

**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 FOR
HEARING AND ORAL ARGUMENT ON PENDING MOTIONS / ISSUES**

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 For Hearing And Oral Argument On Pending Motions / Issues:

1. Pending before the Court are the parties’ standing briefs (Documents 152 and 153), which were submitted pursuant to the Court’s March 28, 2008 Order, and the Defendants’ Motion for Reconsideration (Document 149).

2. Timberpeg does not believe a hearing is necessary. Timberpeg is willing to appear for a hearing on these pending documents should the Court determine that hearing would be helpful to the Court.

3. Timberpeg objects to a hearing or oral argument on Defendants’ Motion for Summary Judgment As To Standing And Ownership Issues (Document 126). That motion was denied in the Court’s Order of March 28, 2008 and it is now terminated.

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

By their attorneys,

DEVINE, MILLIMET & BRANCH,
PROFESSIONAL ASSOCIATION

Dated: March 4, 2009

/s/ Jonathan M. Shirley
Daniel E. Will (Bar No. 12176)
Jonathan M. Shirley (Bar No. 16494)
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Of Counsel:

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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 For Hearing And Oral Argument On Pending Motions / Issues 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