

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

T-PEG, INC and)	
TIMBERPEG EAST, INC.,)	
Plaintiffs,)	
)	
v.)	No. C-03-462-M
)	
STANLEY J. ISBITSKI and.)	
VERMONT TIMBER WORKS, INC.,)	
Defendants.)	

VTW'S FIRST INTERROGATORIES AND
REQUESTS TO PRODUCE TO PLAINTIFFS

Defendant Vermont Timber Works, Inc. ("VTW"), submits the following interrogatories and requests to produce to plaintiff, T-Peg, Inc. and Timberpeg East, Inc., for response and production by each within 30 days under FRCP 33 and 34.

DIRECTIONS, INSTRUCTIONS AND DEFINITIONS

The Definitions And General Instructions contained in plaintiffs' first set of interrogatories and first request for production, both dated February 24, 2004, are incorporated by reference, except that

- "you," "your," and "yourself" refer to the plaintiffs, and/or either of them, and/or any other person or representative acting or purporting to act on their behalf.
- "T-Peg" refers to plaintiff T-Peg, Inc.
- "TEI" and "Timberpeg" refer to plaintiff Timberpeg East, Inc.
- "Registered Plans" refers to the five sheets filed with the U.S. Copyright Office and registered as V Au 510-781, copies of which have been produced by plaintiffs in this case with control numbers TIM 454 – 458.
- "4/20/01 Plans" refers to the eight sheets or drawings, in their computer-generated

INTERROGATORIES

Subject to and without waiving the foregoing, plaintiff answers as follows:

1. For each of the following:

T-Peg, Inc.
Timberpeg East, Inc.
Timberpeg South, Inc.
Timberpeg West, Inc.
Timberpeg Pacific, Inc.
Timberpeg Services, Inc.
Timberpeg Design Services (however organized)
Traditional Management, Inc.

identify (a) the officers for each period between June 1998 and present, (b) the directors for each period between June 1998 and present, (c) any person or entity holding more than 20% of its stock or equity for any period between June 1998 and present, and (d) any subsidiary or other business entity of which such person held a 20% or greater equity interest for any period between June 1998 and present. In addition, (e) state the state of incorporation or other organization of each of the listed persons and (f) state the principal business or businesses in which the person has engaged from June 1998 to present.

ANSWER:

Plaintiffs object to this Interrogatory to the extent that "Timberpeg South, Inc.," "Timberpeg West, Inc.," "Timberpeg Pacific, Inc.," "Timberpeg Design Services" and "Traditional Management, Inc." are not parties to the litigation. Plaintiffs further object to this request as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objections, Plaintiffs answer that the officers for T-Peg, Inc. are Brian Pattison and Tod Schweizer, the officers for Timberpeg East, Inc. are Brian Pattison, Tod Schweizer, and Robert Britton, and the officers for Timberpeg Services, Inc. are Brian Pattison, Tod Schweizer, and Richard Neroni. The directors for T-Peg, Inc., Timberpeg East, Inc., and Timberpeg Services, Inc. are Brian Pattison and Tod Schweizer. Brian Pattison and Tod Schweizer own equally all of the stock of T-Peg, Inc. T-Peg, Inc. owns all of the stock of Timberpeg East and Timberpeg Services, Inc.

2. On what date did Stanley Isbitski ("Isbitski") first contact Timberpeg. Identify the Timberpeg agent(s) involved in the initial contact.

ANSWER:

Plaintiffs object to this request as vague and ambiguous in that Vermont Timber Works does not define "first contact." Without waiving said objection, on or about April 3, 1998 – Isbitski called Timberpeg; the name of the person who took the call is unknown.

REQUESTS FOR PRODUCTION

1. All documents requested in the above interrogatories or identified in response to them.

ANSWER:

Plaintiffs object to this request as vague and ambiguous. Without waiving said objection, Plaintiffs refer Vermont Timber Works to all non-privileged documents already produced, and will produce additional responsive documents.

2. All documents constituting or concerning (a) prototypes or standard plans which were usable in designing all or a portion of a P20K8-44' +8' shed building, and (b) "our standard Purling frame" as set forth in document TIM 197.

ANSWER:

Plaintiffs object to this request as vague and ambiguous, overly broad and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objections, Plaintiffs will produce non-privileged responsive documents.

3. All documents constituting or concerning prototypes or standard plans created by either plaintiff or by Timberpeg Services, Inc. subsequent to May 2, 2004 and containing any design elements from the work depicted in TIM 198.

ANSWER:

Plaintiffs object to this request as vague and ambiguous and overly broad and unduly burdensome in that Vermont Timber Works has not defined what is meant by "containing any design elements from the work depicted in TIM085."

4. All documents constituting or concerning prototypes or standard plans created by either plaintiff or by Timberpeg Services, Inc. subsequent to May 2, 2001 and containing any design elements from the work depicted in TIM 085.

ANSWER:

Plaintiffs object to this request as vague and ambiguous and overly broad and unduly burdensome in that Vermont Timber Works has not defined what is meant by "containing any design elements from the work depicted in TIM085."

5. All documents concerning communications with third parties, including but not limited to Timberpeg South, Inc., Timberpeg West, Inc., Timberpeg Pacific, Inc., Timberpeg Services, Inc., Timberpeg Design Services, Traditional Management, Inc. and the Town of Salisbury, concerning the Isbitski project.

ANSWER:

Plaintiffs object to this request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, involving entities not party to this litigation, and seeking documents protected by attorney-client privilege and/or attorney work-product. Without waiving said objections, Plaintiffs refer Vermont Timber Works to all non-privileged documents already produced.

6. All documents, including contracts, concerning the relationship between Old Hampshire Designs, Inc. and you, in effect at any time from June 1999 to present.

ANSWER:

Plaintiffs object to this request as overly broad and unduly burdensome and excessive in its scope. Without waiving said objections, Plaintiffs will produce copies of Independent Representative Agreements by and between Old Hampshire Designs, Inc. and Timberpeg East, Inc. for 1999 through 2002.

7. All documents, including contracts, concerning the relationship between you and Timberpeg Services, Inc. and or Timberpeg Design Services.

ANSWER:

Plaintiffs object to this request as overly broad, unduly burdensome, not limited in time and scope, and not reasonably calculated to lead to the discovery of admissible evidence.

8. All documents concerning the valuation of your goodwill and/or business reputation.

ANSWER:

Plaintiffs object to this request as overly broad, unduly burdensome, and not reasonably limited in time or scope. Moreover, Plaintiffs object to this request as vague and ambiguous. As discovery is ongoing, Plaintiffs currently do not possess documents responsive to this request, and will supplement this response if necessary.

Date: May 12, 2004

T-PEG, INC.
Plaintiff,

By: _____
Its Attorney



Daniel E. Will, Esquire
Devine, Millimet & Branch, P.A.
111 Amherst Street
Manchester, NH 03105

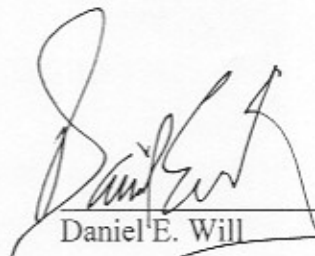
Stephen S. Woods, Esquire
Traditional Management Company
68 Lyme Road
Hanover, NH 03755

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2004, I served the foregoing pleading on the following
counsels of record, by ~~e-mail~~ and first class mail:

facsimile

W.E. Whittington (Bar No. 6916)
Whittington Law Associates, PLLC
35 South Main Street
Hanover, NH 03755
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Daniel E. Will

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