

ORIGINAL

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Case No. C-03-462-M

\* \* \* \* \*  
T-PEG, INC., and  
TIMBERPEG EAST, INC.

v.

STANLEY J. ISBITSKI and  
VERMONT TIMBER WORKS, INC.  
\* \* \* \* \*

VIDEOTAPED DEPOSITION of KIMBERLY HENTSCHEL

Taken pursuant to Subpoena at the offices of  
Davis Frame Company, River Road, Claremont, New  
Hampshire, on Friday, November 5, 2004, commencing  
at 10:15 in the forenoon.

1117 Elm Street  
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Manchester, NH  
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T-PEG, INC. v. STANLEY J. ISBITSKI, ET AL  
 Deposition of Kimberly Hentschel

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1 A. Yes.  
 2 Q. And it says, "Based on old prelim  
 3 drawings"?"  
 4 A. Yes.  
 5 Q. What does that mean?  
 6 A. It could be based on our meeting  
 7 sketches; it could be based -- if we did an  
 8 isometric view at that time, it could have been  
 9 based on that.  
 10 Q. Do you have a recollection as to what  
 11 that means?  
 12 A. It would have been generated from one  
 13 of the square foot calculations that we did. So any  
 14 rough-sketching that we might have done to figure  
 15 out what the second floor height needed to be, it's  
 16 probably based on square footage, again. At this  
 17 point it's still because it's proposals. Until we  
 18 have a timber frame design, it's not a contract.  
 19 Q. I guess what I'm -- and I guess to be  
 20 more clear, what I'm asking is, Do you have a  
 21 recollection as to what prelim drawings you were  
 22 referring to when you wrote that?  
 23 A. No.

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1 Q. Could that have been Timberpeg  
 2 drawings?  
 3 A. Most likely not because he wasn't  
 4 using the Timberpeg drawings.  
 5 Q. Do you know one way or the other  
 6 whether it was Timberpeg drawings?  
 7 A. No.  
 8 Q. And when you say he wasn't using the  
 9 Timberpeg drawings, that was information that you  
 10 had gotten from Mr. Isbitski?  
 11 A. Yes.  
 12 Q. Did you ever contact Timberpeg to find  
 13 out whether there was an ongoing relationship with  
 14 Mr. Isbitski?  
 15 A. No.  
 16 Q. Okay. Now showing you a document we  
 17 previously marked as Exhibit 13 to Mr. Friant's  
 18 deposition.  
 19 A. Yes.  
 20 Q. Is any of the handwriting on this  
 21 document yours?  
 22 A. Everything under "Wayne" is mine.  
 23 Q. Okay. I guess my first question is,

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1 Who is Wayne?  
 2 A. Wayne was one of the employees of the  
 3 company.  
 4 Q. What was his title?  
 5 A. He was a timber frame designer. He  
 6 was there for just a very short amount of time. It  
 7 wasn't working out. But he was helping Doug with  
 8 timber frame designs.  
 9 Q. Do you remember the time period that  
 10 he was there?  
 11 A. I don't.  
 12 Q. And do you remember why he left?  
 13 A. He was fired.  
 14 Q. And can you take a look down below the  
 15 "Wayne," which I think you said was all your  
 16 handwriting?  
 17 A. Yes.  
 18 Q. Do you see over to the right where it  
 19 says "April/May"?  
 20 A. Yes.  
 21 Q. And below that it says, "Us or  
 22 Timberpeg"?  
 23 A. Yes.

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1 Q. Can you tell me what that's a  
 2 reference to?  
 3 A. I can't.  
 4 Q. Do you recall writing that?  
 5 A. I did write that.  
 6 Q. Do you have -- do you recall when you  
 7 wrote that?  
 8 A. No.  
 9 Q. Would that be a note from a -- of a  
 10 conversation with Mr. Isbitski?  
 11 A. Yes.  
 12 Q. Do you recall the conversation that  
 13 triggered the note?  
 14 A. Yes. We were going back to that  
 15 garage/barn/storage area for the car, and he was  
 16 giving me dimensions. Square footage. You see 30  
 17 by 60 was the rough dimension, the 1800 to 1900  
 18 range would be square foot range. So at that point  
 19 we must have been discussing the possibility of that  
 20 barn project which was similar to our Dorset barn.  
 21 Q. What about the main house notation?  
 22 A. He must have been talking about his --  
 23 I don't know. I don't know. It's not specific.

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1       **A. Yes.**  
 2       MR. WILL: Okay. I've got no further  
 3 questions.  
 4       MR. WHITTINGTON: No questions.  
 5       THE VIDEOGRAPHER: The deposition is  
 6 over at 1:34.  
 7       (The witness was excused, and the  
 8 proceedings concluded at 1:34 p.m.)  
 9               \*\*\*  
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1                       **JURAT**  
 2  
 3       I, KIMBERLY HENTSCHEL, do hereby certify that  
 4 I have read the foregoing transcript of my  
 5 testimony, and further certify that it is a true and  
 6 accurate record of my testimony (with the exception  
 7 of the corrections listed below):  
 8  
 9       Page Line           Correction  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19                       **KIMBERLY HENTSCHEL**  
 20  
 21       Sworn and subscribed to before me this  
 22       day of                       2004.  
 23                       Notary Public  
 My Commission expires:

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1                       **CERTIFICATE OF OFFICER**  
 2  
 3       I, MARCIA G. PATRISSO, a Certified  
 4 Shorthand Reporter and a Notary Public of the State  
 5 of New Hampshire, do hereby certify that the  
 6 foregoing is a true and accurate transcript of my  
 7 stenographic notes of the deposition of KIMBERLY  
 8 HENTSCHEL, who was first duly sworn, taken at the  
 9 place and on the date hereinbefore set forth.  
 10       I DO FURTHER CERTIFY that I am neither a  
 11 relative nor employee, nor attorney or counsel to  
 12 any parties involved; that I am neither related to  
 13 nor employed by any such attorney or counsel, and  
 14 that I am not financially interested in the action.  
 15       THE FOREGOING CERTIFICATION OF THIS  
 16 TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE  
 17 SAME BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL  
 18 AND/OR DIRECTION OF THE CERTIFYING REPORTER.  
 19  
 20  
 21                       MARCIA G. PATRISSO, CSR, RPR, CRR  
 Certificate No. 83  
 22       Notary Public of New Hampshire  
 23 My Commission Expires: June 2, 2009



