

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

	)	
T-Peg, Inc. and Timberpeg East, Inc.	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. C-03-462-M
	)	
Vermont Timber Works, Inc. and Douglas Friant	)	
	)	
Defendants.	)	
	)	

**AFFIDAVIT OF LYNN COLE**

I, Lynn Cole, on oath depose and say that:

1. I am employed by Timberpeg East, Inc. as a regional manager. My duties and responsibilities include, primarily, sales and management of the sales process. In that capacity, I was primarily responsible for dealing with Stanley J. Isbitski and the design of his residence and was the principle Timberpeg contact with Mr. Isbitski.

2. On or about December 29, 1999, Timberpeg completed the first set of preliminary architectural plans for Mr. Isbitski. The plans showed the design of Mr. Isbitski's house, including a main portion which was to be timberframed, as well as a master bedroom wing that was to be stick-built, meaning traditionally framed with two inch lumber, and not posts and beams.

3. In early 2001, I met with Mr. Isbitski concerning his house plans. He had some new ideas he wanted Timberpeg to accommodate. From those ideas, I created a new floorplan. On or about April 20, 2001, Timberpeg completed a revised set of

preliminary architectural plans for Mr. Isbitski, and delivered them to him for his further review and comment.

4. Mr. Isbitski made no further revisions to the design of the house, meaning the floorplan or shapes and dimensions of the interior spaces and exterior envelope. He did ask if Timberpeg could design a bent style timberframe. On or about September 5, 2001, Timberpeg completed plans that had the bent style frame detail Mr. Isbitski had requested. A copy of those plans are attached to this affidavit as Exhibit 1. Timberpeg sent the revised set of plans to Mr. Isbitski on or about September 19, 2001.

5. I did not hear further from Mr. Isbitski concerning his residence. At some point in 2002, I became aware that a timberframe was being or had been erected on Mr. Isbitski's property. I drove by the property and noticed that a timberframe had been erected, and that it looked like the house Timberpeg had designed.

6. I then went to the Building Department in Salisbury NH, where Mr. Isbitski's property is located, and reviewed the file. I saw that Mr. Isbitski had submitted the Timberpeg plans which Timberpeg completed in April 2001, and which had language about copyright. I saw no other plans on file, but I did see that the Town of Salisbury had issued a building permit.

FURTHER AFFIANT SAYETH NOT.

Dated: June 1, 2007

/s/ Lynn Cole  
Lynn Cole

STATE OF NEW HAMPSHIRE  
COUNTY OF SULLIVAN

Personally appeared before me this 1st day of June, 2007, the above-named Lynn Cole, and swore that the above information is true and correct to the best of his knowledge and belief.

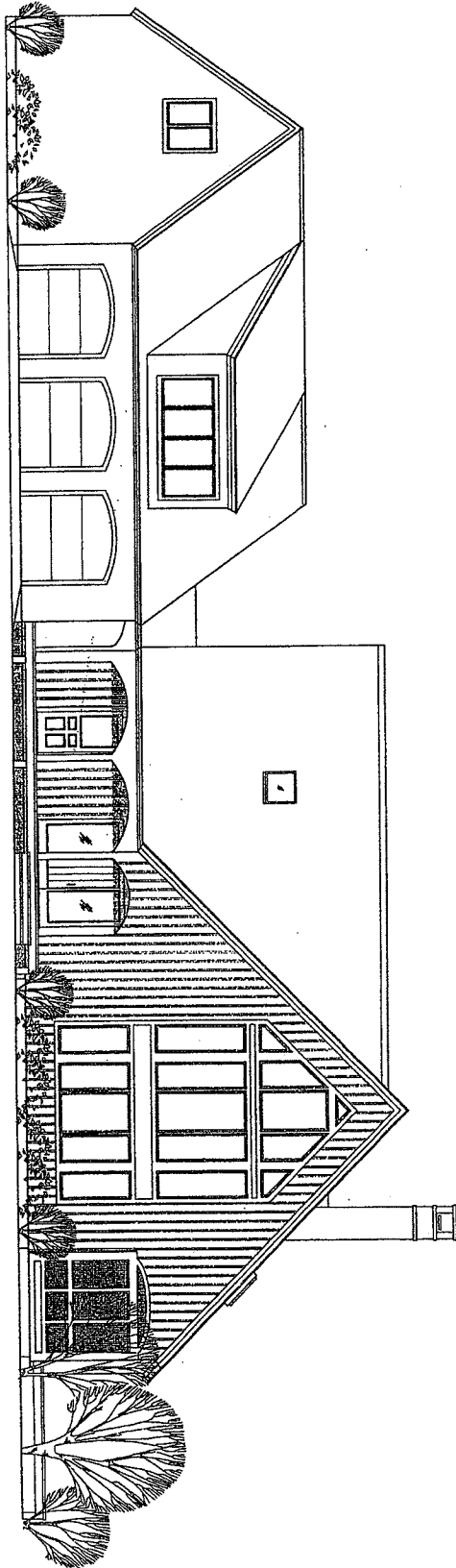
Stephen S. Woods  
Notary Public

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# **EXHIBIT 1**

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NEW RESIDENCE FOR:  
**STANLEY J. ISBITSKI**  
SALISBURY, NH



**TIMBERPEG®**

The Artisans of Post & Beam

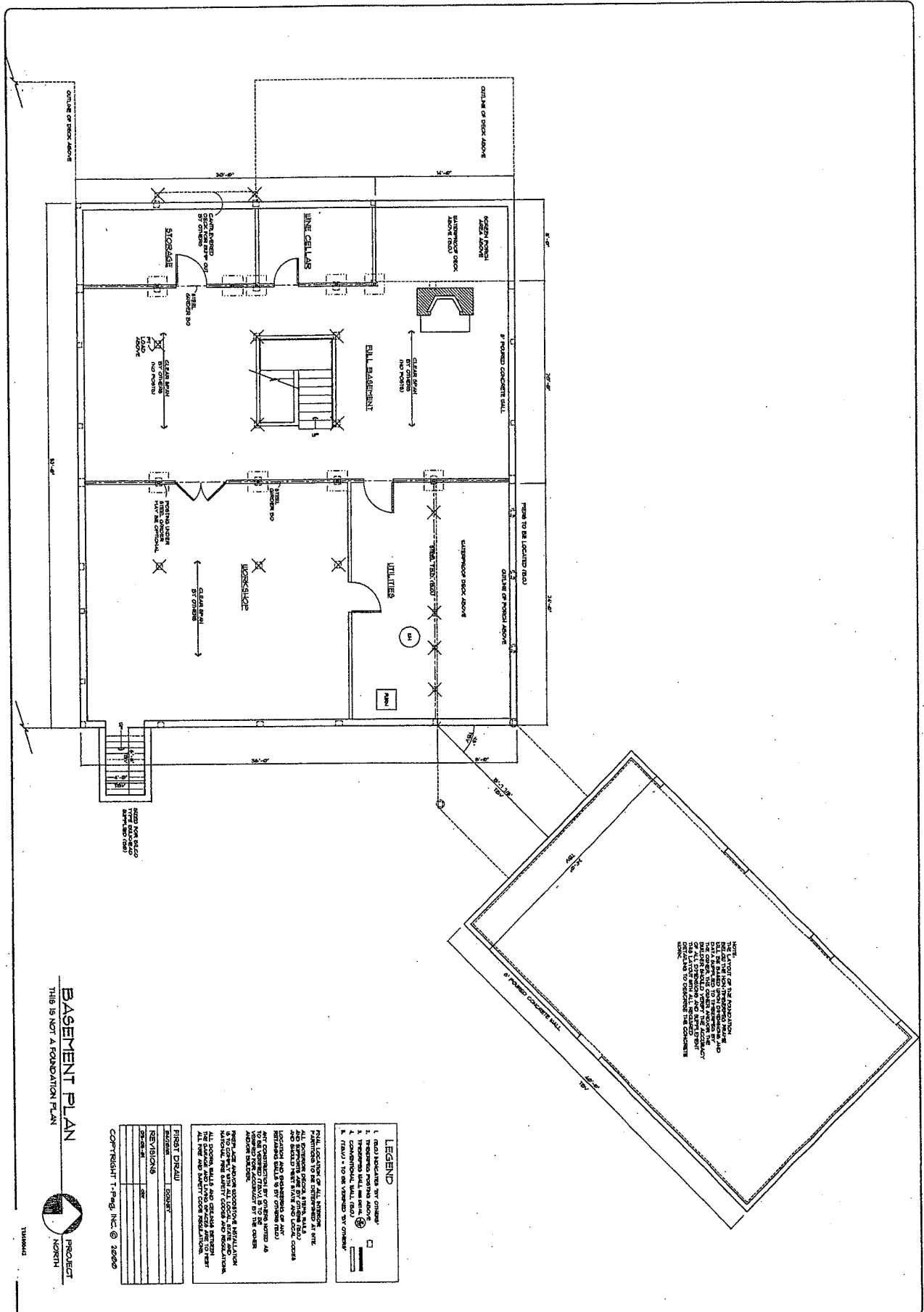
NON-ROBOT REPRESENTATIVE

OLD HARTFORD DESIGN

03/04/04



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**BASEMENT PLAN**  
THIS IS NOT A FOUNDATION PLAN



**LEGEND**

1. (R) ROOMS TO BE REMOVED
2. (T) TRANSFERRED ROOMS TO OTHER LEVELS
3. (C) CONVENTIONAL WALL, (R) RADIANT WALL
4. (F) FLOOR TO BE FINISHED BY OTHERS
5. (S) STAIRS TO BE FINISHED BY OTHERS

**NOTE:** THIS PLAN IS A GENERAL INDICATION OF THE BASEMENT LAYOUT. ALL DIMENSIONS AND LOCATIONS ARE TO BE VERIFIED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT.

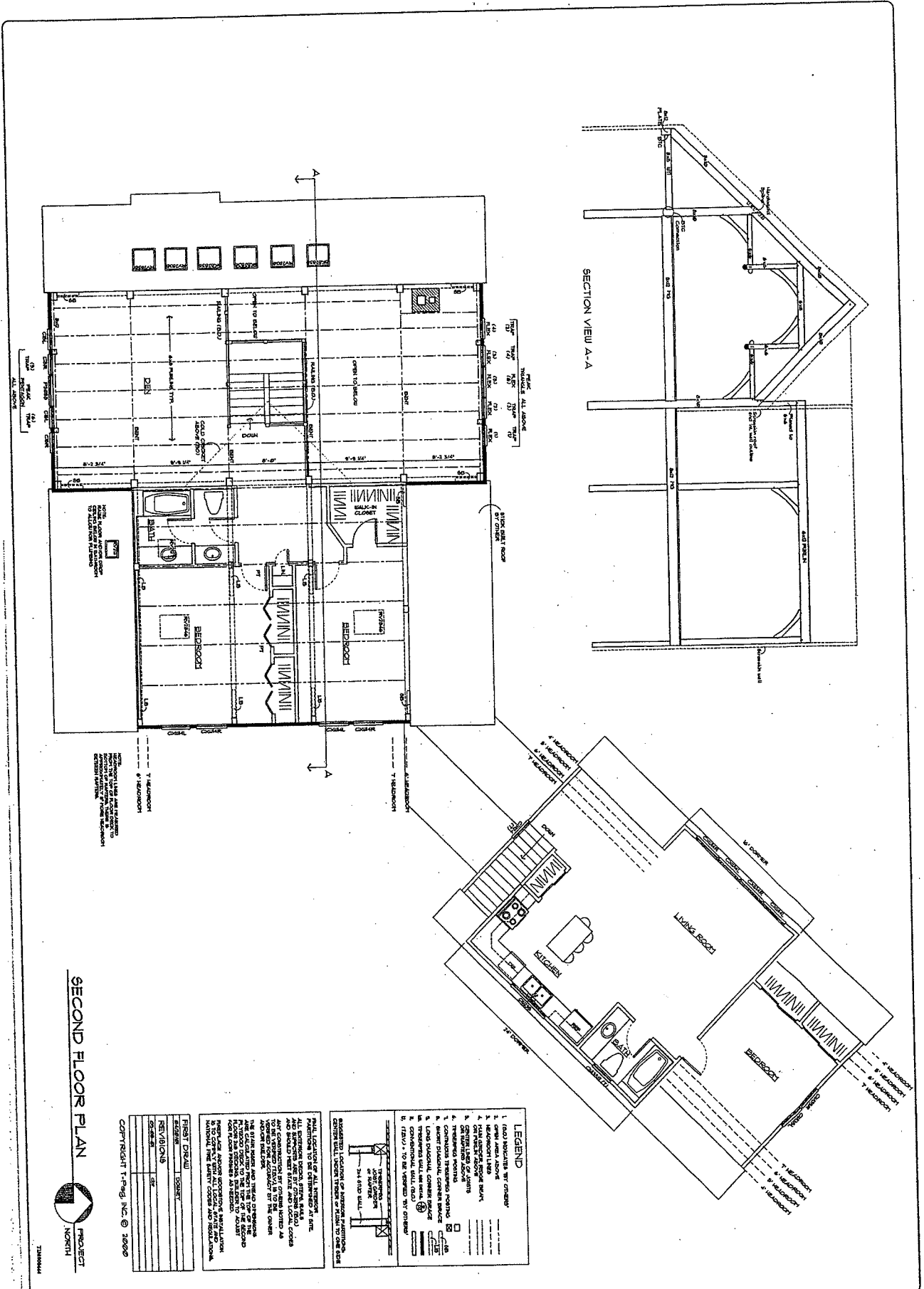
**FIRST DRAWING**

DATE	DESCRIPTION
06/15/01	ISSUED FOR PERMIT
06/15/01	REVISED PER COMMENTS
06/15/01	REVISED PER COMMENTS
06/15/01	REVISED PER COMMENTS

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SECOND FLOOR PLAN

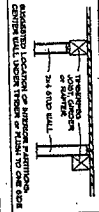


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REVISIONS	DATE	BY

**LEGEND**

1. HALL INDICATOR "H" OR "HALL"
2. OPEN AREA ABOVE
3. HALLWAY
4. HALLWAY WITH DOOR
5. HALLWAY WITH DOOR AND WINDOW
6. HALLWAY WITH DOOR AND WINDOW AND SLOPE
7. HALLWAY WITH DOOR AND WINDOW AND SLOPE AND SLOPE
8. HALLWAY WITH DOOR AND WINDOW AND SLOPE AND SLOPE AND SLOPE
9. HALLWAY WITH DOOR AND WINDOW AND SLOPE AND SLOPE AND SLOPE AND SLOPE
10. HALLWAY WITH DOOR AND WINDOW AND SLOPE AND SLOPE AND SLOPE AND SLOPE AND SLOPE



ESSENTIAL LOCATION OF DOORS AND WINDOWS  
 1. HALL INDICATOR "H" OR "HALL"  
 2. OPEN AREA ABOVE  
 3. HALLWAY  
 4. HALLWAY WITH DOOR  
 5. HALLWAY WITH DOOR AND WINDOW  
 6. HALLWAY WITH DOOR AND WINDOW AND SLOPE  
 7. HALLWAY WITH DOOR AND WINDOW AND SLOPE AND SLOPE  
 8. HALLWAY WITH DOOR AND WINDOW AND SLOPE AND SLOPE AND SLOPE  
 9. HALLWAY WITH DOOR AND WINDOW AND SLOPE AND SLOPE AND SLOPE AND SLOPE  
 10. HALLWAY WITH DOOR AND WINDOW AND SLOPE AND SLOPE AND SLOPE AND SLOPE AND SLOPE

SCALE: 1/4" = 1'-0"

STANLEY J. ISBITSKI

SECOND FLOOR PLAN

20' BENT KD w/ 8' SHEED, 17'x8'6" w/ 8' SHEEDS

PROJECT NORTH  
 3  
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 1500 SOUTH HAVEN BLVD. CLARNDON, NJ 07003  
 TEL: 908-345-1100 FAX: 908-345-1101  
 WWW.TRANSFERRED.COM

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DO NOT SCALE  
 CHECKING  
 FROM BLUEPRINTS

STANLEY J. ISBITSKI  
 SECOND FLOOR PLAN  
 20' BENT KD w/ 8' SHEED, 17'x8'6" w/ 8' SHEEDS





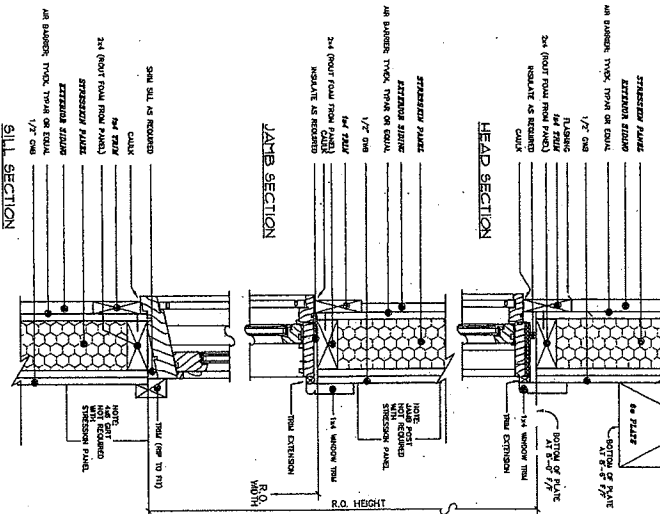
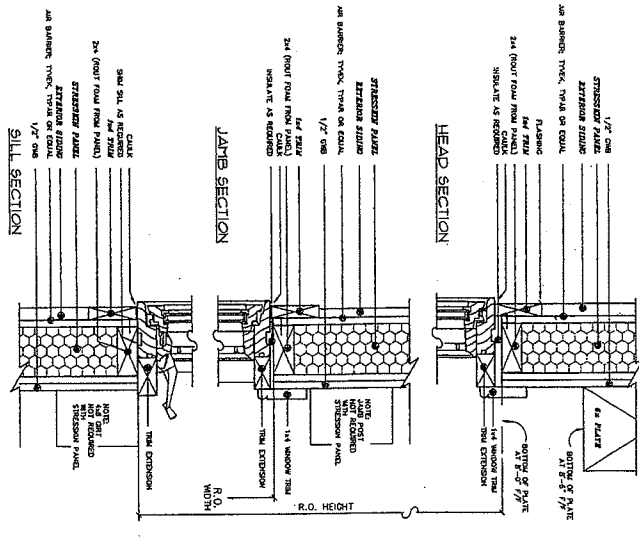








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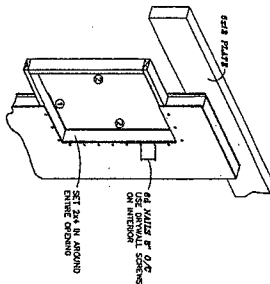


USE BARBERS' NOTES:  
 THE USE OF THE AIR BARBERS AS SHOWN ON THE DRAWING IS PERMITTED ONLY IF THE WINDOW IS INSTALLED IN ACCORDANCE WITH THE BARBERS' NOTES AND SHALL BE ACCEPTED AS SUCH BY THE ARCHITECT.

ADDITIONAL TO BARBERS' NOTES:  
 WINDOW TO BE INSTALLED WITH FINISH AND SEAL, V. ADDITIONAL SEALANT.

NOTE: THESE NOTES APPLY TO ANDERSEN'S PREPARED WINDOW ONLY. WINDOW OPERATING MECHANISM, WINDOW COULSER, WINDOW FINISH AND SEAL, V. ADDITIONAL SEALANT, OR OTHER WINDOW ACCESSORIES ARE NOT INCLUDED IN THIS DRAWING. REFER TO WINDOW INSTALLATION MANUAL FOR MORE INFORMATION.

STRIPDOWN PANEL PREPARATION

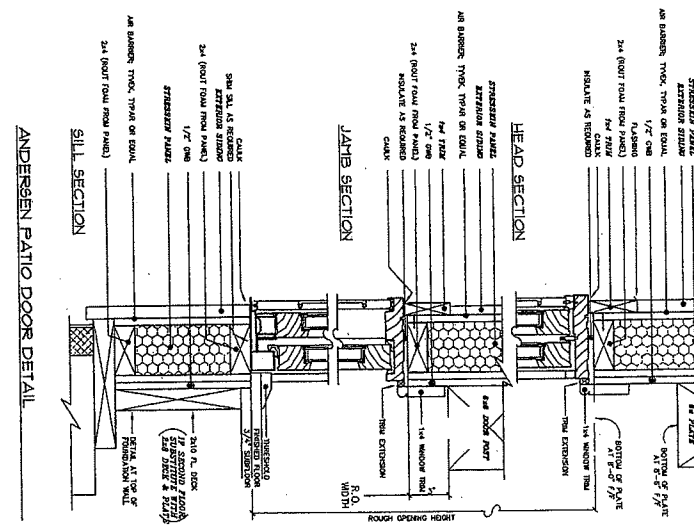
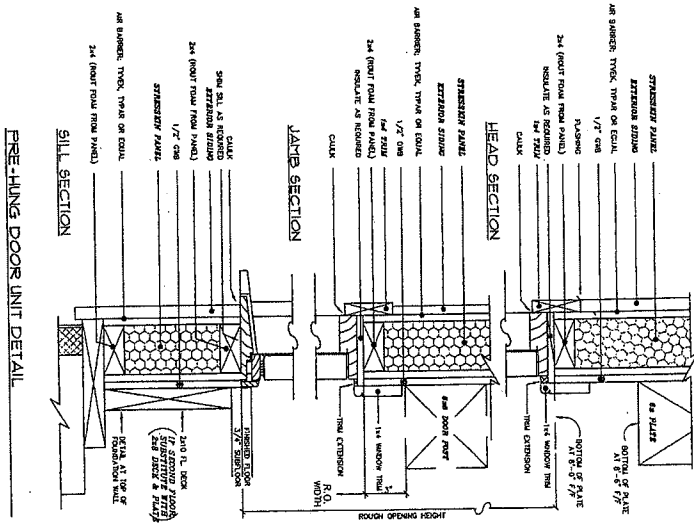


1. CHECK FRAME PLANS AND PANEL DRAWINGS FOR WINDOW LOCATION.
2. CHECK OVER HUNG AND RABBIT OPENING.
3. PREPARE WINDOW OPENING TO ACCEPT PANEL.
4. INSTALL WINDOW PANEL. 1/2\"/>

WINDOW INSTALLATION

1. INSTALL WINDOW. SET TO IT'S LEVEL AND PLUMB.
2. TAKE THEO VERTICAL PLUMB WITH 1\"/>

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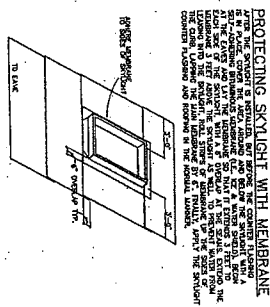
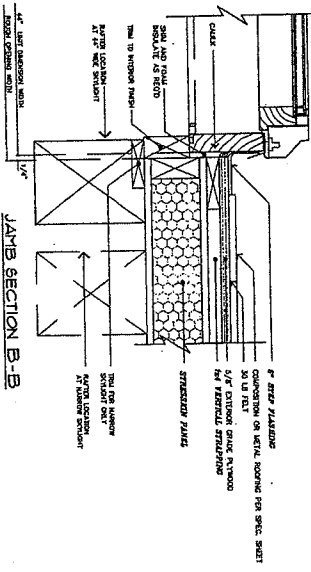
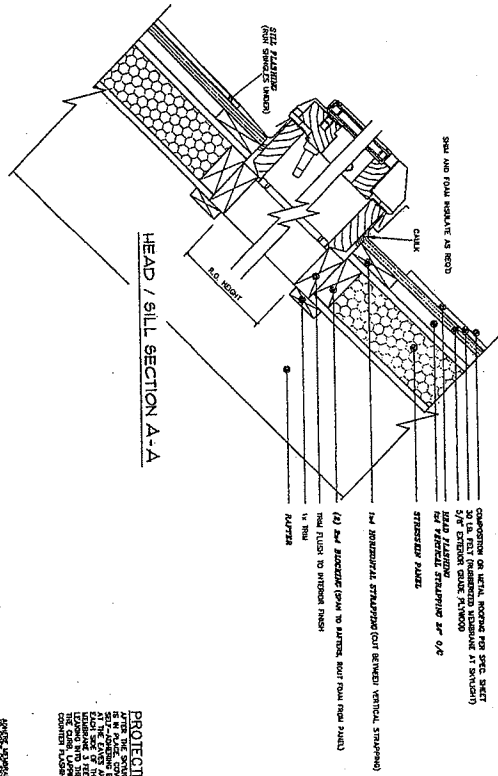
**AIR BARRIER NOTE:**  
THE USE OF THE AIR BARRIER IS SHOWN ON THIS DRAWING FOR THE SILL SECTION AND JAMB SECTION. ACCEPTED BUILDING PRACTICE.

**IMPORTANT TO MAKE SURE AIR BARRIER AND SEALING SYSTEMS:**

**NOTE:** DETAILS APPLY TO ANDERSEN PATIO DOORS ONLY.  
—INSTALL AIR CURTAIN W/STOPS OR W/STOP FROM  
—STANDARD 2\"/>

- CARE OF DOORS AFTER RAO FROM RECOMMENDATIONS**
1. DOORS SHALL BE STORED IN CLEAN, DRY, VENTILATED AREAS.
  2. DOORS SHALL BE PROTECTED FROM DIRECT SUNLIGHT, RAIN, SNOW OR ICE.
  3. DOORS SHALL BE KEPT IN A UPRIGHT POSITION AT ALL TIMES.
  4. DOORS SHALL BE KEPT IN A UPRIGHT POSITION AT ALL TIMES.
  5. DOORS SHALL BE KEPT IN A UPRIGHT POSITION AT ALL TIMES.
  6. DOORS SHALL BE KEPT IN A UPRIGHT POSITION AT ALL TIMES.
- FINISHING RECOMMENDATIONS**
1. SURFACE SHALL BE FINISHED TO MATCH THE FINISH OF THE SURROUNDING WALLS AND CEILING.
  2. SURFACE SHALL BE FINISHED TO MATCH THE FINISH OF THE SURROUNDING WALLS AND CEILING.
  3. SURFACE SHALL BE FINISHED TO MATCH THE FINISH OF THE SURROUNDING WALLS AND CEILING.
  4. SURFACE SHALL BE FINISHED TO MATCH THE FINISH OF THE SURROUNDING WALLS AND CEILING.
  5. SURFACE SHALL BE FINISHED TO MATCH THE FINISH OF THE SURROUNDING WALLS AND CEILING.
  6. SURFACE SHALL BE FINISHED TO MATCH THE FINISH OF THE SURROUNDING WALLS AND CEILING.

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**PROTECTING SKYLIGHT WITH MEMBRANE**  
 AFTER THE SKYLIGHT IS INSTALLED, THE GROUNDING OF THE SKYLIGHT FRAME SHALL BE PROTECTED BY A MEMBRANE. THE MEMBRANE SHALL BE INSTALLED OVER THE SKYLIGHT FRAME AND SHALL BE SEaled TO THE SKYLIGHT FRAME. THE MEMBRANE SHALL BE INSTALLED OVER THE SKYLIGHT FRAME AND SHALL BE SEaled TO THE SKYLIGHT FRAME. THE MEMBRANE SHALL BE INSTALLED OVER THE SKYLIGHT FRAME AND SHALL BE SEaled TO THE SKYLIGHT FRAME.

**SKYLIGHT INSTALLATION INSTRUCTIONS**  
**SKYLIGHT LOCATION**  
 1. CHECK FOR THE SKYLIGHT LOCATION AFTER  
 2. A GOOD LOCATION SHOULD BE FOUND.  
 3. CUT THROUGH TO ALL DEPTHS.

**BLOCKING**  
 1. CUT FLOOR FOR SKYLIGHT FRAME AND  
 2. SET SKYLIGHT FRAME INTO PLACE.  
 3. USE BLOCKING TO HOLD SKYLIGHT FRAME  
 4. SET SKYLIGHT FRAME INTO PLACE AND  
 5. ADD BLOCKING TO ALL DEPTHS.

**STRAPPING**  
 1. ADD VERTICAL STRAPPING OVER SKYLIGHT  
 2. ADD HORIZONTAL STRAPPING OVER SKYLIGHT  
 3. ADD STRAPPING OVER SKYLIGHT AND  
 4. ADD STRAPPING OVER SKYLIGHT AND

**ROOF / WINDOW INSTALLATION**  
 1. INSTALL STRAPPING OVER THE SKYLIGHT  
 2. INSTALL ROOFING AND SKYLIGHT AT LOCATION  
 3. INSTALL SKYLIGHT TO MAKE SURE IT IS  
 4. CLACK AND FLOOR INSULATE AS BEFORE  
 5. USE VAPOR BARRIER OVER SKYLIGHT THEN  
 6. THE SKYLIGHT AS SHOWN.

**NOTES**  
 1. VERIFY ALL DIMENSIONS AND SPACING ARE AS SHOWN.  
 2. VERIFY ALL DIMENSIONS AND SPACING ARE AS SHOWN.  
 3. VERIFY ALL DIMENSIONS AND SPACING ARE AS SHOWN.  
 4. VERIFY ALL DIMENSIONS AND SPACING ARE AS SHOWN.

SCALE: 3/4"=1'-0"
STANLEY J. 181816K1
SKYLIGHT DETAIL
SPVDPV

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