 76:2,
spot[3] - 40:20,	stick [1] - 55:23	150:4, 150:7, 150:13	-	158:22, 163:1
127:18, 157:11	sticking [2] - 93:2,	stuff [14] - 20:17,	Tahoe [1] - 102:9	therapy [14] - 26:24,
Springfield [1] - 10:19	97:4 effete en - 02-6	21:23, 30:5, 36:12,	Talerico ☑ - 150:10,	30:11, 31:1, 31:3,
stable [1] - 40:13	98:24, 99:15, 115:4,	90:8, 115:15, 116:3	151:4, 151:19.	31.14, 149.13, 149.16, 152.1
Stain [2] = 17.4.11, 173.7	115:7, 115:9, 132:5	121:23, 123:14,	151:20, 151:24	152:3, 152:6, 152:7,
stalled [1] - 114:2	still [28] - 10:3, 18:4,	154.9, 161.14	tall [3] - 103:24,	153-5, 155:17, 159:3
	25:16, 47:10, 68:21,	stump [8] ~ 92:9,	108:22, 109:1	
			-	

7 V V V	444.40			
THERESA M - 2-1	ton (1) - 152:14	95.15, 95.20, 94.0,	106:24 frim 121 - 122-20	10:22, 13:1, 16:2, 24:8-23:3-23:46
thereupon [1] - 176:7	took [23] - 10:15,	95:10, 95:11, 95:15,	127:2	24:23, 24:24, 25:5,
they've [1] ~ 86:8	10:20, 11:21, 12:12,	95:22, 95:24, 96:18,	trimmed [9] - 96:16,	26:13, 30:2, 30:3,
thicker [1] - 124:4	18:20, 88:7, 88:13,	97:1, 98:19, 98:21,	97:19, 104:4,	31:23, 32:16, 32:20,
think's (1 - 163:2	90:5, 90:8, 91:19,	99:1, 99:2, 99:6, 100:12, 100:17	106:12, 126:9,	33:7, 33:22, 35:14,
thinking [3] - 134:10, 135-13 140-20	120:16, 123:12.	100:21, 100:24,	129:3, 130:12	45:17, 46:17, 48:6.
thinks 111 - 174.2	126:20, 145:4,	101:2, 103:16,	trimming 1191 - 67:19.	48:10, 48:12, 50:6,
thinner [1] - 124:6	149:10, 163:12,	103:18, 103:20,	120:22, 121:1,	50:8, 50:13, 50:22,
third [2] - 119:14,	166:18, 167:11,	103:23, 104:17,	121:18, 124:12,	53:11, 53:14, 54:12,
173:9	168:7, 173:2	104:22, 105:13,	125:17, 126:18,	56:2, 56:21, 56:22,
thirds [3] - 119:16,	tool [2] - 69:6, 71:3	105:14, 105:22,	127:22, 129:13,	58:11, 60:11, 60:20,
119:17, 120:3	top M = 33-19 76-12	107.5. 108.5.	130-19 131-19	85:16. 86:12. 88:13
100mas [6] - 1:19,	119:8	108:10, 108:11,	133:19, 133:22.	88:19, 96:3, 96:7,
22-1, 21:14, 21:13,	tore m - 157:8	108:21, 109:10,	134:17, 135:21.	118:14, 118:15,
thoughts 21 - 79.8	tom [1] - 29:17	110:17, 110:23,	135:22, 166:22	119:16, 119:17,
121:17	totally [1] - 97:18	111:7, 111:12,	tripped [1] - 170:13	120:3, 126:16,
three [17] - 10:21,	touching [2] - 30:22,	111:14, 111:16,	trouble [3] - 164:7,	131:8, 135:20,
11:15, 21:8, 23:3,	98:22	111:23, 112:2,	164:11, 165:6	149:12
23:16, 31:24, 32:16,	toward [14] - 27:16,	112.5, 112.7, 412:48 412:40	truck [4] - 88:7, 102:3,	two-thirds [3] -
33:7, 36:4, 53:11,	74:24, 75:6, 75:12,	112-10, 132.18,	102:4, 102:8	120.3
54:12, 60:23, 78:11,	134.7, 136.3,	113:15 113:22	true [4] - 7:6, 8:16,	120.3 http://week.mi = 50.72
128:20, 132:12,	137:12, 137:24,	116:3, 116:24.	6:17, 176:6	tyne rat - 14-5 17-7
132:20, 149:12	140.1, 140.5,	119:12, 119:20,	uruiik [3] - 110.20, 110-2 128-22	20:17, 21:17, 23:6.
Inrew [4] - 90:7	141.24, 142.0,	119:22, 120:2,	fruith [2] - 79:14	23:23, 34:17, 65:5,
throughout [1] - 14:4	tourning 1911 131-16	120:17, 120:22,	176.6 176.6	75:13, 86:21, 87:24.
42-6 43-14 43-73	133:11, 133:16.	120:23, 121:2,	truthfully m - 5:24	103:20, 103:23,
34-19 34-22	136:10, 167:8,	121:4, 121:7,	try (181 - 21:3, 21:12.	155:7, 157:14,
153:11, 153:17.	168:23, 170:1,	121:18, 121:24,	26:1, 26:4, 34:17,	163:14, 166:15,
158:2	170:20, 172:1,	122:16, 122:18,	35:3, 36:12, 40:22,	168:21, 174:5
tidied [1] - 92:24	172:5, 172:8	123:18, 126:15,	41:24, 45:24, 46:12,	typing [1] - 34:18
tie [1] - 145:9	towel [1] - 145:8	133:20, 137:14,	47:7, 47:10, 113:22,	
tied [3] - 93:11,	town [2] - 26:15, 55:15	13/:19, 141:22,	154:9, 155:12,	>
112:24, 114:22	trailer [7] - 88:7,	141:23, 14Z:10, 165:10, 165:16	155:14	1101v 121 - 103·21
tight [2] - 128:4, 157:3	88:17, 89:20, 89:22,	165:21, 165:23.	trying [23] - 13:12,	103:22
tilted [1] - 28:12	90:1, 90:20, 102:12	166:4, 166:19	21:13, 22:9, 22:15,	uh-huhs [1] - 6:8
timewise [1] - 145:3	trained 10] - \$1.0	trees [9] - 91:14,	48-11 56:20 70:12	uh-uhs [1] - 6:8
tingles [2] - 34:7,	20.7 67.41	91:21, 96:5, 96:12,	73:20, 77:6, 82:7.	nhs (1) - 6:8
54:11 finalina 1/3 = 34:20	training [9] - 12:5,	96:15, 97:18,	100:17, 105:20,	ulnar [1] - 163:17
35:6. 35:24. 156:20	13:2, 13:15, 13:19,	105:23, 106:5,	140:16, 141:1,	ultimately [1] - 139:23
tip [1] - 140:9	13:21, 14:16, 20:2,	100:12 friangular M - 119:12	141:7, 142:8, 143:2,	unable [3] - 25;4, 32:8, 50:1
tired [4] - 83:1,	67:20, 76:4 Terror 151::: 455:43	tried 21-21:2, 21:3,	100:11, 171:0	unbolted [2] - 88:15,
120:17, 120:18,	transcribed 132, 132	21:4, 21:24, 22:2,	turn 131 - 28:24, 137:7.	89:5
130:17	fransition (1) - 15:20	23:16, 31:24, 36:5,	138:8	under [5] - 118:19,
154.8 154.20	translate [1] - 6:10	36:10, 44:2, 44:24,	turned [7] - 51:13,	154:21, 156:18,
today 134 - 4-18	translates [1] - 123:22	48:6, 54:12, 54:13,	137:10, 137:23,	166:14, 1/6:8
14:24, 15:3, 17:1.	transposition [1] -	424.131.17,	145:18, 171:3,	underside [2] - 33:18,
29:2, 63:16, 142:24,	163:17	138:14, 138:18.	171:13, 171:21	33.24 understood (3) -
143:8, 150:1,	treated [2] - 30:6,	142:17, 149:18	turning [2] - 27:19,	38:11, 38:17, 147:13
154:19, 160:16,	31:13	trigger [9] - 76:8,	14.15 TVIII - 21:21	undertake [2] -
164:8, 1/4:11, 1/5:9	454:24	76:10, 114:15,	twice [6] - 43:2, 43:3,	109:12, 110:21
today s [1] = 175.22	treatments 111 -	114:19, 167:12,	60:14, 60:22, 78:12,	undertaken [1] - 45:18
58:23, 59:6, 61:16,	159:16	167:18, 167:19,	150:22	undertaking [2] -
61:19, 82:9, 84:21,	tree [91] - 73:8, 92:16,	trigonometry [1] -	twigs [1] - 92:15	106:15, 127:22 rmion 11-56:13
	92:17, 92:22, 93:18,		two [58] - 10:21,	ALIAA TILIAANA
				+

56:22, 60:14, 60:22, 60:23, 77:15, 78:5, 78:7, 78:13, 85:14, 90:11, 90:14, 152:11 years [24] - 10:15, 10:20, 11:15, 13:14, 15:19, 54:24, 60:4, 60:11, 60:20, 61:11, 62:4, 62:7, 77:16, 85:11, 86:8, 87:2, 63:11, 86:8, 87:2, 63:11, 86:8, 87:2, 63:11, 86:8, 87:2, 63:11, 86:8, 87:2, 63:11, 86:8, 87:2, 63:11, 86:8, 87:2, 63:11, 86:8, 87:2, 63:11, 86:8, 87:2, 63:11, 86:8, 87:2, 63:11, 86:8, 87:2, 63:11, 86:8, 87:2, 63:11, 86:8, 87:2, 63:11, 86:8, 87:2, 63:11, 86:8, 87:2, 63:11, 86:8, 87:2, 63:11, 86:8, 87:2, 63:11, 86:11, 27:5, 140:23, 141:9 words [5] - 6:7, 27:4, 28:2, 141:7, 152:16 wrist [9] - 27:19, 28:9, 109:20, 165:16 year[13] - 10:18, 12:21, 16:11, 37:4, 37:5, 39:23, 52:21, zone [4] - 73:24, 74:3, 87:14, 87:23, 149:4, wrapped [1] - 111:22 29:5, 29:10, 29:11, yard [4] - 88:16, 95:2 28:12, 28:23, 29:1, yourself [3] - 68:15, worried [1] - 98:19 yelling [2] - 144:12, younger [2] - 68:5, writing [1] - 176:8 wound [1] - 147:5 worst [1] - 153:16 written [1] - 48:21 X-rays [2] - 147:7, X-ray (1] - 162:19 116:12, 146:15 worker [1] - 53:2 works [1] - 72:3 163:13, 164:6 > 74:9, 77:5 147:24 150:18 29:12 74:17 wedding (1) - 59:12 week [9] - 14:5, 37:24, 41:13, 41:22, 43:5, 50:10, 50:22, 53:14, 113:6, 121:19, 137:9 82:11, 82:12, 83:2, 89:20, 92:17, 95:24, wife [6] - 79:14, 79:19, watching [6] - 110:18, whole [17] - 6:24, 7:2, 7:3, 7:9, 78:5, 79:13, wood [15] - 70:6, 88:6, weekend [z] - 117:17, 56:22, 63:13, 78:10, 85:16, 88:22, 91:18 whatsoever [1] - 21:1 6:1, 6:12, 6:16, 7:5, 76:2, 158:22, 163:1 weeks [13] - 13:1, 41:23, 42:13, 50:4, word [8] - 5:19, 7:12, 96:1, 119:1, 119:2, witness [3] - 175:18, witnesses [1] - 6:20 whatnot [2] - 46:15, WITNESS [11] - 3:2, 50:8, 50:9, 50:13, West [5] - 1:19, 2:2, 7:15, 24:18, 27:3, weight [3] - 39:11, watch [1] - 125:10 153:22, 154:16, 155:21, 157:22 width [3] - 132:14, 7:11, 7:19, 7:24, wearing [1] - 29:1 8:19, 9:2, 57:12 80:1, 80:8, 81:4, 100:21, 100:24, winter [1] - 90:12 102:20, 116:16, 132:17, 132:18 102:11, 102:13, 112:8, 112:10, ways [3] - 68:23, 148:11, 167:12 wash [1] - 38:16 75:16, 106:10 77:7, 154:10 117:2, 117:20 weakened [4] won [1] - 21:23 101:1, 101:8, wear [1] - 29:3 176:8, 176:9 88:8, 100:15, wit [1] - 176:5 117:15 117:18 82:11 110:6 105:5, 113:8, 117:11 82:12, 82:13, 82:14, visit [2] - 85:24, 86:12 volunteer [2] - 145:19, wait [10] - 27:14, 31:8, 59:15, 75:24, 88:12, user [z] - 70:1, 75:12 visits [2] - 30:2, 30:3 vocational [3] - 12:5, warranted [1] - 42:18 racation [4] - 105:4, view [z] - 65:2, 81:4 warnings [1] - 128:7 vantage [5] - 50:23, vehicle [1] - 102:16 walked [2] - 131:16, upward [2] - 28:13, versus [1] - 106:12 Vernon [2] - 26:13, walking [9] - 103:9, warned [1] - 75:19 usage [2] - 62:12, various [z] - 14:4, version [2] - 20:7, vocal [1] - 145:16 volunteering [4] waive [1] - 175:16 waived [1] - 176:9 wages [1] - 49:13 waned [1] - 60:18 utilize [1] - 36:16 waiting [2] - 41:2, 137:21, 141:17 109:7, 133:16, 167:8, 167:15, walks [1] - 136:3 vividly [1] - 63:8 168:23, 172:1, 135:18, 136:1 64:7, 107:23, 97:11, 129:5, uses [1] - 27:4 172:5, 172:8 ≥ > 13:2, 13:20 VS [1] - 1:7 139:15 146:18 151:13 146:15 145:11 134:7 69:10 142:2 55:1 77:16, 78:11, 85:11, 89:20, 90:22, 92:6, 99:15, 100:5, 103:1, 29:14, 32:19, 33:16, 70:14, 70:18, 72:22, 162:6, 162:9, 164:9, 169:1, 169:8, 169:9, 171:5, 171:6, 171:7, 39:9, 45:16, 47:20, 22:12, 22:17, 25:1, 25:5, 27:19, 27:23, 28:9, 29:11, 29:13, 92:9, 92:12, 92:14, up [132] - 5:12, 22:5, 50:2, 51:3, 57:19, 93:1, 93:2, 93:10, 27:24, 28:6, 28:8, 35:3, 36:22, 39:8, 93:13, 96:6, 97:4, upright [1] - 123:19 107:22, 107:24, 109:18, 111:4, 111:12, 111:14, 112:12, 113:1, 113:12, 113:17, 79:17, 81:4, 82:4, unlikely [1] - 45:8 169:16, 169:23, 172:10, 173:22, 114:23, 115:20, 120:10, 121:16, 127:15, 128:15, 136:16, 136:18, 137:12, 138:11, 138:17, 138:19, 145:15, 145:17, 147:22, 147:23, 167:11, 167:24, 123:16, 125:19, 126:10, 126:15, 126:16, 127:12, 138:15, 138:16, 142:15, 142:16, 135:10, 135:12, rpset [8] - 79:12, 165:2, 166:21, 171:11, 172:7, 103:10, 104:4, 129:3, 131:16, 131:21, 132:2, 140:1, 141:11, 152:4, 161:11, 169:24, 171:4, 123:2, 123:13, 134:12, 135:9, 174:13, 175:1 114:6, 114:12 119:4, 119:7, 137:2, 137:7,

Fisher Court Reporting Rockford, Illinois

815/226-9755

Page 16 to 16 of 16



Discovery Deposition of **WILLIAM McGUIRE**

Date: March 20, 2013

Case: Dulberg v. Gagnon



Phone: 312-977-1777

IN THE CIRCUIT COURT

FOR THE 22ND JUDICIAL CIRCUIT

MCHENRY COUNTY, ILLINOIS

PAUL DULBERG,

Plaintiff,

vs.

DAVID GAGNON,
Individually, and as
Agent of CAROLINE
McGUIRE and BILL McGUIRE
and CAROLINE ()
BILL McGUIRE,
individually,
Defendants.

178

3421 at the approximate Professional 2013, at taken in the Paula Ann Erickson, Registered 20, on March WILLIAM MCGUIRE, Illinois, Reporter, before and Notary Public, McHenry, cause, οĘ Shorthand The deposition E Q Street, above-entitled 2:25 Certified West Elm Reporter οĘ hour

REPORTED BY: PAULA A. ERICKSON

C.S.R. LICENSE NO. 084-003899

1 2 Z	APPEARANCES:
ω 4ı r∂	MR. HANS MAST LAW OFFICES OF THOMAS J. POPOVICH 3416 W. Elm Street McHenry, Illinois 60050 (815) 344-3797
	Appeared on behalf of the Plaintiff.
r & 0	MR. RONALD A. BARCH CICERO, FRANCE, BARCH & ALEXANDER, PC 6323 East Riverside Boulevard Rockford, Illinois 61114 (815) 226-7700
	Appeared on behalf of the Defendants, Carolynand Bill McGuire.
	MR. PERRY A. ACCARDO LAW OFFICE OF M. GERARD GREGOIRE 200 North LaSalle Street Suite 2650 Chicago, Illinois 60601 (312) 558-9821
	Appeared on behalf of the Defendant, David Gagnon.
	* * *
	:

PAGE 46 46 46 48 4 PAGE saw paperwork W saw manual 듼 saw photo \bowtie Н [1] Д \Box Н Z 冮 Н chain chain \bowtie chain [1] BARCH. MAST.. EXHIBIT WILLIAM McGUIRE MR. MR. DEPOSITION $^{\circ}$ $^{\circ}$ ${\bf B} {\bf Y}$ BYNo. No. No. WITNESS $\boldsymbol{\sigma}$ 10 딤 1213 14 ₽ 5 16 73 17 9 20 21 22 23 24

 1	
77	hand, please?
м	WILLIAM McGUIRE,
4	after being first duly sworn, deposeth and saith as
Ŋ	
9	EXAMINATION
7	BY MR. MAST:
∞	Q. Please state your name, sir.
Ø	A. William McGuire.
10	MR. MAST: This is the discovery deposition of
~	William McGuire, taken pursuant to notice, in
77	accordance with the applicable rules.
1 3	BY MR. MAST:
14	Q. Mr. McGuire, what's your address?
r.	A. 1016 West Elder Avenue, McHenry,
16	Illinois 60051.
17	Q. Okay. And you live with Carolyn?
∐ ⊗	A. Yes.
19	Q. She is your wife?
20	A. Yes.
21	Q. How long have you been married?
22	A. I am not remembering very good. '91. Since
23	.91.
24	Q. Okay. And you have always lived at that

children, Non let welldid marriages? Well, ე დ married three ¹8⊈ 1 since And have you known Dave has meant during your marriage. prior were 1984 Gagnon? Carolyn known Carolyn married? hon since any correct? Dave? \sim address David children? before Do you have And mother 89 I have known Dave meet you were son, . 1 ij Elder long Okay. you son his you have Yes. in Any see. Ø Correct. moved HOW the and dia Through the Before Let's Okay. Okay. Okay. Okay. Yeah. Yes. And HOW No. No. daughters Yes At this: SO H address? ď . ⊙ . ŏ ₫ K ö Š Ö ò ò ∢ Ä. ŏ ď. Ä. $\stackrel{\cdot}{\bowtie}$ ď о О ¥. ò ask know two $^{\circ}$ ∞ Φ) 10 H 12 73 14 15 91 17 138 9 20 22 21 23 24

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of permanent	-	31. 1		used a chain		, f	,	PAVE USED ELECT. CHAINSAN DOF RINKS MINI	saw here on	d Carolyn			accident at your			t I am taking	said that	2011 accident	here on the			saw and it's a	
י ת מטי	Okay. So you have some type	back problem?	Yes.	All right. I am sure you have	saw in your life, correct, or not?	No.	So you never used a chain saw?	No.	Okay. Although we have a chain	that I am understanding you and Carolyn]	Correct.	the same year as Paul's a	ATO CA	Yes. Jame Pur	Okay. And I might be wrong but I am taking	what Carolyn said but Carolyn	early 2011 before Paul's June	urchased this chain saw that's	λS	Yes.	And it's a red bodied chain	saw, correct?
C	· K	chronic k	A.	Ö	saw in yc	A.	Ö	Α.	ò	the table	purchased	A.	ò	house?	А.	oi	this from what	sometime	you two purchased	desk today?	A.	ò	gas chain

₩

2.1

Н

come Saw to what you how |---| storm chain from? ₩ ₩ That's your injury did you learn pick up things very quick but use, the ൻ ₽• 1 I was wondering if we had nse would for your 3500. since you have never used planning on using this one, why did you purchase case? Schodule and to right? assuming because of 1. 1. want 1. MT, trees come down H. Who purchased So you got it that E-F-C-0, don't Emergency, correct. You got carpenter. ₽• S3 it, ⊥ Where <u>۲</u>; And Efco, Menards. O£ don't have to use and some and I am Okay. did Okay. Well, And I Okay. Okay. Okay. From am a else's? Yes? reading off Yes. Yes. And purchase it? Н Н weren't through Ö ď ġ ğ ŏ ď ò Š. ŏ A. anybody use it. . Ö ¥. Ö ⋖ before Ò ₫ ហ Ø 10 든 12 Ξ 14 H D 16 17 $\overset{\bowtie}{\sim}$ 13 20 22 23 21 24

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across hi	n the first	across him the first time. TRUR	:) .
· 6	All right.	Before I think Paul's chain	Д
saw accid	ent at your	saw accident at your house was sometime June 2011; is	.⊢ Ω
that your	that your understanding?	ng?	

A. Yeah.

- chain α ever use 2011? in-Okay. Did you know Paul to Your house at before his injury $\dot{\circ}$ Saw
- Yes. He was on the property and David saw. chain ď the
- accident? of his dayAre we talking the . ŏ

10

- A. This is prior.
- Q. Okay. Go ahead
- Saw ever Н Paul **₩** asking Because you were saw. chain ıά operate ٠ ل him
- Q. You are right.

16

17

∞ 1→ 20

21

22

23

24

19

- chain Н down an That's the only time the 40 tree in the backyard and I saw Paul use to an apple -- the stump, the apple stump, cut David TRUE he was at the house. the ground. saw. seen him use the chain closer to And get it Ž, saw on apple ever to
- 40 in the same year that Was accident at your house? Fair enough. ò his
- A. That was prior.
- Q. Same year, though?

- Was 1**.** believe Н ! probably You know, was. ا. believe
- tree think the apple that year. Οŧ Carolyn seemed to in May sometime cutting was ġ
- Was H probably right. know, she was the pine tree. TRUE You Ą. before
 - SPRUCE 1 Or evergreens The $\dot{\circ}$
- evergreen, pine them ça11 Н Well, ¥.
- accident? Paul's Before Right. thing. Same ò
- Yes. ď

10

17

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14

- sometime bydown used being cut according to you, he and tree was help to SO apple there Okay. the also 2011 when Right. Paul was stump? the . О in May Dave, cut
- stumb. tree thestumb, The Ä.
- Down lower? Ø

16

Yes. ď

17

18

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22

- his house the saw before 80 at your 1 apple tree? time chain time the only one ർ use off that the that's saw Paul Was stump June 2011 And you ever Okay. cut the in In time accident when he ŏ only
- ground. the t t lower got the stump He Yes. Α.
- again because you interrupted that Ω Η• just said, What I true? i, sayWill HS \vdash true?

that

ö

- დ Hquestion ΜŽ what answer just Let's on. adding \vec{p}
- time only The 1.s: question M_{Y} Okay.

 $^{\circ}$

- accident stumb cut the his saw before 2011 was when he chain α use June Paul in house seen ever your
 - Was that tree apple from the 2011 Ð, bit lower in May little house Your Q down àt

φ

 ∞

中のころいかろ of 150 40, DAVES Carolyn Seems <u>5</u> рe and Contradicts Testinony down からられ cut 一大いの Gagnon true? lower, yes. said David just one The Н stump down what Yes М Н the Š ◁ \bigcirc got

Yes

Yes

10

12

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73

74

- W111 instead Just |-| right question, asking adding a11 keep am ζw ր, Տ $\vdash\vdash$ Because you you don't understand answer what question on to what my it, but try to All right. Ι£ adding i ı \bigcirc reword answer O.F
- Okay Ą. 15
- Got me Ø 16

٥.

Yeah. Ř

17

- use unsafe the O K anything with dangerous thought doing Paul Non that See accident? Did you Saw chain his the before O 18 13 20
- TRUE No Z,

21

hе Dave sure with I'm not Paul' know, of and day 2011, the Paul On know that ask you. in house you to your have Did at but ò injury was 22 23

you

June

the	
using	
even	
ever	
Was	
Paul	
₩ •H	
know	day?
Non	that
g	saw
there, (chain

.

A. No.

don't know? You you know? 9 ŏ

Saw chain he was using the ₩ •H don't know Н ď

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ask ask saw Let me let me spoke or Okay. Well, last time you 1 asking. today and am the \vdash questions That's what When is couple way:this ŏ. ರ Paul? you 급, 다,

store grocery ൯ r T ago weeks Probably three

see him? just 임 him t C speak You Did ö

A. Said hi.

12

13

Q. Did he say hi to you?

A. Yes.

14

15

Q. Was that it?

A. Correct.

16

17

anything? carrying him 8 0 0 You Did ò

A. No.

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23

24

would he 2011 that that in in arm your house anything problems with his see him do saw accident at Did you suggest he wasn't having chain Okay. this . O in. cut

but walking anything him doing see did not his mother H with

at 2011 June accident in Paul's Before Okay. $\ddot{\circ}$

		Page 1
	your house, were	e did you consider him a friend,
7	just a friend of	f your stepson's? How did you What
ന	was his status with	with you?
4	A. I cons	considered him a friend of my stepson.
ហ	Q. Okay.	So more of an acquaintance to you
9	then? He wasn't	somebody you'd socialize with outside
٠.٢	of your son or s	something then?
ω	A. Correct.	it. If he wasn't around for my son, he
<u>ი</u>	didn't come around.	TRUE-Contradicts Daves Testime
10	Q. So he	buddy or anyt
11	A. No. N	No. TRUE
77	Q. Okay.	So you were on good terms with him
13	because he was o	obviously on good terms with your son
1. 4.	before this acci	accident occurred, right?
15	A. Yes.	
16	Q. Did th	that change at all at least in your mind?
17	Now Dave has spo	spoken his peace so we don't even need to
8	go into what Dave	e thinks, but in your mind has your
6.1	feelings about P	Paul changed today versus before his
20	injury at your h	house?
21	A. Yes.	
22	Q. Okay.	Good, bad, indifferent, what?
23	A. Well,	I think he is a fibber. < ">\mu \mu'.
24	Q. Okay.	Fair enough. You are just being

- mean, Н fibber? and ά .⊢ ე cut he think ре should You တို H. WhyYou know, Okay. A. honest. $^{\circ}$ ₩
 - Parls ARM dry·yes, accident an Was H-다
- right. A11 Right. Ö
- Depositions-is cot + 3/4!
 - A. And that's all I know.

S

Ø

[~

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σı

- Was lawsuit reading into this, you ಹ because i, t -H S3 am but Н am wrong, So why? 1 1. Т that HS \vdash **4⊣** -⊢ 1. S me ö filed; tell
- A. Duh. Yes.
- for questions, easy₩. (1 these make а 3 and 40 this have through Н listen, go just Well, right? me Let all 0 SIR me, 0 11 12
- A. I'm sorry. Yes.

13

- has lawsuit that fact that fibber? The ¥0 part are making it hard. ർ are Ŋ ъH that he Non and you feel lawsuit was filed You made 8 that 14 15 16
- A. Well --

17

find out trying to am Or I Ö

18

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21

- don't and filed probably lawsuit was I just . SO. dry, him now, the and since cut do with Basically, wasn't t t <u>۲</u> nothing know, ¥. want nok
- because Non just ask you have to orI have Н fibber again, used, α 1 is Is the words you have let me he feel 20 Non Okay. 9 نب οf ö about some 22 23 24

χή 3	against
	.lawsuit
	щ
	filed
	þе
	that
	fact
	the
	like
	<u>.</u>
	don'

You?

-

works? e ot today filed don't like the fact that he BILL TRINK Does - and How Н lawsuit. < <

fibber meaning liar, you So calling him a liar? Okay. · Ю 9

not

are

he Just because lawsuit. - Not a liar/ Fibber any mote No. I'm sorry. No. No. ಹ ₹ filed

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that got in your mind fibber or a liar or don't you know? Again, Do you believe So let me --All right. clear that up now. ൻ .പ വ . 0 Paul

I don't know. - Friplfrop again? Z.

lawsuit fibbing Or don't know what And I meant more about this lying You don't know if he is you lawsuit because Okay. obviously. about the . 0

16 happened, right?

A. Yes.

7.7

18

Q. Fair enough?

A. Yes.

13

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ወ know him because you don't not characterize fibber for filing the lawsuit So you would true? or not, Okay. . ₽ ö Ъе ¥∃ †•

Yes. - frip / fing True. True. Ą.

in. house at your occurred accident the Before $\dot{\circ}$

- honest credible, Q Was Paul believe you did 2011, June
- soul, person?

 $^{\circ}$

 \vdash

A. Yes

3

- believe to reason anyyou have Did ö
- accident this 40 prior fib would hе that

ம

- A. No.
- Well, Have you heard right. All Okay. ŏ.
- than Other minute. ർ for aside put Dave me let ∞
- 40 trying Paul was that have you heard through Dave, g
- warranted than was this accident οĘ make more out 10
- me Let sorry. I'm 1 other than £---
- attorney his OĽ, than David Other BARCH: MR.
- 13 BY MR. MAST:

12

- Dave's or Dave through Other than Yeah. ŏ 14
- heard you have guess, Н attorney attorney or your 15
- else anybody OĽ Paul from either 16
- A. No. John Chayinski ?

17

18

- Was Paul that effect something to the . Ö
- than accident O H claim this O.F out more trying to make should? he 19 20
- no have not heard nothing, Н Y.

21

- since suggest Paul heard ever Have you Okay. ŏ
- say to people get trying to that he was accident his 23
- ٥. •H it than more worth case this make to things 24

	A. Na accident ever again in his accident? Or anything accident? A. No A. No De De De De De De De De De De De De De	No. Have you ever heard Ay Strike that. Have you ever he ever suggest that he his life or he is go. Ing like that, those No. No. Dave has not even to said supposedly? David has told me th Okay. Okay.
18	d 0	That's what he told me. All right. So Dave told you Paul is not
19	telling t	the truth about the accident Consider the Correct.
2 2 3 3 5 4 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	Q. that Paul say things	But has Dave ever told you since the accident was trying to get him to lie or get him to is so that they can retire? Dave

- hе S \mathcal{C}^{\bullet} Case question this of theout finish money οĘ me lot Let ወ make on. Hold OK retire Ö can
- Has he said that?

S

Q

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- that. told me never Dave has No. ġ.
- one covered to make \vdash sure just want make to Н just So that Okay. On Okay. question everything ò other
- in return maybe and/or anybody t 0 things? than trying any was justified him OK other heard Was οĘ Paul those favor Paul then never suggestion whether by heard say H H that than you have talk ever fair to this case anybody, people to you attorney Have <u>+</u> else, Dave, Paul, of SH out get allegation or anything? through your trying to more make for
- say else \overline{m} maybe nobody or heard comments haven't than David's Н bit, little Other ർ attorney ¥. word. Q

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ᡣ correct Paul, Including Okay. ò

13

A. Oh, yeah.

19

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23

- that in. you tell Dave did what So Okay. $\stackrel{\cdot}{\bowtie}$ regard?
- accident Was the Paul somehow waythe that than when saying Dave was different happened A.
- describing it.

2₫

ed so	that.	
I asked	into	
quite what	get	
Φ	to	
	going	
not		
	are	
ıat	we	
And that's	because	
Okay.	back	
	go	
Ö	me	
	1et	71.0

Okay

3

4

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 $^{\circ}$

t Was favor anyone framed more Pau1 case? his from that in this lie to have you heard question was anyone, or case or to help him recover fabricate Dave, MYattorney, Paul, including 40 get people Let me than your t 0 including this trying other ij

A. No. Nobody told me that

right? nobody, Paul, not Not Dave, Ø

Dep. Betate Testifying? .⊢ S READ happened. question David didn't saying 9 get theam accident Н Did Dave -F accident, same question saying からずる thestated I am to the thing the Paul pertain me is only waythat got to asking with the The Other than it's are Ā. agree noA Ч •Н

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the O.F there is two versions that. And I understand I understand ccident. ŏ

A. Correct.

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- that other than through fabricate suggested ΜŽ to though. lie for him or Dave different, ever heard, 0 H Paul t 0 either My question was Have you Paul was wanting people that attorney, was: anything? question . O your
- Nobody no. attorney, Λw and than Dave Other ď

has told me anything about --

(1

m

S

Q

- Dave lie? did or What fabricate that. to in him including Dave wanting Paul say that? am about HNon ġ ре tell Did
- the change t t David telling Paul გ ა fabricate? far As story or ∢
- Q. Yeah. Did he do that?
- no. that, like to me ۱. mentioned never David ď

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- that not putting to about am the suggest regard Н say fabricate and okay, me but with anyone say, 1et aside, lie, ţ, S never heard fair attorneys, Non 40 right. 40 Dave i. H S comments a11 enongh? get you have about your again then. So t 0 Okay. attorney's fair trying else, asking you case, question Was anybody ò Your this Paul
- A. Yeah.

16

17

- that? heard You never Okay. . 0
- A. No.

 $_{\vdash}^{\infty}$

13

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21

22

- two noX shed are that there storage 2011 it, June ർ understand put in could back Non your backyard J----| As 80 down right. right? cut A11 in wanted there, evergreens Ö guys back
- 23 A. Yes.

24

don't Н it, understand Н გ ც And Okay. ŏ

3 right?

down. lower branches some Knock Yeah. ď

6. .

that? ರ್ asked him to Who Right. ġ

ហ

Q

(F

- remember. don't Н You know, ⋖
- your wife? 0 L Non either was H Okay. . ⊘
- A. Correct.

9

10

- to going right? she was or whatever, said wife gas think your for his something Н And Dave $\dot{\circ}$ pay
- pants. you son, O T pair the mothering give him a always she'd are Basically, They don't know. Y. know.

12

H

13

 \vdash

- far <u>დ</u> გ Was arrangement what their So Right. Q N money Ö. മ വ 15 14
- A. Some kind of gift.

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twice to here going last can οĘ to move to keep make it this am Ø. out you Н and tryare going to make have quick but to tellin T let me Н going You to but because real get trying it's So to ďn. here question, like just you possible backing out of am H G Listen, $\vdash\vdash$ the 1 get keep 80 დ დ മ് repeating difficult quick probably t 0 long ġ have a S 8 8

okay?

question,

mΣ

finish

let me

but

forward

Was get don't know; fair whatever the arrangement would hе what work, you ე გ far <u>а</u> SO this Dave and All right doing Carolyn for in return between ò enough? ហ

Uh-huh.

₹

4⊷ •r∸ experience, Dave's And what was Okay. ö ~

Yes

Ä.

 $\boldsymbol{\omega}$

You

- with accident this chain saw before α 0£ in use know, ∞
 - your house? at Pau1 σ
- chain 덩 physically project he worked Q with property through the course of me living there and theൻ 디 have heard, trees the Н him prune Stuff Ā. seeing 10 7 7
- ~ Who's, when saw. $\frac{1}{3}$
- Okay. Ø

14

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- ا. ο£ extent the about That's ⋖
- saw? chain ιq With Ø
- Correct Ճ

17

With your chain saw? Ø

18

1,9

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P .

- penstrict then Kriminson in them in them in the instruction is a second to the instruction in the instruction is a second to the instruction in the instruction is a second to the instruction in the instruction is a second to the instruction in the instruction in the instruction in the instruction is a second to the instruction in the didn't have it We No. ◁
- property? saw on his With his chain Okay. \circ
- pons(the àt ived \vdash David Back when No. ø
- You? With Õ

22

23

21

- there lived property when David our On Ø
- Right. α

the Saw On chain some pruning thegot done don't know where he and he Saw chain Н ർ but he had

 \vdash

S

seen him do.

I have

that

and

property

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Ø,

- Just that? And how often was repeatedly? رد ا---Okay. time or was Okay. one Ċ the
- times οĘ handful ർ say would Н ď
- Cyears several ΟĒ course the Over Okay. Õ
- A. Yeah. Correct
- \sim You living with he was while was that And ò
- A. Yeah.

10

only time you have known him 2011? than in the saw other that's chain And ರ O use 2

77

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-

- saw. g the '90s, you know, whenever he would chain say in the in up with you know, stuff in, prune goes back and in the yard This the '808' ď. around mid
- that who owned the EvectRic Chain saw who carolyn claimed she had in the house at the saw at chain ៧ you have Did ò point?

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- have borrowed don't \vdash one. he might or he might have had You know, mine. friend Not ಡ from Ŕ know. one
- evergreen down with other work the branches year? two other than the property in that any going to take some of ф Dave did 2011 your 1 H ф OU Okay. це Saw Was did chain trees he of, Oi off the

- A. Cut the apple tree down.
- Q. Okay. Anything else?
- A. No.
- Q. Okay.

រេ

9

- saw work chain little ಡ did he know, You Š
- \vdash that ۲. about Was That ٠ ۲ about Was That
- remember.
- was hе two saw work thetree and correct? chain only apple your house in 2011, the the are SO evergreens, those Okay. doing at . 0

10

Η

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13

- the 40 fromtrying scrap You know, I'm some took tree. know Paul remember. a maple Н Н remember because from That front yard Ą.
- to just said wife Your Yeah. . 0

14

A. And --

딘

Q. Go ahead.

16

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18

- Saw chain 7) don theН but used further hе 44 •H remember little ф ď'n don't cut them pieces H that. And remember ď, 40
- took company tree Q Was your wife said down. What tree . ⊘ that

20

13

A. Yes, they did.

22

23

24

21

0 ď'n stumps sections some those left cut And and Dave finish. Paul me Let and sections . Ö

- said she That's what could have firewood. Paul
- A. I
- Q. You don't know?

 α

- the ¥O O the bulk know Paul took the wood, Н Ä.
- 5 wood

φ

- Who cut it up, you don't know? . 0
- whole- No OSED Roll Logs *3* & No.-TRUE-Bill Helped R ⋖
- So the only time you know that Dave Okay. . 0
- theWas a chain saw on your property in 2011 nseq σ
 - the at off evergreens that he was cutting branches 10
- tree? time Paul was hurt and the one apple 7
- A. Yes.

72

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16

- 28, June I think Paul's accident was Okay. . Ö
- true or not? Do you know that to be 2011. 14
- -- but I don't know sounds You know, it Ä.
- Was? **1.** Do you know what day of the week . 0
- A. No.

17

18

- not have You were retired so you would Okay. . Ö
- the Would you have been home at working. been 5
- A. Yes.

20

21

- Paul's the time of a t What were you doing ġ
- 22 injury?
- A. I was in the house.
- Q. Doing what?

Watching TV.	Q. Okay. Was that time Paul's accident occurred	4 A. I don't remember.	5 Q. If you were watching TV when his	6 occurred, would that have been pretty much	7 were doing for most of the day prior	8 his accident or were you doing other	9 house?	0 A. I was in the house. I am trying	11 remember I might have walked around	12 you know, and then I was in the house	13 Q. Did you ever go outside the house	and Dave were in the backyard working? 15 A. No. $(E-B)$ Used F	16 Q. So would it be fair to say that day of	accident before his injury, you don't know	doing what type of work, where, when	19 A. That's true.	20 Q. Okay. And you never viewed	21 to Paul's injury what they were doing	22 the backyard, correct?	23 A. That's correct.	24 Q. Do you know what I know that
₩ c	Λ1 ~~	4	Ŋ	9	7	ω	OΊ	10	, 	(2)	m	4 Ω	٥	7	ω	5.7	20	21	2	O.	

two	
rom the two	
from	
limbs	
some	
down	٥٠
cut	right?
t	
was going	evergreens
was	ever

A. Yes.

once think Carolyn then said ultimately tree the the going to have O.F base out and cut the big the limbs were down, you were And I company come ġ

down, right?

Yes

- the take to right? really just tree, Dave's task was the base of the off SO branches
- A. Yeah.

10

Q. All the way up?

12

 $\frac{1}{3}$

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23

- A. No. No. It was too high.
- certain level? So just up to a Ŏ
- A. Yes. Yes.
- do you know? How high, Okay. Ö
- say, I don't know, You know, I want to Ą
 - tall Was H You know, I don't know. am saying. Н That's all some feet.
- And the limbs at the bottom are bigger limbs at the top, right? 0 the
- A. Yes. 7236
- estimate, how wide evergreens the off an coming How wide -- if you have limbs, the branches, the ŏ are

	at the bottom of the trees?
7	A. Oh, they had to be in the base of it had
٣	to be, I don't know, four or five feet, something like
4	that.
വ	O. How wide around?
9	A. Oh, wide around, inch and a half in diameter.
	Q. Okay. All right. And do you have any idea
0	of how many total branches needed to be cut down by
o,	Dave?
70	A. No.
T1	Q. Okay. Was it more than 20?
7 7	A. Oh, yeah. (Probably.)
13	Q. There was a lot of them?
14	A. Probably, yes.
12	Q. Do you know when he started this work in
9	relationship to the day of the accident?
17	A. The day before. I Nothing was ent Suga
18	Q. Okay. Do you know how many hours he worked
б	the day before?
20	A. Maybe an hour and a half, a couple hours I
C)	think. I really don't remember.
22	Q. Okay. So after working the day before, there
Z Z	would have been branches already on the ground, right?
2.4	A. Correct. THISE

- to help over coming Was Paul you know ďiď And ö
- out?

 \circ

400

ď m

No.

- over? him invited you know who Did ò

LO.

Ø

- DAVE? No.\ Ą.
- Your On Was even know he Did you Okay. ò
- when property
- Yes ď

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 σ

- even You Did question. the finish щe Let ö
- got Ъе time the your property by OH O Was know Paul 10
- hurt? H
- Yes ġ.

12

 $\frac{1}{3}$

14

- the property? on know he was you did HOW ö
- petted Н the yard. in seen him out \vdash Because ď
- dog his 12

16

7

- arrived? You mean when he ò
- Was course when he thethrough Sometime ₹
- there. 18

9

20

- ever Non 뛰 before asked you Н because oh, . О
- Non and their work Ч 0 process the during work them Saw
 - 80 no, said 21

22

- his petted Н but working them see didn't Н A.
- dog

23

24

dog his because there Was you knew he 80 Oh, \bigcirc

- -1	was there?	Da. 1/5 Dog
2	A. Y	
m	Q. Y	You didn't know he was there by seeing him?
4	A. Y	Yes. I seen him on the property.
ហ	Q. A	All right. When he got there or during the
9	course of t	the day?
7	A. H	don't know when the exact time he arrived
ω	but I looked	d out in the yard and there was him and his
on .	dog.	
0	O	Okay. And did you go outside when you saw
~-	him there?	
αi	A. M	Maybe I was outside or something. I don't
m	remember co	coming in and out but
₽.	O.	This is what I am trying to understand, you
Ŋ	said you ne	never saw what they were doing.
ø	A. R	Right. ~ < '≪
<u>-</u>	Q. P	Paul and Dave, so I am assuming what did the
ω	dog come ins	inside and that's when you petted him or when
ون و	did you pet the	the dog?
0	A. TI	They were working behind the garage and I
€	didn't go be	go behind the garage where they were working but
2	if you come up	up to the back the back of the house,
./ m	before you g	go around the garage, that's where I saw
4 T	David, Paul	and the dog. I went outside, petted the

\leftarrow	dog, said hi to Paul and I went back in the house.
7	Q. All right. So you were only outside a minute
ო	
4	A. Yeah. Not long. — NooN Inside, Cherry A. Seel Pool Then
ល	there spec
9	pet the dog and say hi to them or for some other
1~	reason?
ω	A. You know, I might have been taking out a bag
Ø	of trash. I don't remember is weren't the Reason
10	Q. Okay. And where you saw Paul and Dave, were
[]	they engaged in the tree work at the time or had they
12	taken a break? What were they doing?
13	A. No. Just chitchatting.
14	Q. Okay. So this is before they began work that
15	day, during the midst of their work, do you know?
16	A. I couldn't tell you \'\
17	Q. Okay. What time was this, do you know?
18	A. No. I don't remember.
19	Q. Do you know how long Paul was at the property
20	already by the time you went back to pet the dog and
21	say hi to him?
22	A. No.
23	Q. Okay. Where you saw them was that in the
24	area that they would have been working to cut the tree

- down -
- 2 A.

No

- else? somewhere that Was O K $\dot{\circ}$
- and driveway the ζq was like It | | in Was H ď

S

Ø

- theo£ back around the say towards 1 the ! ρζ the ļ the back of in They were the in Was Work yard. the
- back door of the back porch.
- Q. Of the house.

 ∞

A. Correct.

g

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- the t C in relationship there were they Why . 0
- idea? $an\lambda$ you have Во doing? were theyWOrk 드
- They sitting doing. Was were the dog theydon't know what and talking there Н standing No. ₹ were
- 14 there.

끉

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19

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- inside? Your wife was All right. $\dot{\circ}$
- A. Yes.-Lic
- outside go to ever day? wife that you know your while they were working Did ò
- A. She might have -- Go ahead.
- outside ever your wife was ŦŢ know you Did ò
- injury? injury before his Paul's ΟĘ daythat
- her. ¥ O F track keep don't \vdash Ā.

22

23

- don't know? is you answer the SO Ö
- A. I don't know. Lie

- outside, went you when So right. A11 Okay. O
 - house the O.F rear theà O.F kind them up with met Non

(^+

- A. Yes
- the at the work 디 engaged not they were But right? Ö time,
- A. Right

ഗ

- inside? back and went dog the pet And you ö
- A. Yes.

 ∞

ത

- time your ΟĘ extent the that's And Okay. ŏ
- Your t 0 injury Paul's t t the house prior outside 10
- 11 knowledge?
- A. Yeah.

12

13

- what doing Was don't know who So you Okay. ò
- enongh? fair and how, when day, that 14
- A. Yes. I don't know. Lix

i)

16

- know who don't you Paul, and Dave a S far As . 0
- what Or tasks what were tasks whose 1 what doing Was 17
- 18 they were doing, fair enough?
- don't know. Н don't know. Н ¥.

9

20

21

- Q. Is that fair enough then?
- Correct don't know. 1-1 That's ₹
- notice OR first knowledge Your r, T What Okay. $\ddot{\circ}$
- 23 of Paul's accident then?
- and outside ran \vdash and commotion some heard Н ď

et t Ø 40 the C CL go 10 vehicle the TU. getting dn. were patched

 $^{\circ}$

- 0. hospital the to g T_O ö
- Yeah. ġ
- already wrapped arm Paul's Was So Okay. ŏ
- for (P W H• ل 1-1 mYbeelining that 41 •H remember like they were something t 0 trying .⊢ Ω OT know am してなった towel \vdash Н You know, al1 getting him a vehicle. but know ർ 1 d don't Was the
- the from waytheir O U were theySS car? Okay. the 40 Ø house

10

든

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13

- aш \vdash oh. Q caught 1 the about to might have back door going something Н then So and them by the Yeah. remember Yeah. o£ to glimpse Š trying
- watch please vehicle the from sayhim hear did |---| Yeah.
 - dog Zui 16

17

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- ٥. that said Paul Okay. ö
- Yeah. Yes. ◁
- dog? Paul's Was H ġ
- in that already window Was ታ ይ the believe out yelled Н and hе Yes when cle Š vehi
- gone basically already they were So Okay. Ø
- Yeah. ¥.

23

24

them, to talk 40 chance Q have didn't You Ö

- right?
- A. I did not talk to

them.

- the for leaving they were time the Δ So ò
- what injury? didn't know some must have been saw, you you there that than car the other in happened hospital
- A. Correct.
- injured? you know who was Did ò
- A. Yes. Paul.
- Q. How did you know that?

Ø,

10

1

- injured ۲. ا Paul said wife MY<.
- injured? got how he say she Did $\dot{\circ}$
- A. No.

2

- t 0 Dave with left Paul left, це After Okay. ö 13
- Dave? and Pau1 see you next hospital, when did the 14
- hospital the from back came theyWhen Ą.

72

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17

28

- Q. How many hours later?
- four. three, like seemed H ď
- Dave? and Paul 40 speak you did And ò
- A. Yeah.

린

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2

- Q. What did they say?
- asked |--| much. too talking they weren't Well,
- and sore little ಗ am \vdash said Не feeling. 1.S Paul how he 22
- good too not says Dave and you know, David, asked \vdash 23
- mood talkative very൯ in weren't 1 says /B You know,

O.Y. good t00 wasn't Paul meaning good too Not . ⊘ what?

 $^{\circ}$

- ı hе and Maybe came back got home. just how he basically out figure Paul Well, to trying ¥. am Mike
- MOU right that asking evening am not Н ŏ
 - A. Okay.

Ø

Paul say Dave said and You Paul ٠٠ hospital What did the Then David at 1.s: arrived home question sore. MYtheyam ö FH said when œ o,

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- a11 at talking really wasn't David ¥.
- accident the how discuss them saw? chain either of the with Did occurred ŏ
- A. No. No.
- house? the аt back they were long $_{
 m HOW}$ ġ
- of period short α for there they only Were 1 Short time? 91 7
- A. Yes. Yes. -TRJE

18

13

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22

23

- again? leave did they both And $\dot{\circ}$
- got home. how he remember trying to am HĄ.
- theyН Dave, home. and got arrived home with Paul know that? anybody I'm not asking how don't you Or they again asking once left Ö then
- to back came hе 1. T remember don't Н You know, Ø

ろっ ナッズ Said our house 40 I'm going drove him directly home did **クェン** asked him how you doing said to You would Не are trying Paul don't remember if he came back to don't know who you remember now. else? am doing? house. | |guy that got hurt. **├**---| say? So when anything room. that. Paul his asked him how are you Dave qo am okay? emergency Okay. Who, came back to Н David remember right. Н saydid then and Н a minute. Did he then what 4-1 ---| "he"? is "he"? house And Who is "he"? Н A11 least thedon't the don't remember said that. says okay. Who is our or he After Okay. Paul, Okay. Wait Paul. Who? talked at Paul Who about. his house. I And No. come back to Н house remember okay. ò . Ø ď ġ 0 ď ξ. talking K. ŏ ٠ لا ŏ Ŗ . О ġ hе Ķ have \vdash our and g 10 11 12 73 14 15 9 17 18 9 20 21 22 23 24

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for you how

Has Dave ever described

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No. - Why?

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accident occurred?

the

1 accident occurred?	2 A. Yeah.	3 Q. When? First time.	4 A. Probably a day or so later.	⁵ Q. What So a day or so after the accident,	6 Dave had a conversation with you?	7 A. Yeah.	8 Q. What did he say?	9 A. He says How did it go? He stuck his	10 arm	11 Q. Who is "he"? I need names so I know who you	are talking about.	13 A. Hang on. Hang on. He said that Paul stuck	14 his arm	15 Q. Wait. Stop. Dave said that Paul	16 MR. BARCH: Try to use names when you are	17 referring to the people. That's all he is asking.	18 THE WITNESS: Okay. David said that when working	19 with Paul, somehow Paul did something wrong and got	20 his arm cut. Day or So Later Devid Formulat 21 BY MR. MAST: To the Day out of liability and Star	22 Q. Did he explain what he did wrong?	23 A. No. He really didn't.	24 O. Did he say that he got his arm cult on the
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to be

with did Paul Page any did first conversation with i, than he conversations àt Paul and why or what to you specific arm that his did saw? specify how specify generally got occurred? got more Paul other chain Was that the only time? said he saw. ever about what -- did you have any David? the than that described incident Dave never got me chain didn't cut Basically, yeah. Did Dave David ΔV "He, " get cut ಹ You other conversations David No. O to about how the So other Dave where he just get THE WITNESS: something wrong arm cut Okay. BARCH: Okay. Yeah. MAST: But No. him to No. Ŋ. MAST: get cut? saw? MR. Æ. got his . 0 ď ò ŏ Š 4 Õ ¥. Ö. Ŗ. ö MR. caused chain Dave t t BY10 17 12 14 님 76 17 8 19 20 21 22 23 24 A. No. - seems odd

 $^{\circ}$

 $^{\circ}$

- Wrong to So any time you have talked something always been, well, Paul did right. A11 Dave it's Ŏ
- than anything more specify cut but he didn't get 40
 - 5 that?
- A. No.
- Q. Is that correct?
- , May
- and that, about to talk didn't want He Yes. Ä,
- 9 he wasn't -

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- said? just \vdash that correct what H S ò
- A. Correct.

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- how about Paul t C ever talk Did you Okay. $\dot{\circ}$
- 13 the accident occurred?
- A. No.

14

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- to talked ever you have accident, the Since ġ
- 16 Paul?
- A. Yes.

17

Q. How many times?

₩ ₩ 13

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- mayine seen him That am trying to think here. I have grocery store. and a Directly After accident happened Н 1 since the Maybe once ⋖ the ф р
- earlier the one you talked about that H S . 0
- 23 today?

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A. Correct.

- him? to <u>hi</u> said Where you just Correct ò Ą.
- at your house with him and to saw, you have only spoken to him once right? said hi it, supermarket when you accident that was Paul's you and since said hi to theSO at chain Was ò he that and

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don't <u>,</u> him, and Н asked that come over. Н like and something come over think he did after. how you doing or 80 think he did probably a week or You know, I Н you know, remember. Ą. Was ∞ ത

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- Was question the since MYanswer is twice, right? to Paul Let me go back then. spoken times have you Okay. Your accident. how many . 0
- A. Probably twice.
- the correct? The first time is one week after came over to the house, where Paul Okay. accident ŏ
 - his ひん. Yes. - False, Paul Didn't leave SKR 6 ď

present?

And who was

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- A. My wife.
- ر بردیار در بردیار
- Q. Okay. And Paul?
- A. Yes.

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- there? Paul How long was And what Okay. ġ
- dog. his couple minutes with K A.
- ΟĒ either ΟĽ you to say Paul did And what Ö

- You?
- going am \vdash said basically Well, you know, ď. $^{\circ}$
- said wife and, you know, my fine .⊢ ლ Everything along. $^{\circ}$
- Was that and pleasantries exchanged and doing how you
 - Didn't Happen about it. - This

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- what I'm wanting is kind of Okay. Now, this 8
- шe Ç L least аt 1 Paul has obviously out. find to
- has some follow-up treatment and obviously, has had
- this ¥1 arm because with his difficulties some had ġ,
- or not? that aware of Non Are Okay. accident. 10
 - who? I have heard that, yes. $-F\ell^{\varrho\rho^{\prime\prime}}$ ġ.
- that afterwards that a week say So when you am doing fine, Okay. Н said . ŏ

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- saying not having are you . D He great? everything is 금
- ф Р 40 seemed Well, he Ą.

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- saying you Are question. theLet me finish . O
- .⊢I he great, .പ വ everything that related to you hе that
- exchange 40 just trying це or was problems no having 18
- okay? -H S3 everything pleasantries and say yeah, 13
- the J O form you understand the object to ahead if I just BARCH: but question

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go

<u>۱</u>.

fine. Hdoing fine, am 1. S said he Н and meant guy When the was healing well WITNESS: рe THE thought

- BY MR. MAST:
- you what for describe Did he Okay. ŏ

he meant

- word the than use fine other
- A. No. No. No.
- response in Tu fine other than use the word . ŏ
- to your inquiry?

ហ

- describe fine He didn't No. ď.
- free? pain am Н sayDid he Okay. ò
- A. No.

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- in anything Or to normal am back Н say he Did $\dot{\circ}$
- 11 that regard?
- A. No.

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 $\frac{2}{3}$

- again you, for describe ever Did he Okay. ö
- occurred? accident specifics of his the Paul, how 14
- RUTURN As Acciden spon Hospilal FROM the No. - yes, Same Day ₫

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- he After that couple minutes at your house, 8
- a ک Was that saw him one other time, only and you left 17
- Was that and hi's exchanged You supermarket where the 18
- 19 it?
- A. Yes. Yes. TRUE

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- On earlier described that was the one you And $\dot{\circ}$
- grocery deposition when you met him at the this
- store?

23

A. Yes

Pau.		
to		
or talked	accident,	
r H		
And you never spoken or	the	
ស្ន	o C	
ever	since	
n	e S	
You	times	
And	two	
Okay.	than those	
•	than	
O,	other	

correct?

A. Yeah.

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one Н Н mark photographs, wait. just oh, I will 1 same these am the Н marked. got think all Н are these since \vdash theyright. get you them because ask wellAll to გ 8 o. wanted might ΟĘ

(Whereupon, Φ 10

1, 2 and 3 were marked and

Deposition Exhibits

dated.)

BY MR. MAST:

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chain The correct? the exhibits. οĒ you, took today just marked three O.F front photograph we 11 table \vdash the Okay. ർ цо .⊢ ს that's first one ö Saw

A. Uh-huh.

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yes answer the need you to verbalize |--| Yes. Yes. ò ď.

talked time saw you have the today? at deposition using chain Dave was your the that that course of Saw S accident? chain Okay. the the over Paul's . 0 That's about οĘ

A. Yes

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purchased you that Saw chain the that's And ö

- ۲. correct from Menards, new year in the earlier
- A. Yes

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Q

- Saw and chain true ർ same that that : | | for 7 Exhibit manua1 And the of Okay. purchased? copyaccurate ò Non
- A. I believe so.
- g additional receipt thesome . ผ .⊢ დ well believe დ დ H-1 Н came with \mathcal{C} Exhibit correct? that And paperwork top, . 0 the ∞ Φì **!~**
- A. I assume so, yes.

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- o£ sure the those al1 oĘ make through purchase sure need you to to make look with the ፙ just take |--| look. that came $^{\circ}$ Just Exhibit ർ that is? take ı. documents Well, documents that what chain saw a11 . ⊙ those were
- saw. chain the They came with Yes. ¥.
- a11 chain and the α Exhibit ΟĒ purchase materials, the came with the ΦĘ a11 those materials So ŏ
- 19 saw, correct?
- A. Yes.

20

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- ΨÇ copies accurate a11 are theycorrect? And those documents, Okay. $\stackrel{\cdot}{\circlearrowleft}$
- A. Yeah.

23

24

have \vdash a11That's You. Thank Okay. MAST: MR.

⊢l	MR. ACCARDO: I do not have	any questions.
7	2 EXAMINATION	
m	3 BY MR. BARCH:	
4	Q. Just earlier when Mr.	Mast was asking you
ស	about what you knew about Dave's	experience with a
Ģ	chain saw, you mentioned that he	did some pruning of
7	7 trees. You saw him do that around	l your home?
ω	8 A. Uh-huh.	
თ	9 Q. Yes?	
10	10 A. Yes.	
11	Q. Then you also said you	heard some stuff about
12	12 him using chain saws?	
13	13 A. Yes.	
14		rd some stuff about
15	15 him using chain saws, what were you	ou referencing?
16	A. I was referencing	to him through the course
17	of the years when he was living	there when I was living
18	18 there when he was out helping friends	inds and coming back
19	home and saying something like I	did some work for
20		s property or, you
21		
22	Q. Okay. So And to the	extent David may have
23	had some experience with a chain	saw away from your
24	24 home, you wouldn't know about that,	., you weren't there;

- is that fair?
- A. True.
- David was 2 Dulberg being reason or method that any any time prior to Mr. you have did the manner 2011, saw? 28, about άţ on June using the chain And concerned injured ö

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- A. No. I had no concern.
- did 40 day before, him wanted the you tell him how OL daythat time and saw? At any out there chain the $\overset{\cdot}{\bowtie}$ g use you
- trees? go Did you tell him how you wanted him to the ΟĒ the pruning м 9 trees, the t 0 tending No. Nor about
- g and how to Twent He wanted the a11 left ф to that you on what to say decisions fair and the Is it David? 40 cutting ďn T.

Yes.

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- theyPaul may they you saw, what day, how trees, and to what David the chain those that to anything, going to do with respect go about using that? respect Ð O about, if any And with weren't part of ţ talked going O were have were
- ~ Done of it. wanted of any Perents was not part what his How Did David Know Н True.

	Page 50
red 	MR. BARCH: That's all I have.
7	MR. ACCARDO: I don't have anything.
т	MR. MAST: All right.
4	MR. BARCH: We are going to We are just going
ſΩ	to reserve. Carolyn is going to look at her
φ	transcript. I will give you a chance to read it, too,
7	before it's final.
ω	THE WITNESS: Okay.
σı	(FURTHER DEPONENT SAITH NOT.)
10	(1) 25 (0, co) 20 0 (1) 0 0 20 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
11	with Bill During Depositions
13	[s this Normal?
13	Explains some of His Auswors,
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KETURN POLICY VARIES BY PRODUCT TYPE

Unless noted below allowable returns for items on this receipt will be in the form of an in store credit voucher if the return is done after 08/20/11

Market Ma

Sale Transaction

16" 390C CHAINSAW MT * 2391612

55 199,00

199,00 13,93 212,93 220,00 7,07-AX AT 7% TOTAL

OTAL SALE CHANGE CASH

TOTAL SAVINGS 50,99

TOTAL NUMBER OF ITEMS =

products may be returned or exchanged within 30 days of purchase with a receipt. No returns, refunds, without a receipt. After 30 days, without a receipt. After 30 days, at the Guests expense, unless covered under warranty. TD = 30 day over the counter exchange

THANK YOU, YOUR CASHIER, VICKI

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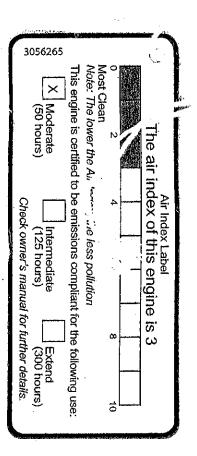
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Click on "service" at the top of the page and then "illustrated parts list" to view our parts breakdown

www.efcopower.com

For more information and to look up parts visit:

Using genuine efco® 50:1 2-cycle oil or equivalent oil meeting JASO spec FD or ISO L-EGD

E efco

our power, your passion

(12 efco) CUSTOMER COPY - COPIE POUR LE CL	٠,	Tolfowing: The Operator's instruction book/Limited War Gertificate containing safety precautions was received will purchase of the unit fisted on this warranty registration of the use also have shown the best contained.	of the unit pirchased. I am aware of the causes consequences of kickback and am aware that the chain be can reduce injuries if properly maintained.	have read and understand the above important Statem The failure to complete and return this card does not dimi the customers warranty rights.	IMPORTANT. Je, soussignée (Clienté), confirme que le Ma d'utilisation et d'entretien / Certificat de garanhe conte les consignes de sécurité m'a été remis avec la mac	7	T			INT UBLIAN IE. El INTRACTITO (Cliente) confirma lo que siç ha recibido manuel de instrucciones y la carta de registro producto que contienen las medidas de seguridad col contora de la mannina nominado en esca arrigan a con-
PRODUCT REGISTRATION CARD - FICHE D'ENREGISTRATION DU PROBUIT TARJETA DE REGISTRO DE PRODUCTO	PURCHASER'S NAME AND ADDRESS - NON DUCLIBIT ET ADRESSE - NOMBRE COMPRADORY DIRECCION	McHenry It (0005)	MT 3500 (2,38 cw.in)	SENAL NUMBER - NOMERO DE SERIE - MATRICIA. 98 40 200 291.	PURCHASE DATE - DATE D'ACHAT - FECHA DE COMPRA 5-22-1	PRIMARY USE (ONE ONLY): PERSONAL A CONSUMER - PERSONELLE TITRE PRIVE - PRIVADO UTILISATION PRINCIPAL: BUSINESS A COMMERCIAL - PROFESSIONELLE - PROFECIONAL UTILIZATION PRINCIPAL: REVIAL - LOCATION - ALIQUIDADO	NATURE - NOWBREI	1400 S. U.S. HWY 12	FOX LAKE, IL. 60020	COMPLETE IF PURCHASING A CHAINSAW — COMPLETER EN CAS D'ACHAT DE TRONÇONNEUSE COMPLETAN SI COMPTA UNA MOTOSIETRA EFCO BART LENGHT – LONGEUR GUIDE EFCO LARGO BARRA EFCO.

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de garantia. También me han demostrado la operación seguna y los controles básicos de la maquina. Estoy enterado de las causes y de las consecuencias del contragolpe y que el treno cardena puede reducir las lesiones se si mantiene conrectamente. He letido y entendido las declaraciones importantes antes dichas.

La halla de completamento y devolución de las tarjetas no disminaye sus derechos de garantia.

Ses Ces



For California only:

Evaporative Emissions and California Exhaust Control Warranty Statement USA Incorporated **EMAK**

Your Warranty Rights and Obligations

The California Air Resources Board (CARB) and EMAK USA Incorporated are pleased to explain the emissions control system's warranty on your 2010 and later small off-road equipment engine.

road engine for the period listed below provided there has been no abuse, neglect or improper maintenance of your In California, new equipment that uses small off-road-engines must be designed, built, and equipped to meet the State's stringent anti-smog standards. EMAK USA Incorporated must warrant the emissions control system on your small off-

Your emissions control system may include parts such as:

Air filter, Carburetor, Air Purge, Choke (Cold Start Enrichment System), Control Linkages, Intake Manifold, Magneto or Electronic Ignition System (Ignition module), Spark plug, Catalytic Converter (if applicable), Fuel Tank, Fuel Cap, Fuel line, Fuel Line Fittings, Clamps, Fasteners. Where a warrantable condition exists, EMAK USA Incorporated will repair your small off-road equipment engine at no cost to you including diagnosis, parts and labor.

Manufacturer's Warranty Coverage:

This emissions control system is warranted for two years in California. If any emissions-related part on your equipment is defective, the part will be repaired or replaced by EMAK USA Incorporated free of charge.

Owner's Warranty Responsibilities:

your small off-road equipment engine, but EMAK USA Incorporated cannot deny warranty solely for the lack of receipts or your failure to ensure the performance of all scheduled maintenance. As the small off-road equipment engine owner, you are responsible for performance of the required maintenance listed in your instruction manual. EMAK USA Incorporated recommends that you retain all receipts covering maintenance on

you warranty coverage if your small off-road equipment engine or a part has failed due to abuse, neglect, or improper As the small off-road equipment engine owner, you should however be aware that EMAK USA Incorporated may deny maintenance or unapproved modifications. You are responsible for presenting your small off-road equipment engine to an authorized Efco servicing dealer as soon If you have any questions regarding your warranty rights and responsibilities, please contact an EMAK customer service representative at 1-800-800-4420 or you can write to as the problem exists. The warranty repairs should be completed in a reasonable amount of time, not to exceed 30 days.

EMAK USA Inc., 770 Spruce Street, Wooster, Ohio 44691



LIMITED WARRANTY CERTIFICATE

EMAK USA warrants this product from the time of purchase to be free from defects in material and workmanship under normal use and maintenance, subject to the periods, limitations and exclusions listed below.

WARRANTY PERIOD:

WARRANIY PERIOD:		USAGE	
PRODUCT	RENTAL	PROFESSIONAL	PERSONAL AND
Chainsaws and polesaws	3 months	2 weare	CONSUMER
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		- Jeans	o years
Line unimers / Brushoutters	3 months	2 years	5 vears
Blower's (handheld & backgood)	,		
and a carefulary	s months	2 years	5 years
Hedge Trimmer	3 months	2 vears	F Moore
0 20 1	1	,	्र अववाञ
CEC-OT SAW	3 months	3 months	3 months
Earth August			
ion Committee	3 months	2 years	5 Vears
L	+		
Stick Edger	3 months	2 years	5 Vears
		_	

The cost of the drive shaft and electronic ignition module and the time period as defined above for all Etco line trimmers? I bushcutters, leadgetrumer and chainsaws. The material cost only of the drive shaft electronic ignition modules will be for the life of the unit for the ordinal purchaser except for rental use which is 3 months. The labor costs for warranty period defined above will be the responsibility of the original purchaser.

SEE ATTACHED EMAK SPA FORM
Personal Use: Personal, non-institutional, and non-income producing

ç institutional commercial, Business, Use: Commercial

income producing use. Rental Use: Rental income producing use.

THIS WARRANTY DOES NOT EXTEND TO PARTS AFFECTED OR DAMAGED BY ACCIDENT, NORMAL WEAR, FUEL CONTAMINATION OR DETERIORATION, USE IN AN APPLICATION MISUSE, NEGLECT, INCORPORATION OR USE OF UNSUITABLE UNAUTHORIZED ALTERATION, IMPROPER MAINTENANCE SERVICE, IMPROPER OPERATION NOT IN ACCORDANCE WITH EINSTRUCTION MANUAL, OR ANY CAUSES OTHER THAN DEFECTS IN MATERIAL OR WORKMANSHIP OF THE PRODUCT.

Additionally, this warranty does not apply to:
parts and components not supplied by EMAK USA, and any trade accessory or engine which is separately warranted by another manufacturer and not manufactured by EMAK USA;
tlems or service required when performing normal and regular mathenance (e.g., valve adjustments, spark plugs, fifters, increases, starter cords, carburetor adjustments, engine tune-ups,

sharpening, etc.); damage caused by pressure or steam cleaning the unit; repairs made necessary by dirt, abrasives, moisture, rust, corrosion, fuel deposits, carbon deposits, oil deposits, or other similar conditions.

DISCLAIMER OF CONSEQUENTIAL DAMAGE AND LIMITATION OF INLIED WARRANTIES:
THIS WARRANTY IS IN LIEU OF ALL OTHER EXPRESS WARRANTIES. EMAK USA DISCLAIMS ANY RESPONSIBILITY

FOR LOSS OF TIME OR USE OF THE PRODUCT, COMMERCIAL LOSS, OR ANY OTHER INCIDENTAL OR CONSEQUENTIAL DAMAGE. ANY IMPLIED WARRANTY OF FITNESS FOR A APPLICULAR PURPOSE, MERCHANTABILITY OR OTHERWISE, DURATION TO THE DURATION OF THIS LIMITED WARRANTY. IS Some states do not allow limitations on how long an implied warranty consequential damages, so the above exclusions may not apply to other rights, which vary from state to state.

EMAK USA WILL REPAIR OR REPLACE UNDER WARRANTY:

The warranty period begins on the date of purchase. EMAK USA, acting through its authorized dealers, shall replace free of charge any parts proven defective in material or workmanship. All parts replaced under warranty will be considered as part of the original product and product warranty on those parts will expire coincident with the original product warranty.

of the date of to the TO OBTAIN WARRANTY SERVICE:

To make any claim under the warranty, proof of purchase product in the form of the invoice or receipt showing the courchase and product serial number must be presented authorized dealer for warranty service.

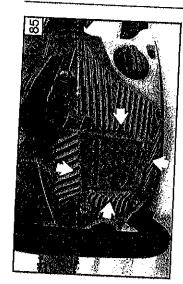
EMISSION CONTROL SYSTEMS WARRANTY COVERAGE:

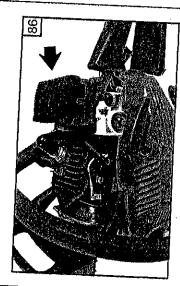
California and Federal Enission Control Systems - Warranty
Resources Board (CARB), and EMAK USA are pleased to explain
the Emission Control System Warranty on your model year 2006 or
road engines must be designed, built and equipped to meet the state's
stringent anti-smog standards. In other states, new 1997 and later model
of sale, to meet the U.S. EPA regulations for small nonroad engines must be designed, built and equipped, at the time
nonroad engine must be the Brown of the small off-cause it to tail to conform with U.S. EPA standards and workmanship
two years of engine use from defects in materials and workmanship
two years of engine use from the date of sale to the utimate purchaser.
or small off-coad engine for the period of time listed above provided there
modifications of your nonroad or small off-road engine.
The period of time listed above provided there
modifications of your nonroad or small off-road engine.
Carburetor of tuel injection system, the ignition system, the catalytic
other emission related assemblies.
Where a warrantable condition exists, EMAK USA will repair your nonroad
of small off-road engine at no cost to you, including diagnosis (if the
diagnostic work is performed at an authorized dealer), parts, and iabour.

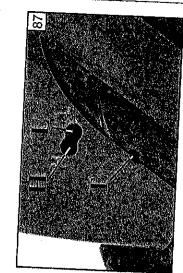
MANUFACTURER'S WARRANTY COVERAGE:
The 1995 and later small off road engines are warranted for two years in California. In other states, 1997 and later model year small off road engines are also warranted for two years. If any emission-related part on your engine is defective, the part will be repaired or replaced by Emak s.p.a. free of charge.

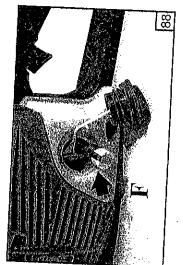
OWNER'S WARRANTY RESPONSIBILITIES:

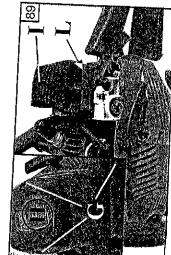
a) As the small off road engine owner, you are responsible for the performance of the required maintenance listed in the owner's covering maintenance on you small off road engine, but Emak USA cannot deny warranty solely for the lack of fecepits or for your failure to ensure the performance of all scheduled maintenance. Any replacement part or service that is equivalent in performance and durability may be used in non-warranty maintenance repairs, and shall not reduce the warranty obligations of the











Carburetor Adjustment

Before adjusting the carburetor, clean the starter cover vents as shown in Illustration Fig. 85, and air filter as shown in Illustration Fig. 86, refer to Operation-Starting Unit and Maintenance-Air Filter Sections for details. Allow the engine to warm up prior to carburetor adjustment.

This engine is designed and manufactured in order to comply with EPA (Environmental Protection Agency) Phase 2 regulations. The carburetor will permit only limited adjustment of the "L" (Low Jet) and "H" (High Jet) needles (Fig. 87). Any adjustment should The carburetor is factory set and should not require adjusting. be done by a Servicing Dealer.

Under no circumstances should the "L" (Low Jet) and "H" (High Jet) needles be forced outside the range of adjustment.



WARNING: Serious damage can occur to the engine if improper adjustments are made to the "L" and "H" needles. Do not force the "L" and "H" needles outside the adjustment range in such case the engine will not run in compliance with emissions regulations.

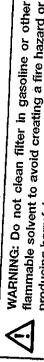
Idle Speed Adjustment

- If the engine starts, runs, and accelerates but will not idle; turn the idle speed screw "T" clockwise to increase idle speed
 - counterclockwise to reduce the idle RPM and stop the chain movement. If the saw chain still moves at idle speed, contact a Servicing Dealer for adjustment and discontinue use until the idle speed screw chain turns at idle, turn the If the

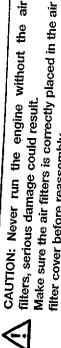
Fuel Filter

Fig. 88) periodically. Replace # contaminated or damaged. Check the fuel filter (F,

Air Filter

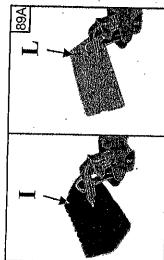


(L): snake it and clean it with a soft brush. Filter (I) clean with flammable solvent to avoid creating a fire hazard or Unscrew the screws on the cover (G, Fig. 89), remove air filter cover (H) and check the air filters (I-L, Fig. 89A) each day. Filter degreaser, wash with water and blow from a distance with compressed air. Reinstall the air filters. Place the air filter cover A used air filter can never be completely cleaned. It is advisable to replace your air fitters with a new one after six month of onto the chain saw. Tighten the air filter cover screws securely. producing harmful evaporative emissions.

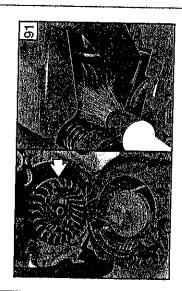


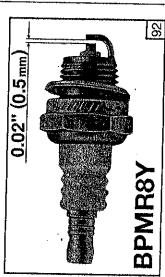
Always replace damaged filters. filter cover before reassembly.

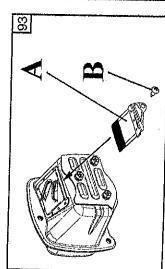
Do not clean a filter with a brush.











Starter Unit

Use a brush to keep the cooling vents of the starter assembly free and clean of debris (Fig. 90).



could fly apart causing serious injuries. Never try to tension under <u>.e</u> WARNING: The coil spring disassembly or modify it.

Clean the cylinder & flywheel fins with compressed air or a brush periodically (Fig. 91). Dangerous overheating of engine may occur due to impurities on the cylinder.



securely in place. Because parts can fracture and including the drivecase cover and starting housing, pose a danger of thrown objects, leave repairs to the WARNING: Never run the saw without all the parts, flywheel and clutch to trained Servicing Dealers.

Spark Plug

This engine uses a NGK BPMR8Y with .02" (0.5 mm) electrode gap (Fig. 92). Use an exact replacement and replace every six months or more frequently, if necessary.



system with ignition wire connector removed from spark plug or uncontained between spark plug terminal and ignition wire connector in the boot may create arcing that could A loose connection ignite combustible fumes and cause a fire. since WARNING: Never test the ignition plug, fire. Ø unseated spark sparking may cause

Use only resistor type spark plugs of the approved range. Factors such as:

too much oil in fuel mix;

- dirty air filter;
- unfavourable running conditions, e.g. operating at part load; may result in rapid deterioration of the spark plug.

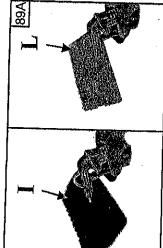
Spark Arresting Muffler

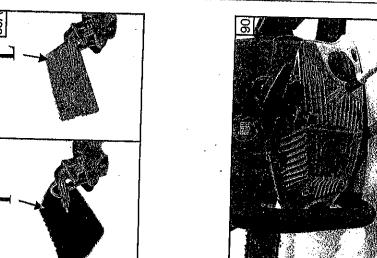
The chainsaw is provided with a Spark Arrester System p.n. 50240109 (Fig. 93) complying with the requirements of SAE J335 standard; you can check the p.n. of the Spark Arrester System on the muffler itself,

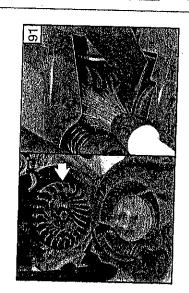


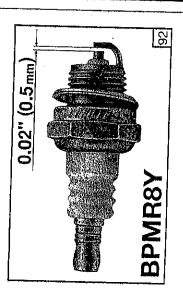
WARNING: A faulty or altered spark arrester system screen can create a fire hazard. Phrough normal use the screen can become dirty and should be inspected weekly and cleaned as required.

- Allow the muffler to cool.
- Remove the spark arrester screen screw (B).
- Olean and inspect the spark arrester screen. If the spark arrester screen is damaged, faulty or deteriorated, replace the screen. Remove the spark arrester screen (A) p.n. 50240155.









Apriete firmemente el mando de la cubierta. Un filtro de aire utilizado nunca se puede limpiar por completo. Se recomienda sustituir los filtros de aire por otro nuevo tras seis Ponga la cubierta del filtro de aire en la motosierra. cubierta.

meses de funcionamiento.



PRECAUCIÓN: No ponga nunca el motor en marcha aire, ya que se pueden producir daños importantes. sin los filtros de

Compruebe que los filtros de aire está correctamente colocado en su cubierta antes de volver a montarlo. Sustituya siempre el filtro si está dañado. No limpie el filtro con un cepillo.

Unidad de motor de arranque

Utilice un cepillo para eliminar los residuos que haya en las salidas de refrigeración del conjunto de motor de arranque (Fig. 90).



ADVERTENCIA: El resorte de la bobina está bajo tensión y podría salir despedido provocando lesíones graves. No intente nunca desmontarto ni modificarlo.

Motor

Limpie periódicamente las aletas del volante y del cilíndro con aire comprimido o con un cepillo (Fig. 91). Si hay impurezas en el cilindro, es posible que el motor se sobrecaliente de forma peligrosa.



correctamente carcasa de transmisión y el alojamiento de arranque. Puesto que las piezas se pueden romper y salir despedidas, los trabajos de reparación del volante y el embrague los debe realizar personal de un concesionario de servicio con la formación adecuada. motosierra ā marcha sin estar todas las piezas colocadas en su sitio, incluyendo la ADVERTENCIA: No ponga nunca

Este motor utiliza una bujia NGK BPMR8Y con una separación de las puntas del electrodo de .02" (0.5 mm) (Fig. 92). Utilice una bujía de repuesto exactamente igual a la original y sustitúyala cada seis meses o con mayor frecuencia, si es necesario.



conector del cable de correctamente puesta la bujía, ya que las chispas no conexión floja entre el terminal de la bujía y el conector del cable de encendido en la funda puede generar formación de arco, que puede inflamar los de la bujía o sin estar sistema contenidas pueden provocar un incendio. gases combustibles y provocar un incendio. Ø someta nunca encendido a pruebas con el encendido desconectado ADVERTENCIA: No

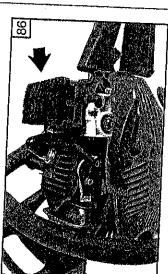
Utilice solamente bujías de tipo resistor de gama homologada.

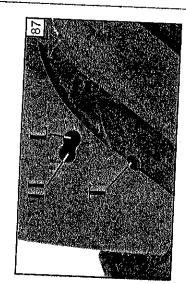
Factores tales como:

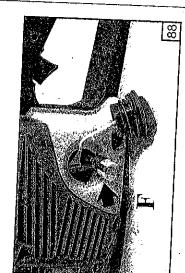
- Demasiado aceite en la mezcla de combustible;
 - Filtro de aire sucio;
- Condiciones de funcionamiento desfavorables (por ejemplo, funcionamiento con carga parcial);

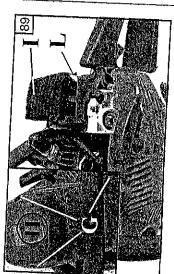
Pueden provocar que la bujía se deteriore rápidamente.











- Barra guía doblada.
- Raíles agrietados o rotos.
 - Raíles abiertos.

las barras guía que tengan una rueda dentada en la punta se deben lubricar periódicamente con una jeringa de engrase para aumentar su vida útil. Gire la barra guía y compruebe que los orificios de lubricación (T) y la ranura de la cadena (S) no tienen impurezas. punta se deben lubricar Además,

Ajuste del carburador

más información, consulte las secciones de funcionamiento (unidad de arranque) y de mantenimiento (filtro de aire). Deje que el motor se caliente antes de ajustar el carburador. Este motor está diseñado y fabricado para cumplir las regulaciones Antes de ajustar el carburador, limpie las salidas de ventilación de la cubierta del motor de arranque como se muestra en la Fig. 85 y el filtro de aire como se indica en la Fig. 86. Para obtener

de Fase 2 de la EPA (Agencia de protección del medio ambiente de EE.UU). El carburador se ha ajustado en fábrica y no debe ajuste limitado de las agujas "L" (chorro bajo) y "H" (chorro alto). Las agujas "L" (chorro bajo) y "H" (chorro alto). Las agujas "L" (chorro bajo) y "H" (chorro alto). Las agujas "L" (chorro bajo) y "H" (chorro alto). Las agujas "L" (chorro bajo) y "H" (chorro alto) no se deberán forzar para fijarlas fuera del rango de ajuste bajo ninguna



importantes si se realizan ajustes inadecuados en para fijarlas fuera del rango de ajuste; en tal caso, el funcionará en conformídad con las las agujas "L" y "H". No fuerce las agujas "L" y "H" sufrir bnede regulaciones sobre emisiones. motor Ш ADVERTENCIA: motor no

Ajuste de la velocidad de ralentí

Si el motor arranca, se pone en marcha y acelera pero no se pone a ralentí, gire el tornillo de velocidad de ralentí "T" en el sentido de las agujas del reloj para aumentar la velocidad de

ralentí (Fig. 87).
Si la cadena gira al ralentí, gire el tornillo de velocidad de ralentí "T" en el sentido contrario a las agujas del reloj para reducir las RPM de ralentí y parar la cadena. Si la cadena sigue moviendose a velocidad de ralentí, póngase en contacto con un concesionario de servicio para su ajuste, y no utilice la unidad hasta que se haya realizado la reparación.

Filtro de combustible

Compruebe periódicamente el filtro de combustible (F, Fig. 88). Sustitúyalo si está contaminado o dañado.

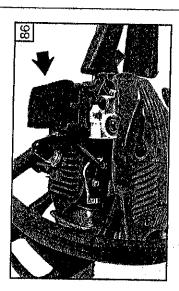
Filtro de aire



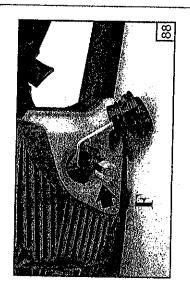
ADVERTENCIA: No limpie el filtro con gasolina u otros disolventes inflamables a fin de evitar que se se generen emisiones de evaporación perjudiciales. o due el peligro de incendio

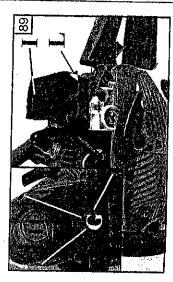
Desenroscar los tornillos de la cubierta (**G, Fig. 89**), retire la cubierta (**H**) y compruebe los filtros de aire (**I-L, Fig. 89A**) cada día. Filtro (I.): sacudirlo y limpiarlo con un pincel suave. Filtro (I): impiar con desengrasante, favar con agua y soplar a distancia con aire comprimido. Vuelva a instalar los filtros de aire en la











- Rails fendillés ou cassés.
 - Rails étirés.

En outre, les guide-chaîne équipés d'un pignon en leur pointe doivent être lubrifiés périodiquement à l'aide d'une seringue à huile afin de rallonger leur durée de vie.

Retournez le guide-chaîne et vérifiez que les orifices de lubrification (f) et la gorge de chaîne (S) sont exempts d'impuretés.

Réglage du carburateur

Avant de procéder au réglage du carburateur, nettoyez les ouies d'aération du couvercle de démaneur comme indiqué dans la Fig. 85, ainsi que le filtre à air comme indiqué dans la Fig. 86. Reportez-vous aux sections Fonctionnement-Démarrage de la machine et Entretien-Filtre à air pour de plus amples détails. Laissez églementations de Phase 2 de l'EPA (Agence de protection de nécessite normalement aucun réglage. Ce modèle de carburateur permet que le réglage des aguilles "L" (gicleur bas) et "H" sleur haut). Tout réglage doit être effectué par un service chauffer le moteur avant de procéder au réglage du carburateur. et fabriqué conformément usine 'environnement). Le carburateur est réglé en nóuoo est d'entretien agréé. gicleur haut). moteur ഉ

Ne forcez en aucun cas les aiguilles "L" (gicleur bas) et "H" gicleur haut) hors de leur plage de réglage.



AVERTISSEMENT: Un réglage incorrect des aiguilles du moteur. Ne forcez pas les aiguilles "L" et "H" hors de leur plage de réglage sous peine de rendre le "L" et "H" peut entraîner de graves dégâts au niveau moteur non conforme à la réglementation relative aux émissions polluantes,

Réglage du ralenti

- Si le moteur démarre, tourne et accélère mais ne tient pas le ralenti, tournez la vis de réglage du ralenti "T" dans le sens des aiguilles d'une montre pour augmenter le ralenti (Fig. 87)
 - Si la chaîne tourne au régime de ralenti, tournez la vis de réglage du ralenti "T" ans le sens inverse des aiguilles d'une montre pour réduire le régime de ralenti et stopper la rotation de la chaîne. Si la chaîne continuer à tourner au régime de ralenti, contactez un service d'entretien agréé pour procéder au réglage et n'utilisez pas la machine tant que la réparation n'a pas été effectuée.

Filtre à carburant

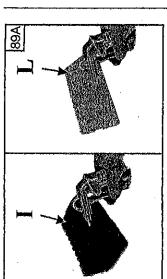
périodiquement. Remplacez-le s'il est contaminé ou endommagé. le filtre à carburant (F, Fig. 88) Contrôlez

Filtre à air

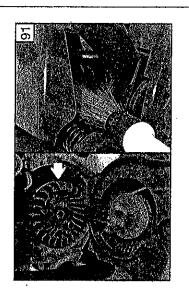


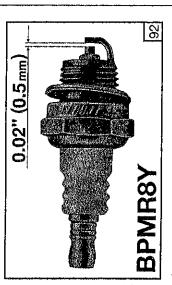
AVERTISSEMENT: Ne nettoyez pas le filtre à air à inflammable de générer afin d'éviter tout risque d'incendie ou l'essence ou avec tout autre produit des vapeurs nocives.

quotidiennement. Filtre (L): secouez-le et nettoyez-le avec un pinceau souple. Filtre (I): nettoyer à l'aide du dégraissant, laver à Dévissez les vis du couvercle (G, Fig. 89), déposez le couvercle du filtre à air (H) et contrôlez les filtres à air (I-L, Fig. 89A)









Posez le couvercle de filtre à air sur la tronçonneuse. Resserrez fermement les vis du distance certaine aue Remontez les filtres à air dans le couvercle. comprimé à de l'air couvercle de filtre à air. et souffler ľeau

Un filtre à air usagé ne peut jamais être complètement nettoyé. Il est recommandé de remplacer le filtre à air après six mois

d'utilisation.



correctement logé dans le couvercle de filtre à air avant procéder au MISE EN GARDE: Ne faites jamais tourner le moteur sans les filtres à air au risque de l'endommager. Vérifiez que les filtres à air est correctement l remontage de l'ensemble.

Remplacez toujours un filtre à air endommagé. Ne nettoyez pas le filtre à l'aide d'une brosse.

Démarreur

Éliminez les débris accumulés au niveau des ouïes d'aération du démarreur à l'aide d'une brosse (Fig. 90).



sous tension et peut "sauter" à tout moment, entraînant de graves blessures. Ne tentez jamais de enroulement ø ressort le démonter ou de le modifier, AVERTISSEMENT: Le

Moteur

r et du volant-e (Fig. 91). Les entraîner une Nettoyez périodiquement les ailettes du moteur moteur à l'air comprimé ou à l'aide d'une brosse impuretés incrustées sur le cylindre peuvent surchauffe dangereuse du moteur.



et tronçonneuse si toutes les pièces ne sont pas correctement montées, notamment le couvercle du Dans la mesure où les pièces peuvent se casser voler en éclat, faites réparer le volant-moteur l'embrayage à un réparateur agréé. AVERTISSEMENT: Ne faites jamais fonctionner carter d'entraînement et le carter du démarreur.

Bougie

Ce moteur utilise une bougie NGK BPMR8Y avec un espacement entre les électrodes de 0,5 mm (0,02 pouce) (Fig. 92). Remplacezla par une bougie identique tous les six mois ou plus fréquenment si nécessaire.



système d'allumage alors que le connecteur du câble d'allumage est débranché de la bougie ou si la bougie n'est pas montée dans son logement, au risque de produire un jaillissement d'étincelles non contrôlé qui peut entraîner un risque d'incendie. Une mauvaise connexion entre la borne de la bougie et le connecteur du câble d'allumage au niveau de la coiffe peut générer un arc électrique susceptible d'enflammer les vapeurs de carburant à l'origine d'un incendie. au niveau de la coiffe peut <u>Φ</u> testez jamais Š AVERTISSEMENT:

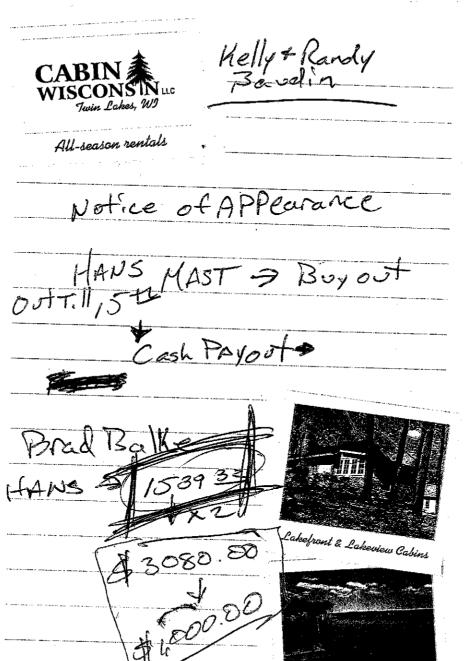
exclusivement des bougies antiparasites de la gamme préconisée. Utilisez

Les facteurs tels que; - un excès d'huile dans le mélange de carburant;

AVOID VERBAL INSTRUCTIONS

To:	Date:	
Subject:		
Motion	to Continue Piècery Expert testimonys	
Motion Depos	to Get oppositions itiONS Rule 213	
MOTION	TO AMEND Rule 213 SS LIST	

CALL GOMPEX Legal Services
1-800-426-6739-Sales
1-800-426-6739Robert RADSX5 723
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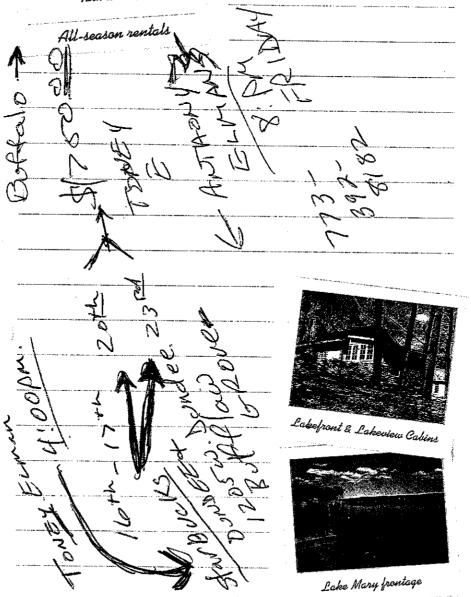


Lake Mary frontage

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#196

#7) THERE WAS NO FLEX, BOW OR BEND

#12 # IT DIDN'T HAPPEN

Page 210

#1- LIE

#10-216

#21 + 22 - PAUL'S COMPUTER

1S NOT IN THE KITCHEN

BTW- PAUL SINCE THE

ACCIDENT PAUL USES

I-POD - SAME ONE DAVE

SAW HIM WITH AT DAVE'S

HOUSE, PAUL USES THE

I-POD BECAUSE HE OAN'T

WASE THE PHYSICALLY USE

HIS COMPUTER.

23 LIE

Page 209 #2-#5 BULL A16-WHICH MIKE?

Page 208 #13-4ES #23- LIE Page 205

#10- P

.

.

Pup 203

#12- It was cold-Getting READY FOR WINTER & THERE WERE NO VESETABLES LINED UP ANYWHERE BARD D WITNESS ALY -MIKE M - SCOTT DULBERGE BARB D & A LITTE OF TOMIK TEND THE GARDEN.

PAUL TURNS ON THE HOSE FOR WATERING & HAS ATTEMPTED TO SIT DOWN & PULL WEEDS.

PAUL DID NOT DO RENOVATION WORK FOR MIKE, THE MAN YOU CALLED A HOMOSEXUAL, BECAUSE HE WASN'T ABLE TO PHSICA DO THE WORK, BUT DAVE HAS HAD BUSINESS DEALINGS WITH THE MAN DAVE CALLS A HOMOSEXUAL. MIKE M. & PAUL MENTIONED MIKE FROM TWIN LAKER TO DAVE & DAVE SAID HE KNEW HIM. DAVE HAD DONE SOME WORK FORHIM-DEERIBED AS THE WEALTHIEST MAN LIVING IN TWIN LAKES BARR DIVINION

pege 200

0×6#

A19 HE WAS STILL
DOING IT ONTILIN
YOU CAME AT HIM SAW

.

e 61 76nd

All NO FLEX

The You DID DISCUSS IT ON SAME DAY OF INCIDENT AT 8:20000-

A) NO PAUL DID NOT

AST NOTHING FLEXED DAVE OUT SMALL
BROADHES-TOOK FINSER
OFF OF TRIEVER + WALLLED
TOWORD FAIL - THEN HE
HIT THE BUTTON-PAISED
THE CHAINSON + IF FAUL
HADN'T TRIED TO SET
HADN'T TRIED TO SET
ANDN'T TRIED TO SET
OWAY-DOVE WOULD HAVE
OUT FOUR EVEN WOODSE

Juge 194

#7 LYING TO HIS PARENTS WITH BULLSHIT THROWNIN #22 YOU DIDN'T ASSUME FAUL
ANTHING - YOU CALLED FAUL
A ASKED HIM TO COME OVER
TO SEE IF HE WANTED THE
WOOD

861 Less

#) OBVIOSLY OR HE WOULD NOT HAVE ATTACKE POUL WITH ONE.

#14 QHAIN SAW IS NOT AN ARCHERY BOW-

2 BULL

181 stad

#2 them 16 ?

•

Paze 189

#1 YOU TOLD OTHERS THAT

#6 1ES - AT PAUL'S HOUSE
PRESENT: DAVE
MIKE Mc ADOOD
TOM KOST
BARB DUBBEE

DAVE GOT ANGRY WHEN
PAUL TRIED TO TELL HIM
ABOUT DAMAGE TO HLS
RIGHT ARM

4)8-23 NOT ACCORDING TO WITNESSES. MILL IT'S PAUL'S HOME

4 MIKE LIVES DOWNSTAIRSPAUL & HIS METHER LIVE
UPSTAIRS

#17 3 MAYBE 44RS

Fry 187 #1 WHAT MONEY- NOT ACCORDING TO PARENTS

#17 20

Dega 185

#19 YES, BILL WATCHES

Al WHAT ABOUT YOUR WIFE, YOUR TWO YOUR TWO OLDSE FRIENDS, JOEV & MIKES, AND THEN JOHN OHOYINSKI, BOTTOMS UP BILL a others. 8 11 Land

#4 GRAPPLING?

#12 WAS ONLY THERE FOR TWO HOURS HOPING DATE WOULD DISCUSS THE INCIDENT BUT HE GOT ANGEY WITH ME.

#20 FOREST TO MENTION DAVE
TELEPHONING FAUL TO ASK
HIM TO BACK OFF OR IT
AUM TO BACK OFF OR IT
COULD LETTO TO DOVE & FAM
GETTING DIVORLED.

cal send

#16 50E VLK- Another close
fueral of Dases - DAVE, 50E VA
MIKE SHOSHIE HAVE
PULLED MANY ESCAPADES
TO SETHER.

Page 175

#4 NO- ANY WITHESSES?

#14 Under FAUL & DOVE SHUSHIE VERY PAUL T MILLE MEEY GOOD FRIENDS

21. NO 24 YES

Pg 455 173

#170- faul come up who your

#22-23 WE WEEK NOT WORKING

17 # 17 # 19 # 19 W

#11 DAVE DIDN'T KNOW &
SHOULD HAVE SAID THAT

#22 2.18 165 #82 2.16

#24-HE'S PARANOID BECAUSE HE KABUS HE'S LYING

#17 PURSUED,

851 geol . 159

701 Lead

#2 & ALL THREE WOULD NOT OALL 911 & PAUL BEEGED YOU TO CALL 91) ASIG-NO ONE WANTED TO
BET PAUL TO HOSPITALCABOL HEARD PAUL SCRESM.
RAN OUTSIDE & ORDERED DAVE
INTO THE HOUSE, NO ONE
CAME TO PAUL'S ASSISTANCE

FALSE STATEMENTS FALSE TIME LINES Dunge 125

4) NO

#4 LESS MAN A ONN PER BRANCH?

AG THERE WERE NO SAWHORSES

Page 123

#3 LIE

#849-WHY DID IT TAKE
OVER 2 HOURS FOR DAVE,
OARDLAN AND/OR BILL to
GET PAUL TO MEDIONL
ASSISTANCE!

#21 LIE

Deg 122

STILL DOESN'T MAKE SENSE

NOWE OF THIS MAKES

Page 119

WITH MIS RIGHT

19 - PAUL'S LEFT ARM WAS INSURED - HE HELD THE BROWH

#13 THERE NEVER WERE SAWHORSES

#4 - THERE NEVER WERE 9#6 ANY SAWHORSES

Juge 117

49 THERE WERE NO SAWHORSES. YOU ASKED PAIN TO HOLD THE BRANCHES

23- WHAT SOWHORSES

Page 116

) THERE WERE NO HORSES

#16 NO- HE WAS THERE AT YOUR PEQUEST TO SEE IF YEWANTED THE WOOD.

A33 THERE WERE NO HORSES

Page 114

#1 AGAIN YES

#4 DAVE HAD NOT STARTED WORKING AND THAT WAS ABOUT 8:30 AM WHEN FAUL ARREIVED.

5 NEVER HAPPENED

#16 NO- HE HADN'T CUT TO ANY THING BEFORE POULL 24 ARRIVES

E11 start

A)9 HE ASKED POUL TO HELP
HIM ABOUT 12 NOON AND
TOLD HIM EXMITY WHAT TO
D.

#21 AGAIN-4ES #23 AGAIN-4ES

#112

A) NEITHER DID PAUL EXPECT TO SEOPADIZE WIMSELE

#19 ANSWER SHOULD HAVE BEEN YES

May the contract of the contra

111 deno

21 BULLSHIT - WHAT SITUATIONS SIMILAE OR NOT SIMILAR

.

•

110

#2- Dave Aske Paul For Help

#5- BULLSHIT

FORM 24

AVOID VERBAL INSTRUCTIONS

Date:		20dzer Towy Erman (723) 392-8182 (723) 392-8182	1587-128-663
:01	Subject:	DR.SEK ** # 1 # 1 ALL 6 TRN	The state of the s

AVOID VERBAL INSTRUCTIONS

Date:

Dolberg V. Brignon 12LA 178

Dillian McGuire Stoyesold 1957) 2013

CaroLYN MCGUIRE/ EAGNON

11/26/1946

Alan Gagnon - 19407 50,40 old 1997

Dian Lutz/baguon 1000

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Alson DAVE GAGNON'S TILLER

- DAVE DROPPED OFF TILLER IN
 PAUL'S DRIVEWAY. PAUL HEORD DOGS
 BARKING, SAW DAVE OUT THE WINDOW

 4 ASKED WHAT THE HERE HE WAS
 DOING, DAVE SAID THOWGHT YOU MIGHT
 WANT TO USEIT, TILLER SAT WATIL

 DAVE CALLED PAUL AND ASKED PAUL

 TO TAKE TILLER TO COME AND GET

 DAVE'S TILLER HIMSELF, DAVE NEVER

 DID SO JOHN C. 4 PAUL TOOK TILLER

 TO CAROLYN'S WHERE JOHN C UNLOADED

 THE TILLER.
- THE TILLER WAS NEVER USED AT PANL'S HOUSE. TILLER FROM ED'S RENTAL WAS USED BY SCOTT D. AT FAUL'S HOUSE,

#2-AUG-2015

HOUSE TWICE TO ASK PAUL TO SELL
HIM POT. 8/13/15-50ME FRIEND, KERRY
BRUCE, CAME TO FAUL'S HOUSE TO
FURCHASSE FOT, PAUL VIDEO RECORDED

DAVID GAGNON LIES ALL THELL HIS

DEPOSITION AND SOMETIMES FOR NO

REASON. HE TRIES TO VIOTIMIZE HIS VICTIM,

OOUSUBES UP A TALE THAT IS UNBELIENEE TO

EVEN ADDS MAKE-BELIEVE SAW MORSES, WE

FOREOT WHEN & HOW AN APPLE TREE WAS

OUT DOWN & REMOVED.

- 1. DAVID'S DESCRIPTION OF THE INCIDENT DOESN'T WORK, DOESN'T MAILE SENSE.
- 2. PAUL COULS NOT HAVE SO THEREFORE UDOULD NOT HAVE HELD UP BRANCHES OVER HIS LEFT ARM DUE TO WECK & LEFT ARM IMPAIRMENTS FROM A PREVIOUS OAR ACCIDENT.
- 3, PAUL HELD BEANGHES OFFER HETTERS OF THE SAME ARM. THAT WAS OUT ON THE UNDER SIDE OF HIS FOREARM.

to had #12 PREESTED

Dong 57 Day

ALL ONCE

5,040

Alg oned on

- PROPERTY

#22 NO

-ONE CAMPING TRIF

-# OF PEOPLE THAT OFTENDED

-WHO USED CHAIN SAW AT THIS EVENT.

-WHOSE PROPERTY WAS THIS

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#9-on as lytoide -Could KICKBACK posailly be interpreted as PAYBACK?

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CAROLYN McGUIRE

COMMITTED PERSURY
NUMEROUS TIMES IN AN
ATTEMPT TO DOWNPLAY
INSURY TO PAUL DUIBERS'S
RIGHT ARM.

CACOLTN MCGUIRE WAS FRIGHTENED OF BEING SUED FROM THE MEARD PAUL DULBERG SCHEMM IN PAIN.

- ORDERED DAYE IN HOUSE & LEFT
PAUL OUTSIDE BY HIMSELF.
- OFFERED PAUL NO ASSISTANCE &
REFUSED TO ARLL 911 AND INSTERD
SAID SHE WAS CALLING INSURBACE.

- CALLED HOSDITOL & SAID SHE WAS
PAML'S MOTHER TO GET INFO ON PAUL.

AG DAVE ASKED PALL TO MES

PAGE 108

#14-EWUISSONED, HE NEVER
ASKED FOR HELF UNTIL
AROUND 12 NOON AND THAT
UAS TO HOLD BRANCHES

Page 107

#10-11-12-13

NOTHING WAS EVEN STARTED
BEFORE I ARBIVED THERE WAS
NO MAT'L TO MOVE STACK - NO
OROUND TO RAKE AND I WAS
NOT ASKED OVER TO HELFINTERESTE IN TAKING START
WOOD, THAT WAS ALL. TOOK
ONE LOOK AT THE TREES AND
SAID I WAS NOT INTERESTED.

noi send

#1- BULLSHIT

#4-416

¥9-114

*23- NO YOU HAD NOT

Perge 105

#5 NO NE WASN'T

#19 FAUL DID NOT ARRINE TO ASSIST YOU

pegy 53

411-DAVE BORROWED PAUL'S
CHAIN SAW TO TAKE DOWN
SPAL APPLE TREE SOOM JOBE
SPAL APPLE TREE SOOM JOBE
DOWN
DOWN

Puze 103

#6-THE UNDER SIDE OF HIS RIGHT FORFARM •

Page 101

43-4-5 -BULLSHIT

#10 - DAVE GAVE SPECIFIE
INSTEMETIONS ON WARD I
WAS TO HELP HIM

#100

ANDION'T WORK WHTH
YOU DION'T WORK WHITH
TOSETHER WITH FAUL IN
BOOD OR DAD FASHION FOR
NEXT YEARS.

Page 99

#13 YES - OMEDINE WAS OUTSIDE TRLKING WITH PRUL - CARBLINE BROWENT WATER TO DEINK OUTSIDE - BILL & CARBLINE PLATED WITH PRUL'S day-DUKE BILL HAMLED BRONCHES TO SARK DIANE USED POOL-RIGHTNEXT

#21 YES BILLY ORBLINE

#24 YES WATCHING FORCE TELLULA DAVE TO MORE SURE FALLING BRONCHES DID NOT HIT GARASE OR POOL Jazz 98

#5 YES, DAIL'S SISTER DIAME

frage 97

#8 BECAUSE BOTH WERE CUTSIDE

20- YES, THEY WERE TALKIUS TOPAL

#24- YES, PAUL, CAROLINE, DILL, PAUL'S MOM, MIKE NEADTAR

Joseph JE

#148 PAUL SHOWED UP AT SISO+AM
4 DAVE WAS NOT YET SINETED

#14 - BILL WAS HAULING BRONCHES

416- BOTH CARDLY & BILL WEEE
OUTSIDE, CARDLY TALKING
TO PAUL & BILL HAULLUS
BRONCHES & IN THE POOL

#20 THEY WERE BOTH OUTSIDE

MUTY YES, THEY WERE BOTH CUTSIDE

DAVE CALLED BEENDE 81808MA
PAUL TOOK HIS DOG DUKE
4 THEY ARRIVED AT CAROLM,
BETWEEN 8:30 4 9:00 AM

WHAT TECHNIQUE?

PAML TALKED TO CAROLTN
OUTSIDE WHILE DAVE
OFFED

#22-23-24 DAVE WENE WENT TO POUL'S HOUSE

H9-24
More LIES FOR NO
REASON

prop 89

100 MORE LIES FOR

WHERE DAVE OPLIE PAUL ON PHONE PAUL'S MOM WAS WITNESS

#18 t 24 - 21E

21- NO BRANCHES WERE
TRIAMED PRIOR TO DAY OF
INCIDENT

Dage 34

#22 VEPY GRESTIONER TO BEEN BONE PRIOR TO DAY OF INCIDENT.

PAUL WATCHED WITH CAROLYN AS DAVID TRIMMED BRAVEHES

BILL HAULED SARTER BRANCHES 4 Borned then in barder 18 Lust

HAB DAVE WORKE SAFETY BLASSES

#12 BOOTS

CALLED PAIN SERVIT BEFORE
TO TELL HIM ABOUT TREES
CUTTING AND ASK HIM IF
HE WAS INTERESTED IN THE
WOOD.

PANL TOOK DOG, DUKE, TO RHECK OUT THE WOOD.
ARRIVED ABOUT 8:30 AM

#17- NO WASES PER CAROLTA

MAPLE TREE WAS REMOVED

69 stand

PAUL, DAVE & BLLL POLLED CUT TRUNK DOWNHILL ONE PAUL'S TRAILER, ONLY ONE

PAML WAS PHYSICALLY WAYABLE TO LIFT TREE TRANK

Dugo 68

#3 20

AL-#11 DANG CALLED FAUL
ABOUT WOOD LEFT BY
WHOEVER OUT DOWN AN

#12 THE WOOD WENT TO PAUL'S NEIBHBOR, 413 PAUL NEVER IZEPT ELM WOOD #21 NO -SAME YEAR OF INCIDENT

prog 67

#4 faul virted only I trove
worker DAVE WASN'T THERE
AND IT WAY RHEER ABOUT

10 HENER WENT THERE TO SEE DOVE

PAML'S FRIENDS WENT TO DAVE'S HOUSE, YEARS AGO + PAML WAS WITH THEM ON A FEW OCCASIOWS. Dage 66

1, NO

food of

#2 NO-THE STUMP OF THE
APPLE TREE BECAUSE
BILL MCGUIRE WAS
UNHAPPY WITH THE STUMP
LEFT BY DAVE.

#14 NO --

#20 NO -

for the of

AFS APPLE TREE

20 R3

Mayes-an exercia

Juga 60

#8 485

#15 DAY BEFORE INCLUENT.
WHEN DAVE COULDN'T
BORROW NEIGHBOR'S
CHAIN SAW

#14 NO 24-3

#24 LES PAUL'S CHAIN SAW TO
USE PAUL'S CHAIN SAW TO
COST DOWN MON'S APPLETEE

pergo Slo

ANT-NO APPLE TREE USING PAUL'S CHAIN SAW BEFORE INCIDENT ON AN EDELIER DATE, 55 had

#2 NO, NOT CAMPING OR CUTTING
TRUESHOWE POLES, PREHAPOS
ON PROLS PROPERTY WAY
BEFORE INCIDENT FAUL
DID NOT CUT TELEPHONE FOLES

415 OHORN SAW TO GUT DOWN HOUSE IF HE GOUND BORROW DAVE ASKED NEIGHBOR LIVING BEHIND PARENTS. PROPERTY THEONY BEFORE TREES ON HIS MOTHER'S THE INCIDENT.

NEIGHBOR TOLD PAUL AFTEP POUL KNOCKED ON HIS DOOR WINNESSES THAT SAW THE LOOKING FOR POSSIBLE INCIDENT. 1015 OAKleathre ALHENTIEL.

TREE USING PAUL'S CHAIN SAW

BILL McEUIRE WAS WITH YOU WHEN YOU OUT DOWN APPELE

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Ishe Mory frontage

		May 45 mg SENSE	NO	
CABIN WISCONSIN LIC THAN Laber, WIS	AU-season rentals	Dray 45	NAKE	

#21- WHEN DID DAVE CUT DOWN APPLE TREE

1		Lakelpont & Lakeview Cabins	

pro sal

#12 WHOSE MIKE DAVE USED FAUL'S
CHAIN SAW ON MOTHER'S
CHAIN SAW ON MOTHER'S
PROPERTY TO CUT DOWN
APPLE TREE.

Pay 44 orto prof 45

The server of the st. Solden ST.

Deap 38

#16 CHECK OUT SWISS

#19.24 ADVANTAGE AUTO BODY

All PAGE 34

#2-FIND BRIAN SOHUMOND #5-24 OK OLC DURING LAKLOND

#17-27 #35 QHECK LAKELAND AUTOBODY 34R- ? INCOME

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115 species of Pine FUR ORSPRUCE

All-reason rentals

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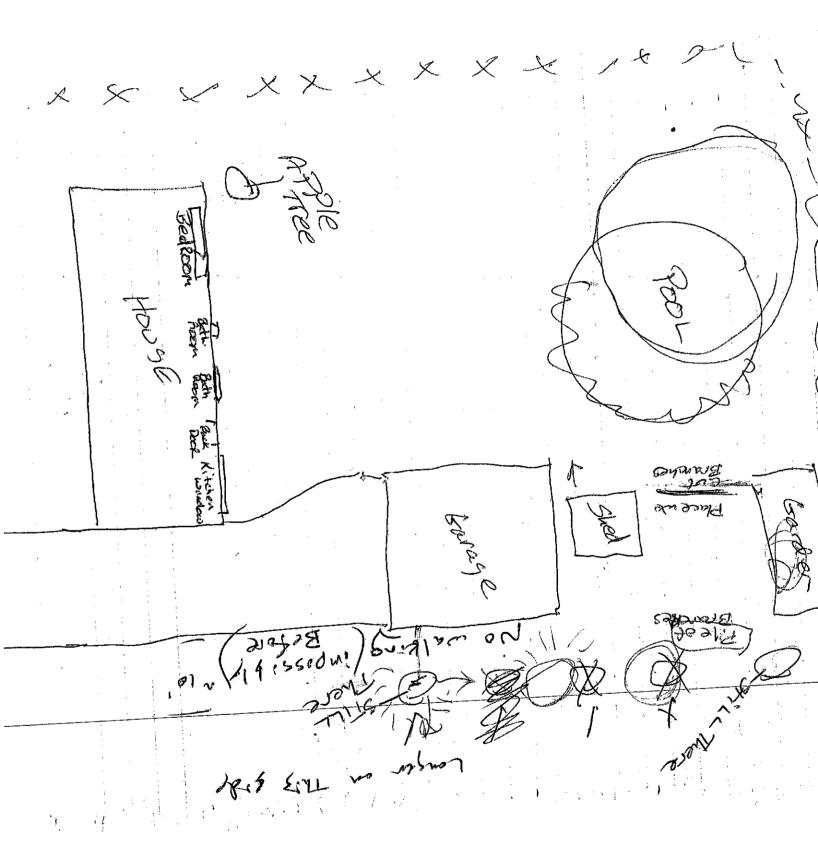
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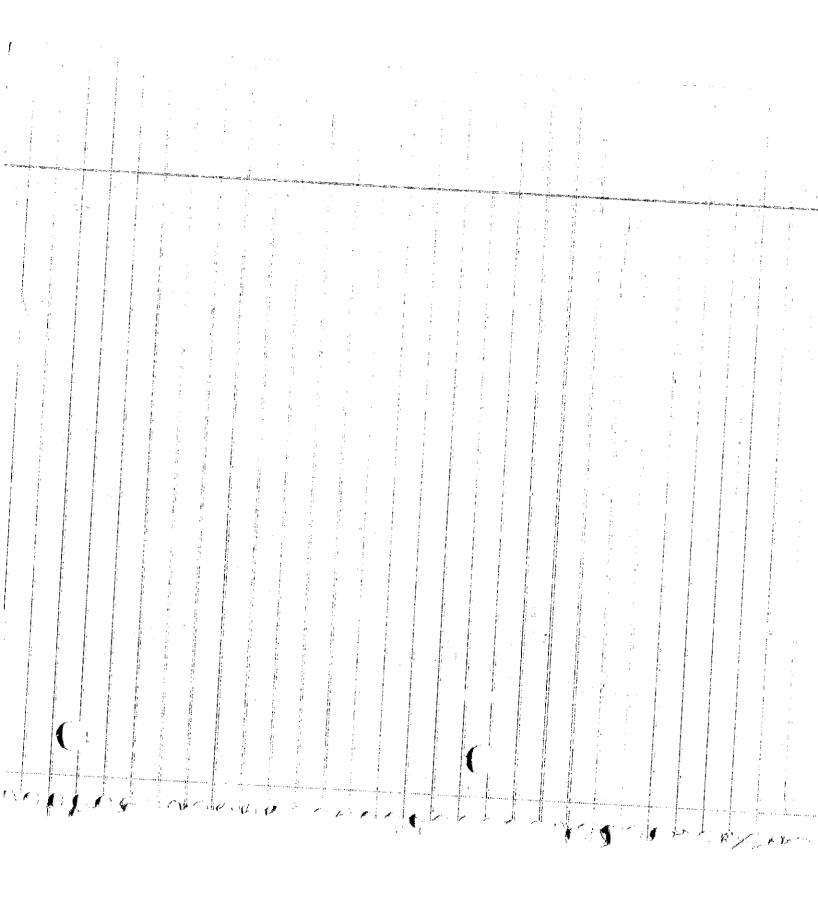
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Labe Mary frontage

11/11/16 Dy 8xy	Kathy A. Kujawa, M.D., Ph.D. Amita Health Neurosciences Institute Eberle Medical Building 800 Biesterfield Road, Suite 610 Elk Grove Village, IL 60007 Phone: (847) 981-3630 Fax: (847) 981-3633	Johnston of Spharphoton of Spharphot
	have no other suggestion going to a big institut an evaluation (since el work at 1:412 Alexian	in for
a)	Northwestern Memorial: DR. Cindy Zadikof OR DR. Tanya Si 312-69	f mun; 5-1920
b)	Rush Medical Center DR. KAtie Kompoliti 523-2900 DR. Cynd; Cynellae DR. Jennifer Goldn	21 2: 30 Pm 3: 0 Ppm (Notional expert on un dystmia
c)	Univ of Chicago DR. TAO XIE 77:	





Lontact for Pine tree project for visiting house Time of Tw. tal

work Days 2014 before Paul helped

work pattern leading into incident, work direction and decision making

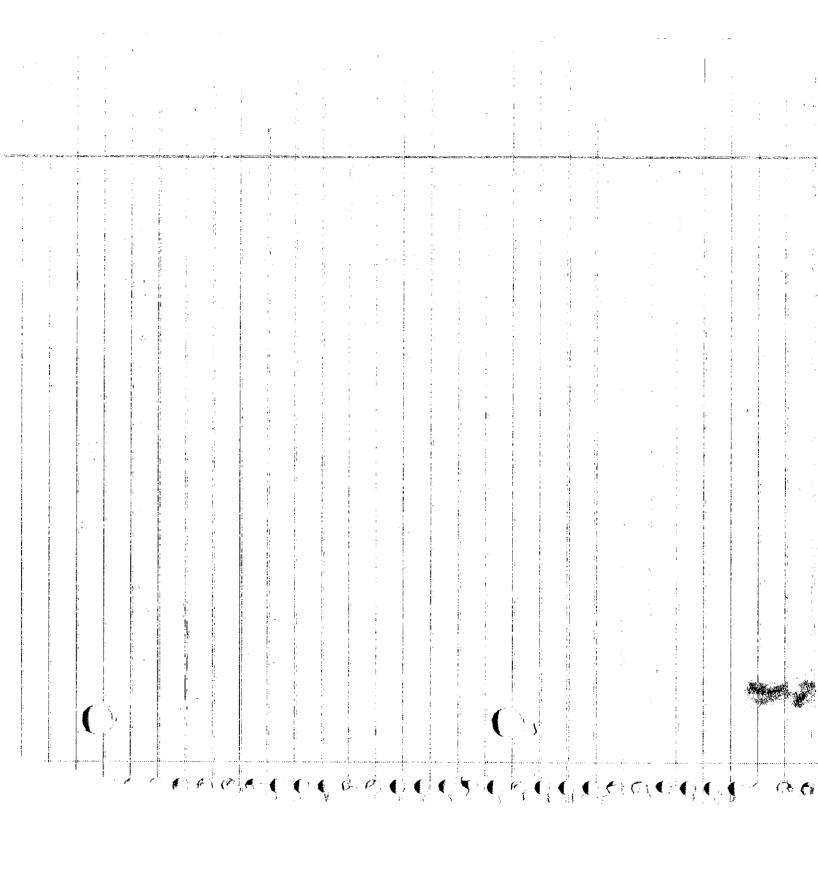
Degestiption of actual incident

Trip to hospital

Talking about what really happened

apple or other questions not related to pine tree.

Purpose of Parls want to horse tarlier elm thee



		1, 43) -							
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81.76 Crown 45,46,82.83,57-57,56		Paril 131, 132-135	Bill, 28 29 30, 31 Creek, 24, 29, 30, 30, 35, 36-38, 44, 45, 44,	9~173,124-127	Lak Oction
5-57	196 197	ectri modest. Taxe 122 123	-38, 44, 45, 44, 50, 104	70-132 120-124	1.6 1.62 1.04 april 2011

Chalya 45,53-55,54,60,61,72

Talking about what actually happened Dr. 64-1 144, 145, 147 142, 147

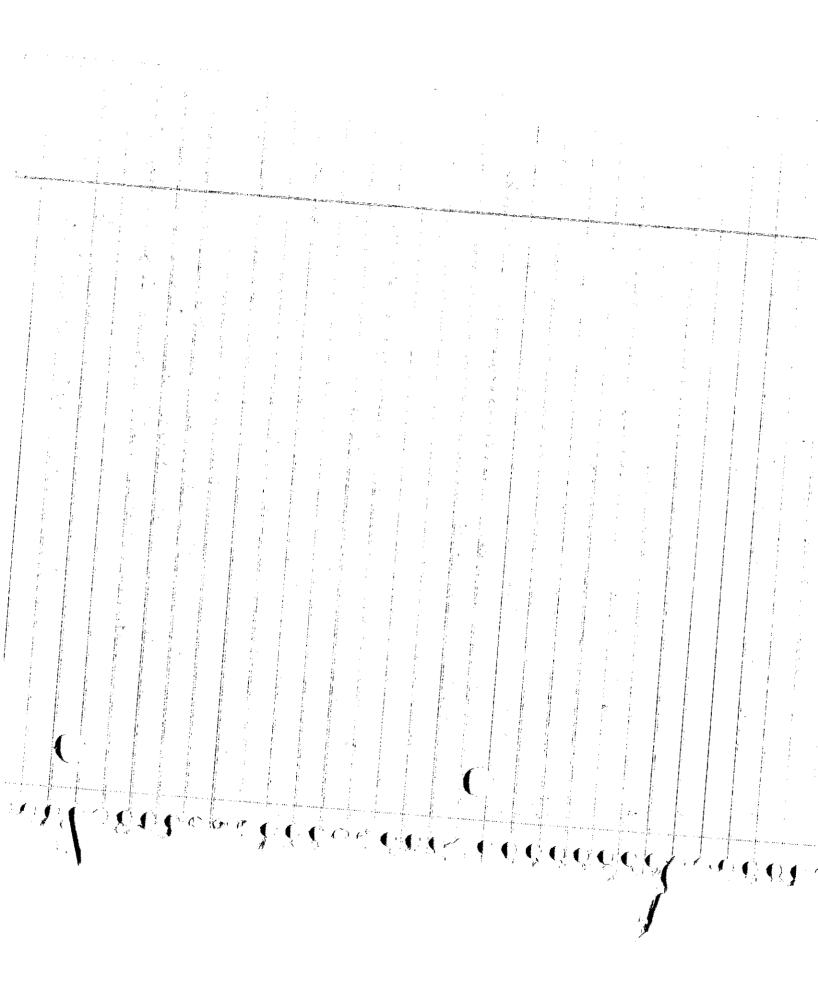
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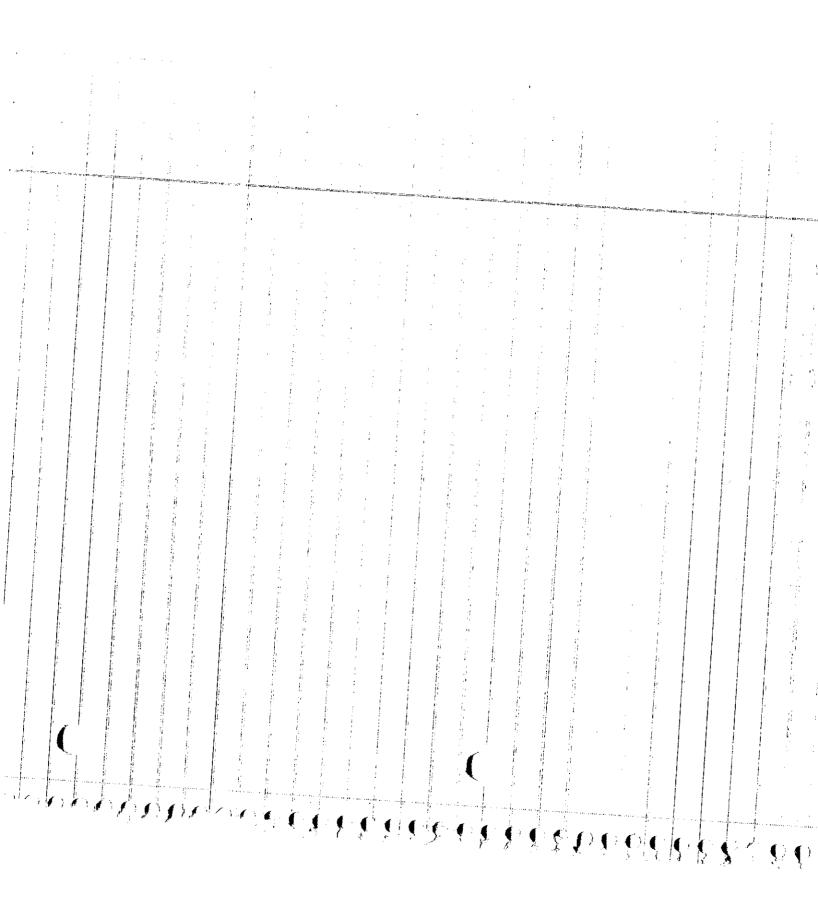
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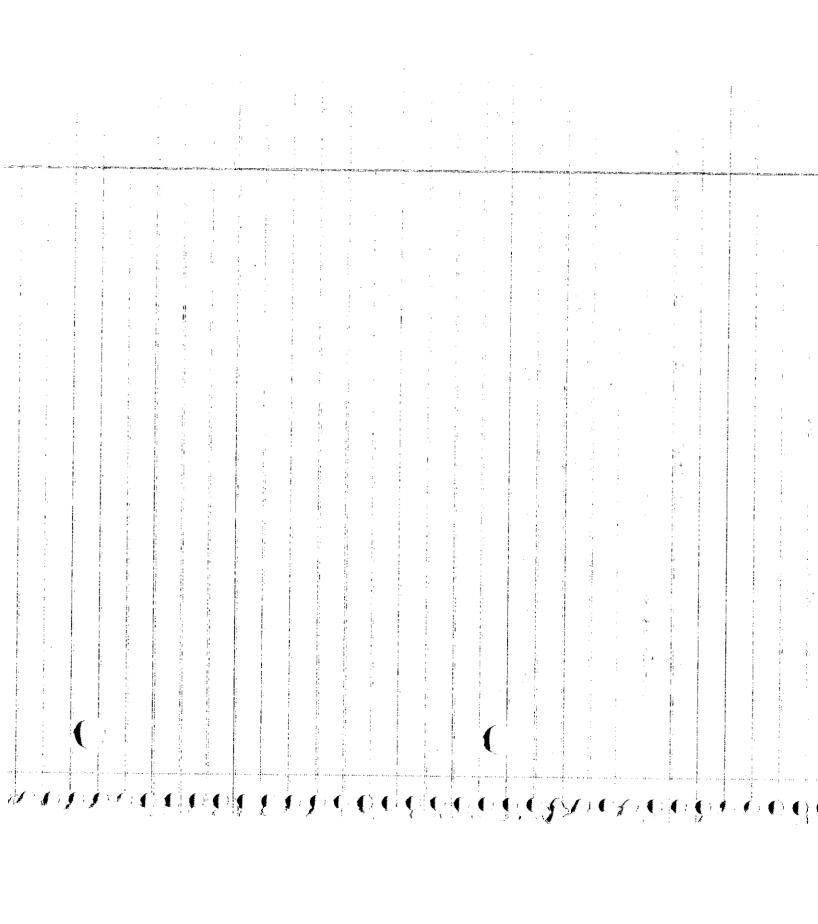


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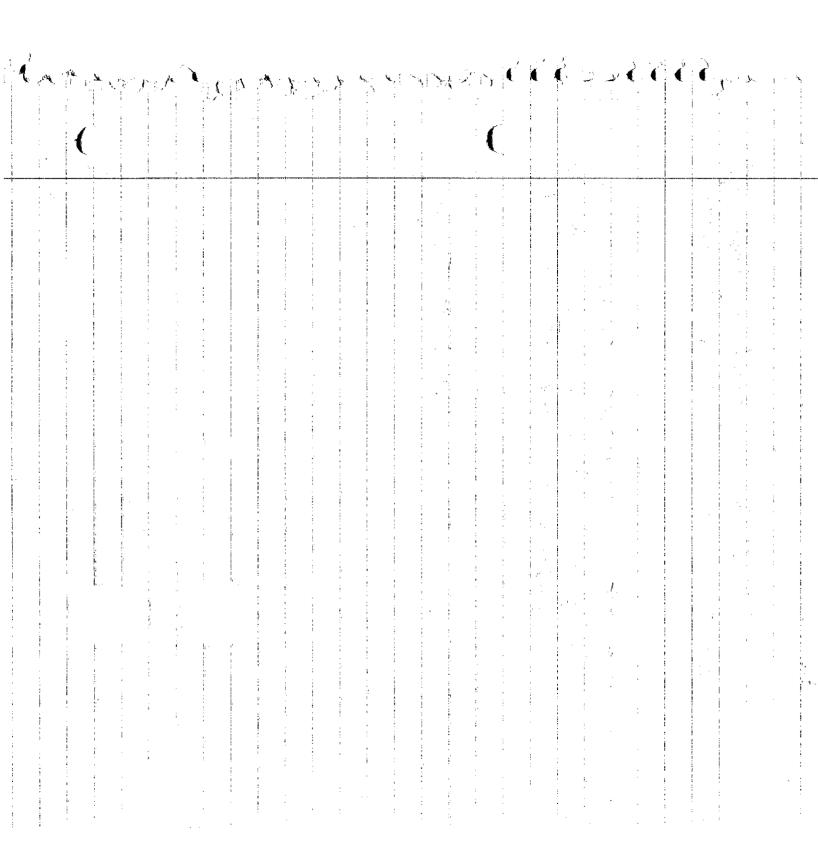
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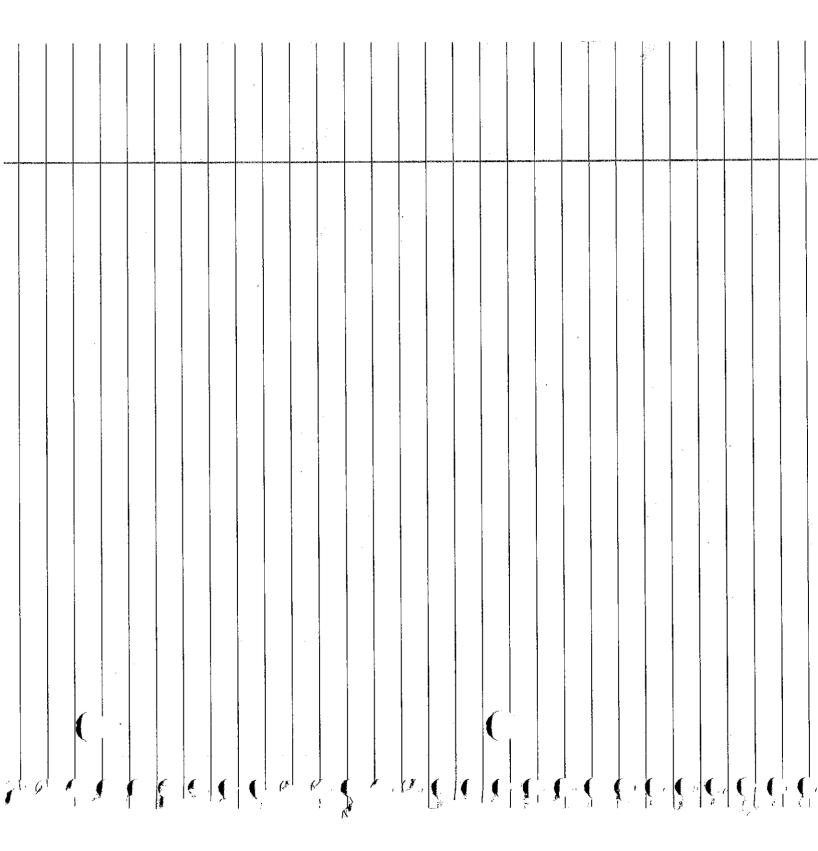
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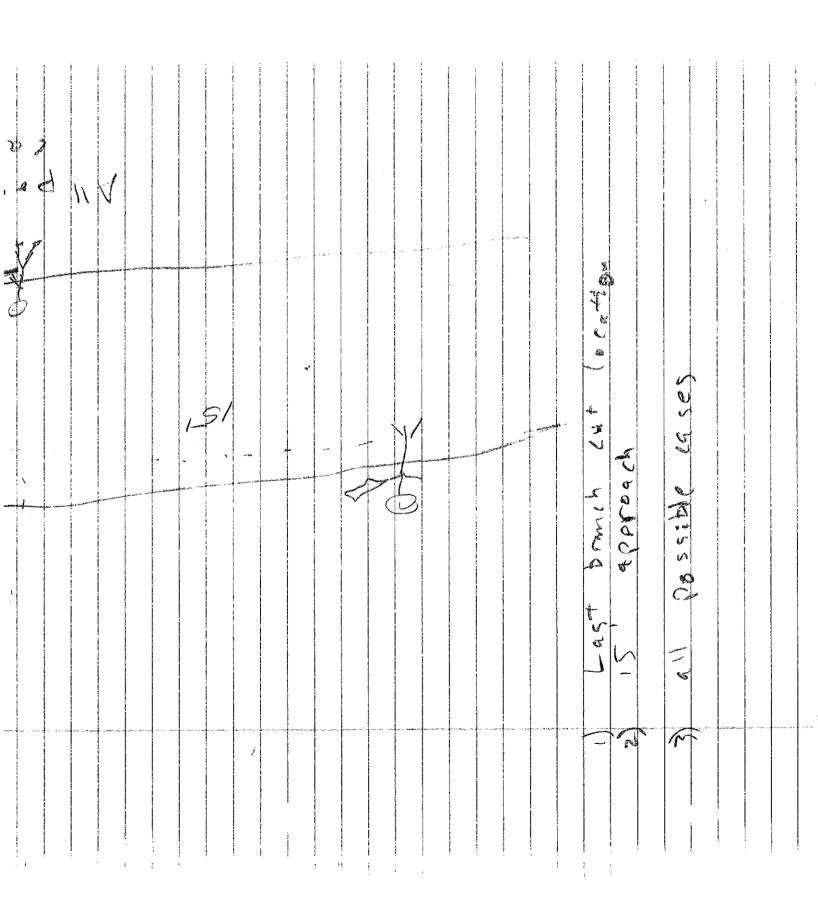
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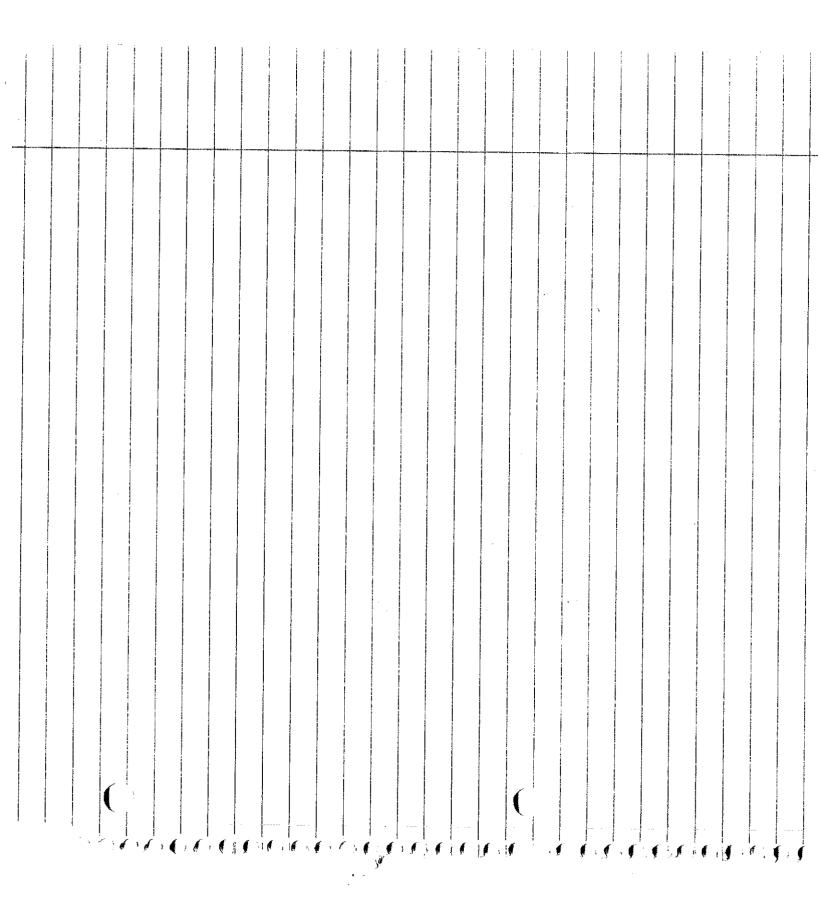
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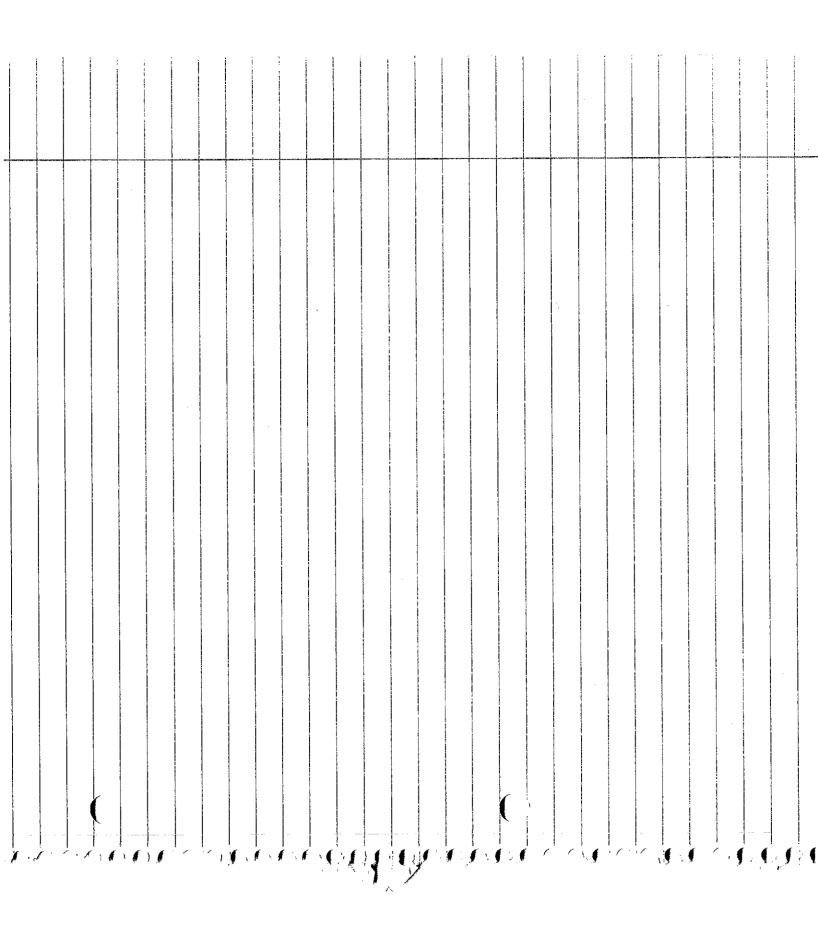


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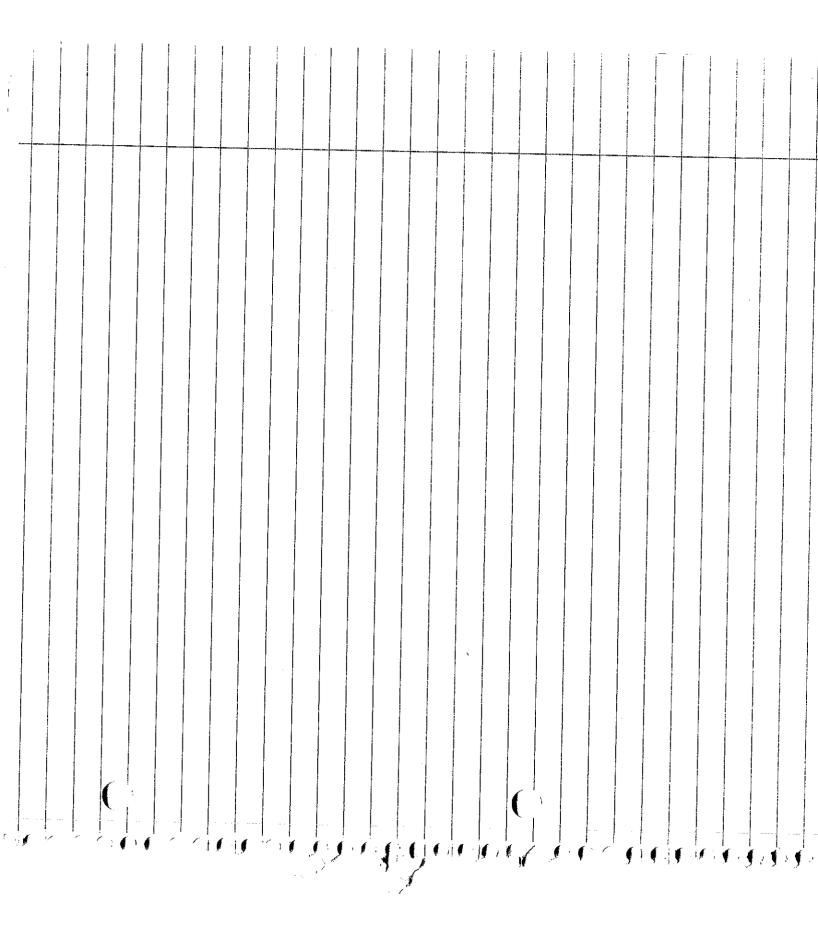
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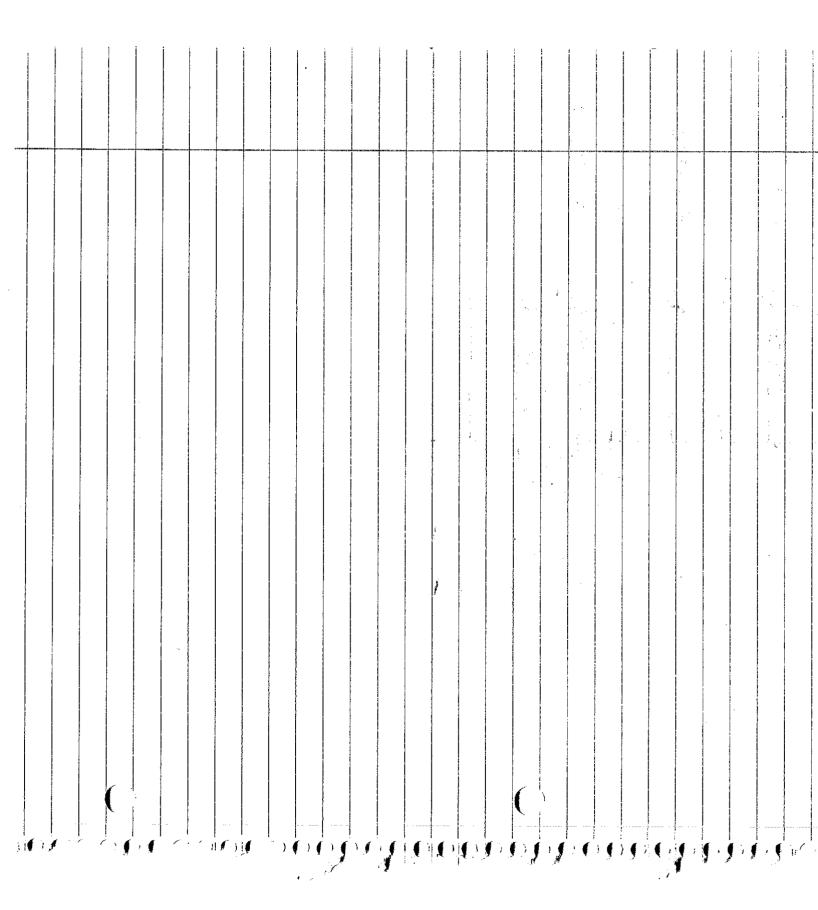
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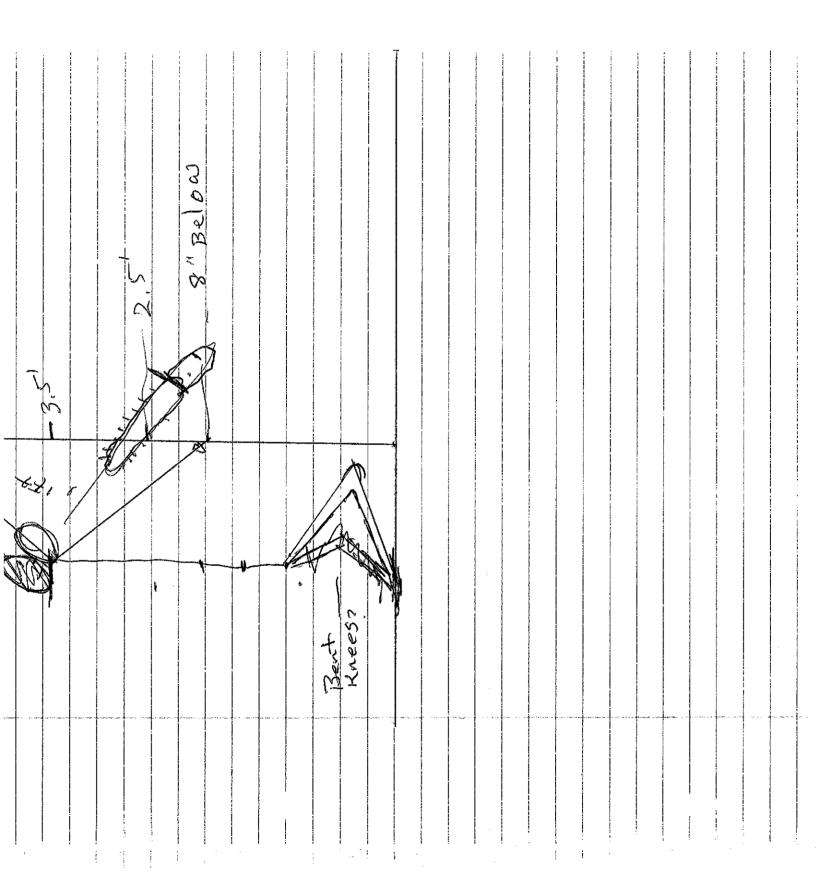


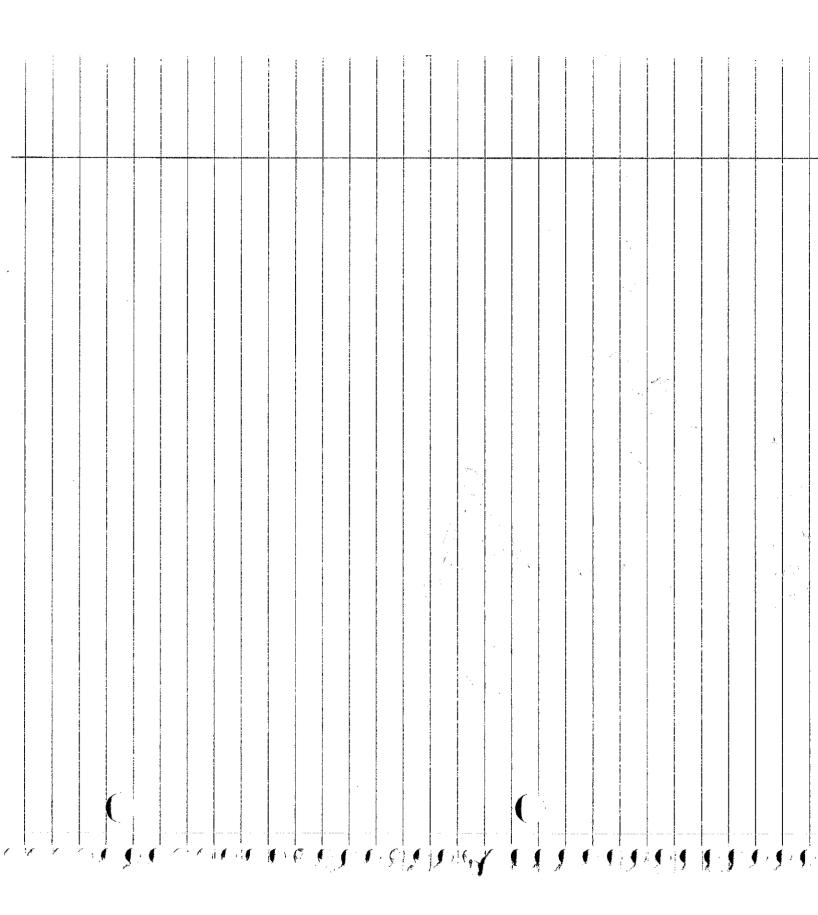
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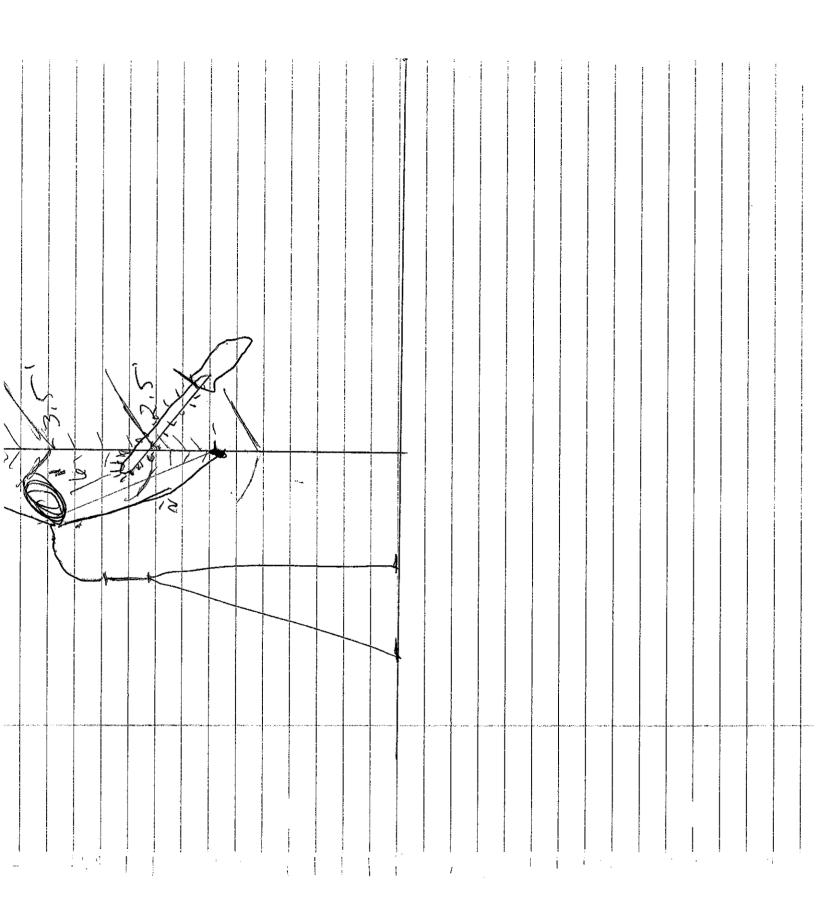


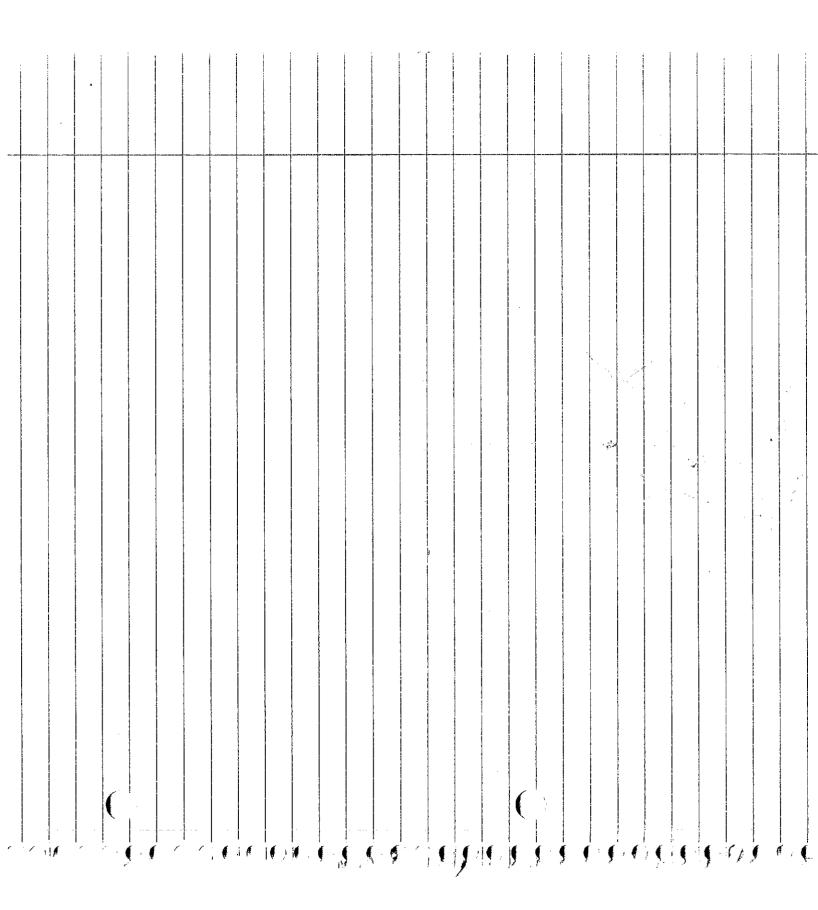
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• LOYAL OF APPLE TREE

.,63,88,91-100

3,\$54,56-59,61,64,65,77

,7,10-12,24-26

1, 11, 13, 16-25, 41, 43, 104

Z) INITIAL CONTACT FOR PINE TREE PR PURPOSE OF YISITING HOUSE TIME OF ARRIVAL

Paul 100-104

Dave 67, 88, 90, 92, 94, 95

B:11 27, 28

Carolyn 34-36

K DAVE DID BEFORE PAUL HELPED

103-105,107-121

84-86, 89, 95, 105

28

27,28,30-34

4) WORK DECISION MAKING AND

Paul 120-123, 127, 129, 130

Dave 91, 100, 105-114, 117-119

B:11 -

Carolyn

SCRIPTION OF PINE TREES CUT

123-131

115-118, 120-124, 127-132

28, 29, 30, 31

27-, '29, 30, 36-38, 44, 45, 47, 49 50,104 6) DESCRIPTION OF ACTUAL INCIT

Paul 131-143

Deve 122,123, 132-165, 196,197

Bill 26

Carolya 45, 46, 52, 53, 55-57, 58

REACTION

35

45, 53-55, 57, 60, 61, 72, 100, 101

8) TALKING ABOUT WHAT ACTUALLY H AFTERWARD

Paul 144, 145, 147, 172, 174

Dave 179

Bill 39-42, 45

Larolyn 51, 58-78, 81, 82, 84.

Employment history Nike Thongs 3 6/Casions of telking about Lasking in on informace policy

Purpose of Pauls visit to mouse 十二十

Lamping Chamsaw experience - used social

Dates claim of Peol Friendship

with parents

Carol Phone verond

Stad in beald

The state of the s

6/14/11 6/14/11 6/14/11 5/3/11 5/3/11 4/28/11 Blue-NEW TOPIC-

1 Tockest - 402-980-6368

1985 Last Observed Meterry Co. Farm Betro 815338-1520 Soir & water to JESTAL Ando. Nichole Bazelwich 1985-1992-A office of wall wall of the godle consuport The west of the sex

Expert Witnesses NEEDED ARBORIST -Chairsaw American Society of Consultage Buy-Mobiler- FEEE \$ 250 Fr & Travel video-Tria ARBORIST Soe Sammic, Florida ASTA Members Bobby L. Lawford Phale Expert in SPRUCE + Chairsau >

1) INCHERCY -> EMAY Police REPORTS Took of the state ties of the second

Pg 41-43 confises tennis albow

Pg 41-43 confises tennis albow

Pg 42 Line 6-24

Pg 43 Line 6-24

Pg 43 Line 1-10

A ROBERTON

OIRLERIENDTRACY RUSSO
HOLLYWOOD, ALA

DAVID BEAT HER

THRU A NECK INTO
JOHN QHOYINSKI'S
NECK

Page 3- Mercanay