

## **Appendix: Differences Between Plaintiff's Bainbridge Design and the Rubin Residence**

### **FRONT ELEVATION**

#### **Chimney Design and Placement**

1. The Bainbridge's two, non-tapered chimneys are located on the main roof ridge and have an exposed height of 42 inches. The Rubins' two, tapered chimneys are located on the front of the roof ridge and have an exposed height of 28 feet.
2. The Bainbridge's chimneys are false, with the brick supported by the roof. The Rubins' right-side chimney is functional, and runs continuously from the home's foundation to its full height.

#### **Front Entrance Design**

3. The Bainbridge has a single door with two side lights and a rectangular transom above. The Rubin residence has double doors with no side lights or transom above.
4. The Bainbridge's covered-entry pediment has a rectangular shape that matches the door's transom, with dentil blocks on the frieze board. The Rubins' covered-entry pediment has an elliptical arch with no dentil blocks on the frieze board.
5. The Bainbridge does not have brick rowlock on the border. The Rubin residence does have brick rowlock on the border.
6. The Bainbridge design plans show a wrought iron rail with pickets. The Rubin residence design shows a wooden rail with pickets.

#### **Foundation Vents**

7. The Bainbridge utilizes seven rectangular, louvered foundation vents along its front elevation. The Rubin residence utilizes six diamond shaped, brick foundation vents along its front elevation.

#### **Exterior Finishes**

8. The Bainbridge uses an all brick veneer. The Rubin residence uses a brick veneer on the main body, with veneer siding on the dependencies and garage.
9. The Bainbridge uses one-and-a-half tall brick, jack arches above each window which are jammed up against the frieze board. The Rubin residence uses jack arches with noticeable space before reaching the frieze board.
10. The Bainbridge uses dentil mould on all front cornice, as well as over the front entrance. The Rubin residence does not use dentil mould.
11. The Bainbridge has a water table detail in the brick on all four sides. The Rubin residence does not have water table detail in the brick.

### **Dormers**

12. The Bainbridge uses five dormers along its front elevation. The Rubin residence uses only three dormers along its front elevation.
13. The Bainbridge does not use dormers along the roof of the garage. The Rubin residence uses three dormers along the roof of the garage.

### **Right-Side Dependency**

14. The Bainbridge's right-side dependency displays two windows on the first floor. The Rubins' right-side dependency displays only one window on the first floor.
15. The Bainbridge uses full-length windows, with similarly sized shutters on its right-side dependency. The Rubin residence uses a shorter window, with a panel below that obstructs visibility (due to the window overlooking a bathtub) and full-length shutters.

### **Garage Windows and Doors**

16. The Bainbridge uses a half-round window in both the front and rear gable ends. The Rubin residence uses a rectangular window in both the front and rear gable ends.
17. The Bainbridge's garage has three, closely-situated doors with a trim board spanning the length of the doorways. The Rubin residence has three doors with two feet of space in between each.
18. The Bainbridge's door from the garage to the breezeway is located on the right side of garage's rear elevation. The Rubins' door from the garage to the breezeway is located on the left side of garage's rear elevation.

### **Cornice Detail**

19. The Bainbridge's cornice uses an 18-inch frieze with two boards and a 6-inch fascia board. The Rubins' cornice uses an 8-inch frieze and a 8-inch fascia board.

### **Roof Slope**

20. The Bainbridge uses an 8.5-inch pitch roof. The Rubin residence uses a 10.5-inch pitch roof.
21. The Bainbridge uses higher ridgelines on the main house and its two side dependencies relative to those found on the Rubin residence.

### **Front Door and Window Dimensions**

22. The Bainbridge's front door and window dimensions are: (1) 5 feet, 0.5 inches; (2) 5 feet, 10.0 inches; (3) 9 feet, 1.5 inches; (4) 5 feet, 11.0 inches; and (5) 4 feet, 11.5 inches. The Rubins' front door and window dimensions are: (1) 4 feet, 6.0 inches; (2) 6 feet, 2.0 inches; (3) 8 feet, 4.0 inches; (4) 6 feet, 2.0 inches; and (5) 4 feet, 6.0 inches.

### **Left Dependency**

23. The Bainbridge has: (1) a 10-foot wide left dependency; (2) a 16-foot, 8.0 inch wide right dependency; and (3) each dependency is offset from the front of the main building by 2-feet, 6.0 inches. The Rubin residence has: (1) a 11-foot wide left dependency; (2) a 17-foot, 8.0 inch wide right dependency; (3) the left dependency is offset from the front of the main building by 2-feet, 8.0 inches; and (4) the right dependency is offset from the front of the main building by 3-feet, 8.0 inches.

### **Exterior Columns**

24. The Bainbridge and Rubin residence each use different bases and caps on their exterior columns.

## **RIGHT SIDE ELEVATION**

### **Windows**

25. The Bainbridge's right-side elevation has a: (1) twin window situated to the front of the right-side elevation's first floor; (2) two, single windows situated to the rear of the right-side elevation's first floor; (3) a single, second-floor window off-center from the gable; and (4) a half-round window in the attic. The Rubins' right-side elevation has: (1) three, single windows along the first floor; (2) a twin, second floor window centered on the gable; and (3) no window in the attic.
26. The Bainbridge's right-side elevation windows display shutters. The Rubin residence does not display shutters on the right-side elevation.

### **Sitting Room**

27. The Bainbridge's sitting room has a 5-foot projection from the rear wall. The Rubins' sitting room has a 4-foot, 6-inch projection from the rear wall.
28. The Bainbridge's sitting room utilizes a metal roof. The Rubins' sitting room utilizes architectural shingles.
29. The Bainbridge's sitting room utilizes 24-pane windows. The Rubins' sitting room utilizes 18-pane windows.

### **Dormers**

30. The Bainbridge utilizes diagonal siding along the dormer sides. The Rubin residence utilizes horizontal siding along the dormer sides.

### **Garage Size**

31. The Bainbridge garage is 36-feet wide. The Rubins' garage is 38-feet wide.

### **Main Body Width**

32. The Bainbridge's main building is 37-feet, 10.0-inches wide. The Rubins' main building is 40-feet, 0.0-inches wide.

### **Foundation Vents**

33. The Bainbridge utilizes rectangular, louvered foundation vents along its right-side elevation. The Rubin residence utilizes diamond shaped, brick foundation vents along its right-side elevation.

## **LEFT SIDE ELEVATION**

### **Breezeway**

34. The Bainbridge's breezeway continues above grade with a railing that extends to the garage. The Rubins' breezeway steps down immediately to slab level, and does not include a railing extending beyond the stairs.
35. The Bainbridge displays a five-and-a-half columns along its breezeway. The Rubin residence displays four columns along its breezeway.

### **Windows and Shutters**

36. The Bainbridge's left-side elevation has a: (1) twin window situated immediately behind the breezeway's foundation on the basement level; (2) two, single windows situated immediately to the left and right of the friend's entrance; (3) no window in the left-side dependency gable; (4) a twin window situated to the rear of the second floor; and (5) a half-round window in the attic. The Rubin residence left-side elevation has: (1) no windows on the basement level; (2) two, single windows situated to the left and right of the friends entrance, but with significantly more space than found in the Bainbridge; (3) a rectangular, double-hung window in the left-side dependency gable; (4) a twin window situated to the rear of the second floor; and (5) no window in the attic.
37. The Bainbridge's left-side elevation windows display shutters. The Rubins' left-side elevation windows do not display shutters.

### **Grade**

38. The Bainbridge plans depict a different grade than that found in the Rubin residence plans.

## **REAR ELEVATION**

### **Doors and Windows**

39. The Bainbridge's rear elevation has: (1) on its right dependency, three, 24-pane double-hung windows on the basement and first levels; and (2) on its left dependency, a single, 12-pane window on the first floor. The Rubins' rear elevation has: (1) on its right dependency, three, 18-pane double-hung windows on the basement level and first floor; and (2) on its left dependency, a single, 12-pane window on the first floor.
40. The Bainbridge's rear elevation, on the main building, has: (1) on the basement level, three 18-pane, double doors separated by columns, and four 24-pane, double-hung windows to the right of those doors; (2) on the first floor, two 18-pane, double doors separated by a brick wall, and four 24-pane, double-hung windows to the right of

those doors; and (3) on the second floor, six 16-pane, single windows, arranged in sets of two. The Rubins' rear elevation, on the main building, has: (1) on the basement level, three 15-pane, double doors separated by columns, and four 18-pane, double-hung windows to the right of those doors; (2) on the first floor, three 15-pane, double doors separated by columns, and four 18-pane, double-hung windows to the right of those doors; and (3) on the second floor, eight 12-pane, double-hung windows, one over each set of doors and the fourth centered above the double-hung windows on the first floor.

41. The Bainbridge has no panels below the windows in the Keeping Room. The Rubin residence has panels below the windows in the Keeping Room.
42. The Bainbridge has shutters on the left dependency's rear elevation, first floor window. The Rubin residence has no shutters on the left dependency's rear elevation, first floor window.
43. The Bainbridge's rear elevation has a rectangular vent. The Rubins' rear elevation does not have a rectangular vent.

#### **Columns and Pilasters**

44. The Bainbridge's rear elevation uses columns and pilaster across the Veranda and Keeping Room. The Rubins' rear elevation only has columns under the Veranda on the first floor.

#### **Roof**

45. The Bainbridge uses a hipped metal roof over the Veranda and Keeping Room and, though the slope is not indicated on the plans, it is greater than a 3/12 pitch. The Rubin residence uses a shed shingled roof over the Veranda and Keeping Room with a 3/12 pitch.

#### **Exterior Finishes**

46. The Bainbridge uses brick veneer on the rear elevation of both dependencies. The Rubin residence uses veneer siding on the rear elevation of both dependencies.

#### **Grade**

47. The Bainbridge plans depict a different grade than that found in the Rubin residence plans.

### **INTERIOR—FIRST FLOOR**

#### **Stair Location**

48. The Bainbridge staircase is located along the right wall of the Salon. The Rubins' staircase is located along the back wall of the Study.

#### **Powder Room / Alcove**

49. The Bainbridge has a formal powder room and alcove to stairs which lead to the basement. The Rubin residence has a half-bath off the mudroom, but no formal powder room or alcove to stairs which lead to the basement.

### **Fireplace Location**

50. The Bainbridge's fireplace is along the right wall of the Great Room. The Rubins' fireplace is located along the rear wall of the Salon.

### **Coffered Ceilings in the Great Room**

51. The Bainbridge does not have coffered ceilings in the Great Room. The Rubin residence does have coffered ceilings in the Great Room.

### **Master Bathroom / Adjoining Hallways**

52. The Bainbridge and Rubin residence have the bathtubs, showers, and sinks arranged differently inside their Master Bathrooms.
53. The Bainbridge has linen storage in the Master Bathroom. The Rubin residence has no linen storage in the Master Bathroom.
54. The Bainbridge's Master Bathroom has a single doorway leading directly into the Master Bedroom, with a single walk-in closet accessible through a different door in the Bedroom. The Rubins' Master Bathroom has a double doorway leading to a short hallway leading to the Master Bedroom, with a door on each side of the hallway, each leading into a his and hers walk-in closets.

### **Master Bedroom**

55. The Bainbridge uses tray ceilings in the Master Bedroom. The Rubin residence does not use tray ceilings in the Master Bedroom.

### **Foyer**

56. The Bainbridge and Rubin residence both have columns between the Foyer and Great Room but, each plan places them in different locations.
57. The Bainbridge has a clothes closet in its Foyer. The Rubin residence has no clothes closet in its Foyer.

### **Kitchen**

58. The Bainbridge has twin doors leading from the Kitchen to Dining Room. The Rubin residence has a cased opening leading from the Kitchen to Dining Room.
59. The Bainbridge has a sink in the Kitchen's island. The Rubin residence does not have a sink in the Kitchen's island.
60. The Bainbridge plan shows an angled counter between the sink and dishwasher in the Kitchen. See Bainbridge First-Floor Plan 13, ECF No. 132-2. The Rubin residence does not have an angled counter between the sink and dishwasher in the Kitchen.

### **Great Room**

61. The Bainbridge has two patio doors leading from the Great Room to the Veranda, with a fireplace in between them. The Rubin residence has three atrium doors leading from the Great Room to the Veranda, with no fireplace along the Great Room's back wall.

### **Laundry Room / Mud Room**

62. The Bainbridge has a desk, single-bowl sink, washer, and dryer along the outside edge of the Laundry Room (a/k/a “Home Task Center”). The Rubin residence has no desk, a double-bowl sink, and a differently situated washer and dryer.
63. The Bainbridge has a larger entrance into its Laundry Room, whereas the Rubins’ Laundry Room uses a narrower cased opening.

### **First Floor Room Dimensions**

64. The Bainbridge’s Laundry Room is 10-feet, 7-inches by 10-feet, 10-inches. The Rubins’ Laundry Room is 9-feet, 8-inches by 9-feet, 9-inches.
65. The Bainbridge’s Mud Room is 10-feet, 7-inches by 8-feet, 9-inches. The Rubins’ Mud Room is 9-feet, 8-inches by 13-feet, 10-inches.
66. The Bainbridge’s Dining Room is 15-feet, 1-inches by 13-feet, 6-inches. The Rubins’ Dining Room is 13-feet, 11-inches by 16-feet, 2-inches.
67. The Bainbridge’s Kitchen is 15-feet, 1-inches by 18-feet, 0-inches. The Rubins’ Kitchen is 13-feet, 11-inches by 16-feet, 3-inches.
68. The Bainbridge’s Keeping Room is 15-feet, 1-inches by 17-feet, 3-inches. The Rubins’ Keeping Room is 13-feet, 11-inches by 16-feet, 2-inches.
69. The Bainbridge’s Great Room is 19-feet, 11-inches by 19-feet, 2-inches. The Rubins’ Great Room is 23-feet, 0-inches by 20-feet, 0-inches.
70. The Bainbridge’s Library is 19-feet, 11-inches by 19-feet, 2-inches.
71. The Bainbridge’s Master Bedroom is 16-feet, 2-inches by 20-feet, 3-inches. The Rubins’ Master Bedroom is 17-feet, 7-inches by 19-feet, 4-inches.

### **First Floor Square Footage**

72. The Bainbridge’s First Floor is 2,834 square feet. The Rubins’ First Floor is 2,523 square feet.

## **INTERIOR—SECOND FLOOR**

### **Left-Front Bedroom**

73. The Bainbridge and Rubin residence have differently configured Bathrooms in the Left-Front Bedroom.
74. The Bainbridge Left-Front Bedroom only has a shower. The Rubins’ Front-Left Bedroom has a bathtub.

### **Left-Rear Bedroom**

75. The Bainbridge and Rubin residence have differently configured Bathrooms in the Left-Rear Bedroom.
76. The Bainbridge has no walk-in closet in its Left-Rear Bedroom. The Rubin residence has a walk-in closet in its Left-Rear Bedroom.

### **Right-Front Bedroom**

77. The Bainbridge and Rubin residence have differently configured Bathrooms in the Right-Front Bedroom.
78. The Bainbridge Right-Front Bedroom only has a shower. The Rubins' Right-Front Bedroom has a bathtub.
79. The Bainbridge has no walk-in closet in its Right-Front Bedroom. The Rubin residence has a walk-in closet in its Right-Front Bedroom.

### **Area Over the Master Bedrooms**

80. The Bainbridge designates the area above the Master Bedroom for Unconditioned Storage. The Rubin residence designates the area above the Master Bedroom for a Playroom, with one corner of the Playroom utilized as the Right-Front Bedroom's walk-in closet.

### **Second Floor Hallway / Stairs**

81. The Bainbridge's stairway from the First to Second Floors runs from the right, rear of the Great Room toward the front of the house on the Second Floor. The Rubins' stairway from the First to Second Floors runs from the left, front of the Great Room toward the right side of the house on the Second Floor.
82. The Bainbridge's Second Floor hallway runs from the right side of the home, but stops well short of its left side, as the Right-Front Bedroom's walk-in closet sits above the Friend's Entry. The Rubins' Second Floor hallway runs from the right side of the home, all the way to a 12-pane window at the end of the left side dependency. Therefore, the Second Floor hallway is significantly shorter in the Bainbridge relative to that in the Rubin residence.

### **Second Floor Room Dimensions**

83. The Bainbridge's Left-Front Bedroom is 15-feet, 3-inches by 14-feet, 9-inches. The Rubins' Left-Front Bedroom is 13-feet, 6-inches by 15-feet, 0-inches.
84. The Bainbridge's Left-Rear Bedroom is 15-feet, 3-inches by 16-feet, 5-inches. The Rubins' Left-Rear Bedroom is 13-feet, 11-inches by 11-feet, 2-inches.
85. The Bainbridge's Right-Front Bedroom is 15-feet, 4-inches by 19-feet, 10-inches. The Rubins' Right-Front Bedroom is 14-feet, 11-inches by 12-feet, 10-inches.

### **Second Floor Square Footage**

86. The Bainbridge's First Floor is 1,308 square feet. The Rubins' First Floor is 1,593 square feet.