

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

T-PEG, INC and)	
TIMBERPEG EAST, INC.,)	
Plaintiffs,)	
)	
vs.)	No. 03-CV-462-M
)	
VERMONT TIMBER WORKS, INC.,)	
And DOUGLAS FRIANT,)	
Defendants.)	

DEFENDANTS' MOTION
TO EXTEND TIME TO FILE EXHIBIT LIST

Defendants, Vermont Timber Works, Inc. ("VTW") and Douglas Friant ("Friant"), move to defer the time in which to file their exhibit list until the date of the pretrial conference.

In support of this motion, defendants state that because of still pending rulings on numerous significant motions – including the summary judgment motions by each side, the motion to strike, the motions to clarify and reconsider the November 19, 2004 sanctions order, and the third motion to compel – it is virtually impossible to determine at this time what exhibits will be relevant and appropriate. Plaintiffs checked with the Court's minute clerk on this issue, and at her suggestion sought concurrence from plaintiffs (unsuccessfully) and are filing this motion.

Indeed, the court in its November 19 sanctions order directed defendants to amend their complaint to delete certain claims and remedies; plaintiffs have failed to do so as of this date. In addition, plaintiffs have delayed producing order documents and the parties have delayed certain depositions by agreement pending the Court's ruling on the sanctions issues above.

Defendants sought concurrence in this requested relief, on January 27 and 28 (see Exhibits 1 and 2 attached), but as of January 29 plaintiffs have not responded to the request.

No memorandum of law is submitted as the issues are obvious and in the discretion of the Court.

Date: January 29, 2005

VERMONT TIMBER WORKS, INC.
and DOUGLAS FRIANT,
Defendants,

By: W. E. Whittington
Their Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2005, I served the foregoing pleading on the following counsel of record, by first class mail:

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