

**DEVINE
MILLIMET**

ATTORNEYS AT LAW

September 29, 2004

VIA FACSIMILE

W.E. Whittington
Whittington Law Associates, PLLC
35 South Main Street
Hanover, NH 03755

**Re: T-Peg, Inc. and Timberpeg East, Inc. v.
Stanley J. Isbitski, and Vermont Timber Works, Inc.**

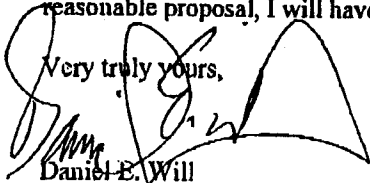
Dear Ned:

I continue to reject your assertions concerning our responses to discovery you have propounded. My client, however, does not desire to expend further resources fighting over this issue.

Accordingly, my client has instructed me to inform you that it will not seek any damages arising out of its lost profits, and will seek disgorgement of Vermont Timber Works' profits and statutory damages, along with interest and attorneys fees. In light of this position, further discussion as to my client's response to your damages discovery is unnecessary, and any effort on your part to obtain such information, including as outlined in your August 12 email, cannot be viewed as reasonably calculated to lead to the discovery of admissible evidence.

My client's election, however, makes discovery concerning Vermont Timber Works' profits directly relevant to this action, as it has been all along. I renew my request for the discovery we have long sought - the unredacted job profit sheet and tax returns, any confidentiality of which we believe you have waived. I would entertain any protective order you propose, but, barring any reasonable proposal, I will have no choice but to move to compel.

Very truly yours,



Daniel E. Will

DEW/ljm

cc: Stephen Woods

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