

UNITED STATES DISTRICT COURT
Northern District of Indiana
South Bend Division

HEARTLAND RECREATIONAL)	
VEHICLES, LLC,)	
Plaintiff,)	
)	CASE NO.: <u>3:08-cv-490 AS- CAN</u>
v.)	
)	
FOREST RIVER, INC.,)	JURY DEMAND
Defendant.)	

**CONFIRMATION OF FOREST RIVER’S NOTICE OF DEPOSITION OF
HEARTLAND’S FINANCIAL REPRESENTATIVE**

Forest River confirms its prior notice that it will take the deposition of Heartland’s financial representative under Fed. R. Civ. P. 30(b)(6), commencing at 2:00 p.m. on Monday, August 2, 2010 at the offices of the undersigned counsel at 288 West High Street, Elkhart, IN. Heartland will be examined on the following topics and should present its witness(es) most knowledgeable of:

1. The creation and content of the financial records of Heartland which have been provided to Forest River in this litigation.
2. Heartland’s sales of products as a result of obtaining the list of Forest River dealers who were planning to attend the private Forest River trade show in October 2008, including the revenues received from such sales, the actual costs of producing those products, and the marginal profits obtained by Heartland from such sales (“marginal profits” meaning profits without allowance for costs or services which would have been incurred regardless of those specific sales).
3. The financial condition of Heartland during the fourth calender quarter of 2008 in comparison to its financial condition in the years immediately prior and following.

4. Heartland's accounting and financial record keeping practices during the fourth calendar quarter of 2008, including its criteria for selecting the amounts listed in its general ledger and financial reports.

5. Heartland's revenues received between August 1, 2008 and February 1, 2009, as well as actual cost of goods sold, actual fixed overhead expenses, actual inventory, actual payments to related business entities having any common ownership interests, and actual marginal and net profits during that same time period.

6. Heartland's discounting practices during the fourth calendar quarter of 2008, including the criteria for and amount of discounts made to dealers at that time.

7. The amounts, if any, which Heartland is claiming as allowable deductions under 15 U.S.C. §1117(a) in this litigation incident to Forest River's Production Request No. 26, including the actual and specific basis for any such deductions and identification of all regularly kept business records which support any specific basis for such deductions.

Testimony shall be recorded by stenographic and video media. Heartland's counsel is invited to attend and cross-examine.

Dated: July 19, 2010

Respectfully submitted,

s/Ryan M. Fountain

Ryan M. Fountain (#8544-71)
RyanFountain@aol.com
420 Lincoln Way West
Mishawaka, Indiana 46544
Telephone: (574) 258-9296
Telecopy: (574) 256-5137

Attorney for Defendant Forest River, Inc.

Certificate of Service:

I certify that a copy of the foregoing document was served upon the Plaintiff in this case by depositing that copy with the United States Postal Service for delivery via First Class mail, postage pre-paid, on July 19, 2010 addressed for delivery to the following counsel for that party:

David P. Irmischer
Baker & Daniels
111 East Wayne, Suite 800
Fort Wayne, IN 46802

A courtesy copy was sent via email as well on that date.

s/Ryan M. Fountain

Ryan M. Fountain