

United States Court of Appeals
For the First Circuit

63-60462
New Hampshire
U.S. DISTRICT COURT
DISTRICT OF
MAcAuliffe
FILED

No. 05-2866

2006 OCT -2 P 12:43

T-PEG, INC.; TIMBERPEG EAST, INC.,

Plaintiffs, Appellants,

MANDATE

v.

VERMONT TIMBER WORKS, INC.; DOUGLAS S. FRIANT,

Defendants, Appellees,

STANLEY J. ISBITSKI,

Defendant.

JUDGMENT

Entered: August 18, 2006

This cause came on to be heard on appeal from the United States District Court for the District of New Hampshire and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: reverse The district court's entry of summary judgment against Timberpeg East, Inc., is reversed, the attorneys' fee award is vacated, and the matter is remanded to the district court for further proceedings consistent with the opinion issued this day. Costs are awarded to T-Peg, Inc. and Timberpeg East, Inc.

Certified and Issued as Mandate
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

Richard Cushing Donovan
Deputy Clerk

Date: 9.28.06

By the Court:

RICHARD CUSHING DONOVAN

Richard Cushing Donovan, Clerk

[Certified copies to Hon. Steven J. McAuliffe and Mr. James Starr, Clerk, United States District Court for New Hampshire. Copies to Mr. Will and Mr. Whittington.]