

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

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

**PLAINTIFF’S RESPONSE TO DEFENDANTS’ MOTION TO REVIVE THEIR  
MOTION FOR SUMMARY JUDGMENT (Document 126) AS TO STANDING AND  
OWNERSHIP ISSUES PER COURT’S MARCH 28, 2008 ORDER (Document 147)**

NOW COMES Plaintiffs, T-Peg, Inc. and Timberpeg East, Inc. (collectively “Timberpeg”), by and through their attorneys, Devine, Millimet, & Branch, Professional Association, and respectfully submit the following Response to Defendant’s Motion To Revive Their Motion for Summary Judgment (Document 126) As To Standing And Ownership Issues Per Court’s March 28, 2008 Order:

1. The Court denied the Defendants’ Motion for Summary Judgment As To Standing And Ownership Issues (Document 126) in its Order of March 28, 2008 (Document 147). Still pending for resolution are briefs submitted by the parties on the issue of standing as requested by the Court in its Order of March 28, 2008. These briefs are filed as Document 152 and 153.
2. Timberpeg understands that these briefs are pending and that the Court will address them as it is able.

3. “Reviving” Defendants’ Motion for Summary Judgment (Document 126) is unnecessary because it has already been denied by the Court. All that is required at this juncture is resolution of the parties’ standing briefs and the Defendants’ Motion for Reconsideration (Document 149).

Respectfully submitted,

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

By their attorneys,

DEVINE, MILLIMET & BRANCH,  
PROFESSIONAL ASSOCIATION

Dated: March 4, 2009

/s/ Jonathan M. Shirley  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this day, March 4, 2009, a copy of the foregoing Response to Defendants’ Motion to Revive Their Motion for Summary Judgment As To Standing And Ownership Issues Per Court’s March 28, 2008 Order was transmitted to W.E. Whittington, Esquire in accordance with the Court’s Administrative Procedures of Electronic Filing.

/s/ Jonathan M. Shirley  
Jonathan M. Shirley