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UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

MAY 1 2004

T-Peg, Inc. and  
Timberpeg East, Inc.

v.

Civil No. 03-462-M

Stanley J. Isbitski and  
Vermont Timber Works, Inc.O R D E R

Defendant Vermont Timber Works, Inc. ("VTW") moves to compel production of documents responsive to Request No. 13 and to compel the deposition of plaintiffs' in-house counsel.<sup>1</sup>

1. Request to Produce No. 13

The request to produce:

All documents, including court pleadings, draft complaints, and letter to purported infringers, relating to any claim by either plaintiff, or by Timberpeg South, Inc., Timberpeg West, Inc. or Timberpeg Pacific, Inc., that any person has infringed a copyright owned by any of them.

Plaintiffs object that the documents were not relevant and were overly broad, unduly burdensome, and excessive in time frame. To the extent that VTW relies on plaintiff having put its alleged

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<sup>1</sup>The issue as to revised copyright language has been resolved. See Document no. 17.

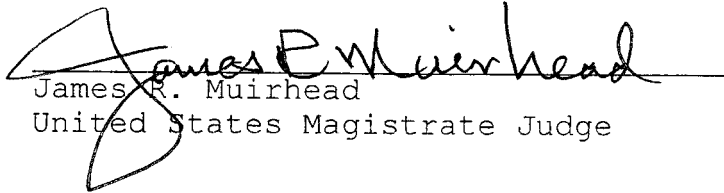
aggressive litigation attitude in issue to establish relevance they are wrong. That alleged attitude is not and will not be an issue. To the extent the request seeks information as to other suits involving the trademark at issue documents may lead to admissible evidence. The request as served is overly broad. Counsel are ordered to narrow the scope by discussion and produce non-privileged documents relating to the trademark at issue which are relevant or which may lead to admissible evidence.

2. Deposition of In-House Counsel

Plaintiffs' counsel is fully capable, together with Mr. Woods, to prevent inquiry into privileged matters and/or to take appropriate action under Fed. R. Civ. P. 30(d)(4). The deposition may go forward but defense counsel is not to inquire into privileged areas nor areas that are not relevant nor likely to lead to admissible evidence. Clearly Mr. Woods may be asked about his activities relating to the claim which are not privileged or work product.

The motion (document no. 15) is granted in part and denied in part.

**SO ORDERED.**

  
James R. Muirhead  
United States Magistrate Judge

Date: April 29, 2004

cc: William E. Whittington, Esq.  
Daniel E. Will, Esq.