

EXH. SS

**In The Matter Of:**  
*Heartland Recreational Vehicles, LLC v.*  
*Forest River, Inc.*

---

*Jack Plummer*  
*September 20, 2010*

---

*Midwest Reporting, Inc.*  
*1448 Lincolnway East*  
*South Bend, Indiana 46613*  
*574-288-4242*  
*reporters@midwestreporting.net*

Original File PLUMMER.txt  
Min-U-Script® with Word Index

Page 13

1 could depend on the rest of my division because  
2 we work as a team. And we want to have the whole  
3 North Trail segment cleaned up. So, if some of  
4 my co-workers are having problems getting their  
5 units floor planned, I could come in and help  
6 move them.  
7 So, if North Trail as a whole is clean, they  
8 have no issue with us being on the road. But if  
9 we're -- if we're lacking or if some PO's aren't  
10 turned in or if some units aren't floored or if a  
11 dealer is having issues, then they'll ask us to  
12 come back in.  
13 Q Well, let's take this last month, August. How  
14 many days did you have to come in and clean  
15 things up at the end of August?  
16 A It wasn't really required at -- in August. We  
17 were in pretty good shape.  
18 Q How about in July?  
19 A Really good shape. It wasn't required because  
20 it -- it was a very, very good time. Dealers  
21 were looking for product.  
22 Q How about the end of the quarter in June?  
23 A Well, we have to be back for quarter end just  
24 to -- I mean, that's -- that's just what's  
25 required because I think we had our quarter end

Page 14

1 meetings in July because we did go to a baseball  
2 game. But June, I -- I don't think anything was  
3 said.  
4 Q Okay. Do quarter end meetings take more than a  
5 day?  
6 A They take three days.  
7 Q Three days every quarter?  
8 A Uh-huh.  
9 Q Okay. Now, every now and then, Heartland has an  
10 open house for its dealers, doesn't it?  
11 A I'm sorry. Heartland has an open house?  
12 Q Yeah.  
13 A No.  
14 Q You don't have any special showings for dealers  
15 periodically?  
16 A No.  
17 Q Are there any times when you tend to invite a  
18 bunch of dealers to come see Heartland?  
19 A No. No, no specific time. If I'm working a  
20 prospect and want to fly him in, I could fly him  
21 in any day of the week.  
22 Q So, Heartland as an organization doesn't try to  
23 have any showings at any particular times?  
24 A Other than the Louisville show, which is an  
25 industry -- other than that, no.

Page 15

1 Q I mean back in Elkhart at Heartland's place of  
2 business.  
3 A No.  
4 Q Okay. Periodically, some of the manufacturers in  
5 this area do have such showings, don't they?  
6 A Yes.  
7 Q When those showings have gone on, have you tried  
8 to be back here around that time?  
9 A Yes.  
10 Q How come?  
11 A Just in case a dealer's in town and wants to  
12 contact me.  
13 Q When those showings happen, do you ever yourself  
14 take the initiative and call a dealer to see if  
15 they want to meet with you?  
16 A No.  
17 Q How about prospects that you don't quite have as  
18 a customer yet?  
19 Do you ever call them when you know they're  
20 coming in for a show?  
21 A No.  
22 Q But you did in October of '08, didn't you?  
23 A No.  
24 Q The Forest River dealer list that was circulated  
25 around, you didn't use that to call any

Page 16

1 prospects?  
2 A No.  
3 Q You didn't use that to call any of your  
4 customers?  
5 A I use -- I call my customers on a weekly basis.  
6 So, it had nothing to with the list, why I made a  
7 phone call. I call them weekly.  
8 Q When you saw that list before the Forest River  
9 show in '08 --  
10 A Uh-huh.  
11 Q -- did you then call any of your dealers that you  
12 saw on that list to see if they could meet with  
13 you when they were here?  
14 A At that point, I didn't know who my dealers were.  
15 I didn't know them real well. So, that list at  
16 that point wasn't a benefit to me because I was  
17 familiar with the West Coast.  
18 And moving to the East Coast, I didn't know  
19 if a dealer was a motorized dealer, if it was a  
20 travel trailer dealer, what market he was in.  
21 My -- my recollection is I saw that list the  
22 day of the dealers arriving. And I had no idea  
23 who they were.  
24 Q And you didn't use that list in any way to make  
25 prospect calls; is that right?

Page 17

1 A That's correct.  
2 Q So, when you say you saw the list --  
3 A I did.  
4 Q -- you think that was the day of the show?  
5 A It was the day, correct.  
6 Q But you were involved in the envelope stuffing,  
7 weren't you?  
8 A No.  
9 Q Who was?  
10 A I don't know what envelope stuffing -- I don't  
11 know who -- what -- what they did. I don't know  
12 what envelopes -- I guess I don't understand the  
13 question.  
14 Q Well, you received an invitation from Bryan  
15 Walczak to stuff some envelopes to be given to  
16 hotels, didn't you?  
17 A That, I don't recall.  
18 Q You don't recall that?  
19 A (Shakes head.)  
20 Q And you don't know anything about Heartland  
21 delivering some envelopes to hotels at that point  
22 in time?  
23 A I've heard that they delivered and I received an  
24 e-mail from an employee at Forest River showing  
25 me who delivered the envelopes. But I had

Page 18

1 nothing to do with it.  
2 Q Okay. You say you heard that they delivered it.  
3 Who did you hear it from?  
4 A I heard it from Joe Rikoto from Forest River.  
5 Q And no one at Heartland discussed this with you  
6 at any time?  
7 A After I saw the e-mail. I -- I -- I'm trying to  
8 recall back. My question -- I guess I don't  
9 understand the question.  
10 Are you asking me if I had any involvement  
11 with the stuffing of the --  
12 Q The question at this point is, did you hear  
13 anything about it at the time?  
14 A Not that I recall, no.  
15 Q And Joe Rikoto from Forest River told you about  
16 it?  
17 A Told me that they went to the hotel and put  
18 packets under the doors.  
19 Q How is it that you had that discussion with Joe?  
20 A He's a good friend of mine.  
21 Q And were you sitting down at lunch with him or  
22 something?  
23 A No. He called me.  
24 Q When did he call you?  
25 A I would have to -- I would guess it was a week

Page 19

1 later, as soon as they obtained the video -- the  
2 pictures from the hotel. Could've been a week.  
3 Could've been two.  
4 Q And just out of the blue, he called you?  
5 A Well, no. We speak on a weekly basis. I started  
6 in this industry with him. I've known him for 13  
7 years.  
8 Q Do you recall what he told you?  
9 A I don't recall. I know it was after the fact and  
10 Forest River had the video. And he asked me who  
11 the two people in the video were, or the  
12 pictures. I said --  
13 Q Did you tell him?  
14 A I said, "E-mail me, and I'll tell you who they  
15 are." He was unable to e-mail it, so he had  
16 another employee e-mail them to me. I looked at  
17 them. I told him who they were.  
18 Q And who did you say they were?  
19 A Bryan Walczak and Eric Eash.  
20 Q Did you tell him anything else when he raised  
21 this subject?  
22 A Not that I can recall, no.  
23 Q And after you got the e-mail and pictures, did  
24 you tell anybody at Heartland about that?  
25 A Yes.

Page 20

1 Q What did you say?  
2 A I said, "Joe Rikoto sent me --" or, "Myka Hicks  
3 sent me a e-mail, a Joe Rikoto forward, that  
4 shows Walczak at the hotel."  
5 Q And why did you circulate that around Heartland?  
6 A Because Mike Creech is my boss and a personal  
7 friend of mine.  
8 Q What's -- he wasn't shown in the photos, though,  
9 was he?  
10 A No.  
11 Q Why do you think it would be of any interest to  
12 him?  
13 A I didn't.  
14 Q So, you just circulated that photo?  
15 A To Mike Creech, yes.  
16 Q Did you and Mike talk about it?  
17 A We did.  
18 Q What did you say?  
19 A It's a Gulf -- Gulf Stream thing to.  
20 Q Pardon me?  
21 A It's a Gulf Stream thing to do.  
22 Q What is a Gulf Stream thing to do?  
23 A Put the envelopes under the doors.  
24 Q Did you do that when you were at Gulf Stream?  
25 A Yes.

Page 29

1 did unveil a new product, though, didn't you?  
2 A No, not that I'm aware of.  
3 Q Are you familiar with the Eagle Ridge product?  
4 A Yes.  
5 Q Was that unveiled at about the time of the Forest  
6 River show?  
7 A I don't know when that came out. It's a fifth  
8 wheel. I do travel trailers.  
9 Q But you do have some fifth wheel lines?  
10 A North Trail has five floor plans.  
11 Q And you're generally familiar with Heartland's  
12 product line, aren't you?  
13 A Their lineup?  
14 Q Generally, yes.  
15 A Yes.  
16 Q And you were in town around the time of the  
17 Forest River trade show, right?  
18 A Yes.  
19 Q Okay. And you met with some dealers at Heartland  
20 during that trade show time, right?  
21 A Yes.  
22 Q Now, you mentioned Racetrack? That was one?  
23 A Correct.  
24 Q General, was that another?  
25 A No.

Page 30

1 Q Who all did you meet with then?  
2 A I don't believe General's was there because I  
3 spoke -- we had a meeting with them a couple  
4 months ago. And Dennis Anderson, who's on this  
5 list, told me it's the first time he's been to  
6 Heartland.  
7 So, with that being said, I don't think  
8 Dennis Anderson even came to -- to Heartland  
9 during this time.  
10 The -- I met Avalon RV for the first time  
11 when I was -- during this time and Adventure RV  
12 out of Ontario.  
13 Q Anyone else?  
14 A Those are the ones that -- only three I recall.  
15 Q Racetrack, Avalon, and Adventure?  
16 A Correct.  
17 Q Okay. And did Avalon and Adventure become  
18 customers of Heartland?  
19 A They were current customers at the time.  
20 Q But you hadn't met them before, had you?  
21 A I had not, no.  
22 Q Have Avalon or Racetrack or Adventure signed up  
23 for any new product lines since that show?  
24 A Yes.  
25 Q And let's start with Racetrack. What new product

Page 31

1 lines did they sign up with?  
2 A Since this show?  
3 Q At --  
4 A From this show to present day?  
5 Q From that show to present day.  
6 A That I know of, Racetrack took on Edge, my new  
7 product line. They took on Sundance. And that's  
8 it for Racetrack. And I know a month and a half  
9 ago Avalon took on Caliber.  
10 Q And Adventure?  
11 A That, I don't think they've taken on any new  
12 product lines. That, I don't know.  
13 Q When did Adventure first become a customer of  
14 Heartland?  
15 A That, I don't know. They were -- Bryan Walczak  
16 signed them from the East Coast.  
17 Q When did Avalon first become a customer of  
18 Heartland?  
19 A Once again, it was before I moved over to the  
20 East Coast. So, they were an existing dealer.  
21 Q Would that have been before the '08 show at  
22 Forest River?  
23 A Yes.  
24 Q Okay. And when did Racetrack first become a  
25 customer?

Page 32

1 A Once again, before I was -- before '07, before I  
2 came to Heartland.  
3 Q Before '07?  
4 A Uh-huh.  
5 Q Okay. Now, when you met with Racetrack at the  
6 time of the Forest River show, did you show them  
7 any of your products?  
8 A Yes.  
9 Q What products did you show them?  
10 A Whole lineup.  
11 Q The whole lineup?  
12 A The whole lineup.  
13 Q Why?  
14 A Ken's a personal friend of mine.  
15 Q Were you trying to get him to buy other products?  
16 A Just showing him -- giving him his option.  
17 Q Pardon me?  
18 A Giving him his option. I knew Ken from  
19 Crossroads, and he was unhappy with Crossroads at  
20 the time. So, I showed him what we had  
21 available.  
22 Q The entire product line?  
23 A Everything that we had.  
24 Q Okay. And Avalon? What products did you show  
25 them when they came to the show?

Page 57

1 BY MR. FOUNTAIN:  
2 Q This isn't the first time you've seen that  
3 e-mail, right?  
4 A Not the first. Second.  
5 Q And when you saw it the first time, did you do  
6 anything to try to find out what the story was?  
7 A No.  
8 Q It didn't bother you?  
9 A No.  
10 Q What did you think when you saw it the first  
11 time?  
12 A I didn't understand it. I read it, just as I'm  
13 reading it now. I don't know what he's referring  
14 to as the stuff. It looks like it was sent at  
15 4:32. It -- I don't know -- I don't know what  
16 this means.  
17 I had no -- no involvement in -- Ryan  
18 Elliott's at corporate office. I'm at -- at the  
19 North Trail office, which is about a quarter of a  
20 mile. I went home that evening.  
21 Q When the dealers were here for the Forest River  
22 show, did you take anybody out to lunch?  
23 A No.  
24 Q Did you go out to dinner with them?  
25 A No.

Page 58

1 Q Have cocktails or socialize with them in any way?  
2 A No.  
3 Q You mentioned earlier that you met with Avalon,  
4 right?  
5 A Met him in the parking lot, correct.  
6 Q Did you do anything in the fall of '08 to try to  
7 interest Avalon in buying other Heartland  
8 products?  
9 A Other than North Trail?  
10 Q Yeah.  
11 A No.  
12 Q Heartland was selling North Trail products to  
13 Avalon before the Forest River show; is that  
14 right?  
15 A Yes.  
16 Q Okay. When did you first find out Avalon was  
17 going to go to the Forest River show?  
18 A When I first -- I don't know that I found out  
19 that they were coming to the Forest River show.  
20 Q Okay. Did you know that they were coming to the  
21 Elkhart area around the time of the Forest River  
22 show?  
23 A At that time, I really didn't know who Avalon RV  
24 was.  
25 Q So, prior to October 22nd, you didn't know Avalon

Page 59

1 RV?  
2 A I didn't know who Scott and Lou were. I -- I  
3 probably -- that's why I had to look back and see  
4 when I took over the East Coast from the West  
5 Coast. I may have called them on the phone to  
6 introduce myself. I can't answer if I spoke to  
7 them before that or not.  
8 I remember walking through the parking lot  
9 and Bryan Walczak stopping me and saying, "This  
10 is Scott from Avalon." I said, "Very nice to  
11 meet you," because we had -- the Cleveland RV  
12 show is the first RV show of the year.  
13 Q And prior to that time, you didn't know Avalon  
14 was going to be there; is that right?  
15 A Not that I know, no.  
16 Q Scott Miller's your contact at Avalon, right?  
17 A Correct.  
18 Q I'd like to show you Document Number 1492 and ask  
19 if you've seen that before.  
20 A I wrote it. I e-mailed it.  
21 Q Am I correct in understanding that's a request on  
22 behalf of Avalon for you to postdate an MSO?  
23 A I'm not quite sure what he's asking me here.  
24 Q He asked you to change the date on an MSO, didn't  
25 he?

Page 60

1 A Well, he asked for extra stickers for the outside  
2 of the trailers to say 2009, but he needs MSO's.  
3 So, my understanding --  
4 Q Well, please continue. What does it say about  
5 the MSO's?  
6 A It says, "I need to -- I need you to send me  
7 extra stickers to put on the outside of the  
8 trailers that say 2009 for the year."  
9 Q Okay. Go on.  
10 A "I need the MSO to be 2010."  
11 Q Okay.  
12 A So, I -- my understanding is the stickers would  
13 be silent salesmen that we use for the -- the  
14 shows that state the options. If I'm mis -- or  
15 if I'm not -- if I'm correct, it shows the floor  
16 plan, the year, and all the options that they  
17 help for the retail customer. But it appears  
18 that he's asking for it to be the current model  
19 year. So --  
20 Q Current model year being the 2009 model year,  
21 right?  
22 A Being -- well, it looks like he wants the 2010,  
23 but he wants the -- the poster to be 2009 so it  
24 doesn't draw attention to whoever might be  
25 regulating the IX Center, which is the Convention

Page 61	Page 63
<p>1 Center at -- in the Cleveland area. 2 So, when -- when the sticker on the 3 outside -- because I -- well, I don't know what 4 sticker -- there's no sticker date on a travel 5 trailer. So, the sticker is just like a silent 6 salesman that the industry uses. 7 So, he probably doesn't want me to state 8 it's a 2010 just in case the IX Center only 9 allows 2009 product into the show. So, he's not 10 asking me to change the MSO, no. 11 Q The date on that e-mail is '08, right? 12 A Correct. 13 Q Were you making '010 products in '08? 14 A I would have to look back. Yes. Yes, we were. 15 "All units will be 2010s." 16 Q And what's your normal model year? From when to 17 when? 18 A Well, probably October to October. 19 Q Okay. And it's September right now, okay? 20 A Uh-huh. 21 Q And what model year products are you making right 22 now? 23 A 2011s. 24 Q So, in November of '08, what model year products 25 would you normally be making?</p>	<p>1 Q On October 6th, '08, you knew that Avalon was 2 coming to town on the 22nd, right? 3 A I'm sorry? 4 Q On October 6th of '08, you knew that Avalon was 5 coming to town on October 22nd, right? 6 A No. 7 Q Isn't that what that says? 8 A No. 9 Q Let me see that document. I'm referring to the 10 top e-mail where it says, "From Jack Plummer to 11 Bryan Walczak." And it says, "Are you interested 12 in Racetrack? He will be in town on the 22nd," 13 right? 14 A You just asked me about Avalon. 15 Q Right. But you knew Avalon was coming to town as 16 well, didn't you? 17 A I -- not that I recall. 18 Q How did you know Racetrack was coming into town? 19 A I talk to Ken on a daily basis. 20 Q And when that was written, October 6th, was that 21 the same day you talked to Ken? 22 A Not necessarily. I talk to him on Saturdays. I 23 talk to him on Sundays. 24 Q Okay. Let's go to the bottom e-mail on that 25 page.</p>
Page 62	Page 64
<p>1 A November? 2 Q Yes. 3 A Depends when it switched over, the model year. I 4 don't have any input in that. They don't tell us 5 until they actually start scheduling the -- 6 Q November of this year, you're gonna be making the 7 '011s, aren't you? 8 A I can't answer that. I don't know. 9 Q You're making the '011s now, aren't you? 10 A Yes. 11 Q When did you first start making '011s? 12 A I believe our switchover was last October. 13 Q So, October of '09, you were making '011s? 14 A Yes. 15 Q And that's what your brochures say on the 16 internet right now that you're making? 17 A 2011? 18 Q 2011s, right. 19 A I don't know if there's a date on them. 20 Q Okay. I'd like to show you Document Number 1422. 21 Previously, you said you didn't know that Avalon 22 was coming to town on the 22nd. 23 That memo in front of you now is dated 24 October 6th, '08, right? 25 A Yes.</p>	<p>1 A Yes. 2 Q Why were you asking him about Avalon? 3 MR. IRMSCHER: It doesn't say 4 that. 5 A It doesn't. 6 BY MR. FOUNTAIN: 7 Q I may have the wrong e-mail here. I beg your 8 pardon. 9 A That's okay. 10 Q It's the wrong e-mail. 11 A Now you're trying to confuse me here. 12 Q No. That's all right. As a result of your 13 meeting with Avalon on the October 22nd-23rd 14 timeframe -- 15 A Yes. 16 Q -- did they purchase any additional North Trail 17 products? 18 A 23rd or 20 -- 22nd or 23rd? 19 Q Yes, of '08. 20 A No. 21 Q They didn't purchase any additional products a 22 week later? 23 A They may have a week later. 24 Q How often do you see Avalon? 25 A Four times a year.</p>

Page 65

1 Q Do you think that your meeting with them on the  
2 22nd-23rd timeframe had any impact at all on  
3 their purchase of trailers a week later?  
4 A None whatsoever.  
5 Q Why is that?  
6 A Because Avalon RV goes into the Cleveland RV  
7 show, which is the first week after the new year.  
8 And if you wait to build in December, you're not  
9 gonna have your product in time. So, you have to  
10 get your orders in in November.  
11 Every dealer that goes into the Cleveland  
12 show, every dealer that goes into the Tampa show,  
13 all dealers that go into the early shows in  
14 January, know not to wait 'til Louisville. You  
15 go into November, and you place your orders if  
16 you want that product to be represented in time  
17 for your early season shows.  
18 Q And when they were with you in October a week  
19 prior to that order, did they discuss the  
20 products they were trying to buy?  
21 A No. It appears in -- on this e-mail November  
22 4th, I made a suggestion.  
23 Q You made a suggestion?  
24 A Of what floor plans to take.  
25 Q And they didn't mention anything about the show a

Page 66

1 week previously? Is that what you're saying?  
2 A About the Cleveland show?  
3 Q Yeah.  
4 A Not that I recall. I -- I -- given the  
5 assumption that I -- I finally met them, no, we  
6 didn't talk about the IX show at all because it  
7 was -- it was brief. I shook his hand,  
8 introduced myself, and I left.  
9 Q Now, you mentioned that Racetrack had been a  
10 customer of Heartland's before the Forest River  
11 show, right?  
12 A Yes.  
13 Q Did Racetrack show your product on its internet  
14 website?  
15 A I would assume they did.  
16 Q And when you met with them, you showed them the  
17 entire product line in October of '08, right?  
18 A Yes.  
19 Q And as a result of meeting with you, did they  
20 change their website?  
21 A That, I don't know. I --  
22 Q How often did Racetrack change their website? Do  
23 you know?  
24 A Oh, he changed it on -- he used to change it on a  
25 daily basis to keep his inventory.

Page 67

1 Q And did he keep you informed of those changes?  
2 A It's possible. You know, I've known Ken since  
3 the Crossroad days. And you refreshed my memory  
4 on that e-mail, him stating the fact that he was  
5 gonna drop Crossroads because he was having an  
6 issue with their president at the time.  
7 And reading that e-mail, Ryan Elliott is a  
8 friend of mine, and asking him if he needed  
9 anybody in Alberta. And I also mentioned Outback  
10 and Velner's because those three dealers I have a  
11 very, very strong relationship with, that they  
12 could call me up and we could talk football and  
13 not even -- for half an hour and not even bring  
14 up a trailer and say, "See you later, talk to you  
15 later," and hang up.  
16 So, that's the relationship I have with Ken,  
17 Outback, and I used to have with Velner's until  
18 he retired.  
19 Q Let's look at Racetrack and back to their  
20 website.  
21 A Okay.  
22 Q Did Ken ever call you up or e-mail you saying,  
23 "I've changed my website."  
24 A Have I changed it?  
25 Q Did Ken ever call you or e-mail saying, "I've

Page 68

1 changed my website."  
2 A Oh, he may have. We -- we bounce suggestions off  
3 each other all the time.  
4 Q Okay. And did he ever change his website in  
5 response to suggestions from you?  
6 A If I gave him a suggestion, I hope he would.  
7 I -- I don't know of that to be a fact.  
8 Q When you met with him on October 22nd and 23rd,  
9 2008, did you make suggestions for changing his  
10 website?  
11 A Not that I recall.  
12 Q When you had noticed him changing his website  
13 before, what usually sparked that, the change?  
14 A When he would change his website, he would just  
15 update his inventory. And then I could see what  
16 he sold that week. I could see what he sold that  
17 day. I -- I believe I suggested him to have a  
18 blowout sale of Crossroads product to get them  
19 out of there.  
20 Q This is when you met with him in October of '08?  
21 A When we were discussing what he was gonna do  
22 about the Crossroads line. Because I was  
23 employed at Crossroads. And, so, I had a little  
24 bit of inside information on -- or I knew -- had  
25 some background on Crossroads. So, I wanted Ken