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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

HEARTLAND RECREATIONAL  
VEHICLES, LLC,  
Plaintiff,  
-vs-  
FOREST RIVER, INC.,  
Defendant.

Case No.  
3:08-CV-490 AS CAN

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The Deposition of CINDY MARIE KING

Date: Friday, January 8, 2010  
Time: 10:55 a.m.  
Place: Country Inns & Suites  
120 West University Drive  
Mishawaka, Indiana

Called as a witness by the Plaintiff in  
accordance with the Rules of the United  
States District Court for the Northern  
District of Indiana, South Bend Division,  
pursuant to Notice.

Before Sharon L. Brady, Court Reporter  
and Notary Public

MIDWEST REPORTING, INC.  
1448 Lincolnway East  
South Bend, Indiana 46613  
(574) 288-4242

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I N D E X

THE DEPOSITION OF  
CINDY MARIE KING

DIRECT EXAMINATION By Mr. Irmscher .....	4
CROSS-EXAMINATION By Mr. Fountain .....	31
REDIRECT EXAMINATION By Mr. Irmscher .....	36
***	
E X H I B I T S	
DEPOSITION EXHIBIT	PAGE
No. King 1, Sheet containing Guest Security Points	29
TRIAL EXHIBIT	
No. 96 E-mail dated October 24, 2008	32
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APPEARANCES:

MR. DAVID P. IRMSCHER  
Baker & Daniels, LLP  
111 East Wayne Street  
Suite 800  
Fort Wayne, Indiana 46802  
On behalf of the Plaintiff;

MR. RYAN M. FOUNTAIN  
Attorney at Law  
420 Lincolnway West  
Mishawaka, Indiana 46544  
On behalf of the Defendant.

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CINDY MARIE KING,  
called as a witness by the Plaintiff, having been  
first duly sworn, was examined and testified as  
follows:

DIRECT EXAMINATION

BY MR. IRMSCHER:

Q Would you please state your full name for the  
record?

A Cindy Marie King.

Q And where do you currently live?

A 1928 Denslow, D-e-n-s-l-o-w, Drive, South Bend,  
46614.

Q And is there a phone number that we can reach  
you, a residence phone number, cell phone,  
something?

A Cell phone is (574) 532-8564.

Q And you sat through the deposition of Miss  
Gearhart, right?

A Correct.

Q And you've also met with Mr. Fountain to talk  
about this?

A Correct.

Q Does Mr. Fountain represent you as well?

A Yes.

Q Are you paying him to do that?

1 A Next job would've been Holiday Inn.  
 2 Q What year would that have been?  
 3 A 1996.  
 4 Q And how long did you work for them?  
 5 A About five years. I've pretty much been in the  
 6 hotel business ever since '96.  
 7 Q You started working for the Holiday Inn in '96?  
 8 A Uh-huh.  
 9 Q Worked there five years. Okay. What was your  
 10 next job?  
 11 A Would've been Babies R Us, actually. No. I'm  
 12 sorry. First Response.  
 13 Q What is that?  
 14 A It's a disaster restoration company. I was a  
 15 marketing assistant.  
 16 Q How long did you work for them?  
 17 A About two years.  
 18 Q What was your next job after that?  
 19 A I took a short position with Babies R Us. HR  
 20 assistant and store promotion coordinator was my  
 21 title.  
 22 Q Okay.  
 23 A And then I got back into the hotel business. I  
 24 went to Ramada Inn in, oh, Lordy, 2003.  
 25 Q How long did you work for the Ramada Inn?

1 A No. That's correct.  
 2 Q Okay. And did you ever see any of these  
 3 envelopes?  
 4 A No.  
 5 Q So, any information you would be giving us about  
 6 what Mr. Esch or anyone else said or did at  
 7 either the Holiday Inn or the Country Inn &  
 8 Suites is all secondhand information from  
 9 somebody else; is that right?  
 10 A Correct. It would've been from Steffany.  
 11 Q And that's Steffany Miller?  
 12 A Miller.  
 13 Q Okay. And were envelopes delivered at the  
 14 Holiday Inn Express, to your knowledge?  
 15 A No, they were not.  
 16 Q And we've already heard about the envelopes that  
 17 were delivered here, correct?  
 18 A Correct.  
 19 Q And you don't have any information to add to what  
 20 Miss Gearhart said about what happened with  
 21 Mr. Esch and the actual delivery of the  
 22 envelopes, correct?  
 23 A Correct.  
 24 Q Do you know which guests actually received one of  
 25 these envelopes?

1 A Two years. I was director of sales and then  
 2 became general manager. And then in 2005,  
 3 September, I came here, Country Inn.  
 4 Q And what's your title here?  
 5 A General manager. And then in 2007, 6, I got  
 6 promoted to the other hotel, the Holiday Inn  
 7 Express. So, I manage two hotels.  
 8 Q So, you're the general manager for both?  
 9 A For both. Correct.  
 10 Q The formal name of this one is the Country  
 11 Court --  
 12 A Country Inn & Suites.  
 13 Q And then the one across the way is Holiday Inn  
 14 Express?  
 15 A Correct.  
 16 Q And you're general manager for both?  
 17 A Correct.  
 18 Q Have been since 2000 --  
 19 A 6.  
 20 Q 2006? Okay. And just so the record is  
 21 completely clear, you never had any contact with  
 22 anyone delivering these envelopes?  
 23 A That is correct.  
 24 Q Okay. You never talked to them before or after,  
 25 correct?

1 A No, I do not.  
 2 Q Okay.  
 3 A As far as a name? You're asking a guest's name?  
 4 Q Yeah.  
 5 A No, I do not.  
 6 Q Okay. Do you know the names that were on the  
 7 envelopes?  
 8 A No, I do not.  
 9 Q Okay.  
 10 A But I do want to say that I know that it was  
 11 Forest River because we had the whole hotel sold  
 12 out for -- both hotels for Forest River, a block.  
 13 Q You had --  
 14 A So, every guest here was a Forest River guest.  
 15 Q So, what you want to make sure that I understand  
 16 is that Forest River basically --  
 17 A They bought the --  
 18 Q -- bought out --  
 19 A Yes, they did.  
 20 Q -- the hotel? And that would've been the Holiday  
 21 Inn Express as well?  
 22 A Correct.  
 23 Q So, it would've been the Holiday Inn Express and  
 24 the County Inn & Suites were both fully booked by  
 25 Forest --

1 Q Well, let's -- I'm sorry. Go ahead.  
2 A No. I was just going to say, from that point, I  
3 really didn't -- there really was no more contact  
4 until I got a phone call from our corporate  
5 office that somebody had contacted them. And I  
6 believe that was --  
7 Q Corporate office is what?  
8 A That is our Konover Hotel Corporation, with a K.  
9 And they're out of West Hartford, Connecticut.  
10 Q And who contacted you and what did they say, as  
11 best you remember?  
12 A From what I -- he just basically called and  
13 stated that there was an issue with Forest River,  
14 that an attorney had contacted them basically  
15 asking, you know, who was involved, who was the  
16 person, that we were to basically give them the  
17 information, that -- you know, that we didn't  
18 have anything to hide or anything, to give them  
19 the information that we needed to give them, and  
20 just to be truthful. So --  
21 Q We saw a videotape earlier today?  
22 A Correct.  
23 Q Is there any sound with that videotape --  
24 A No, there --  
25 Q -- or was there?

1 that if somebody shows up with an envelope with a  
2 guest's name on it, you try and deliver it to the  
3 guest? Is that true?  
4 A If they are a guest here.  
5 Q Right.  
6 A Correct.  
7 Q Okay. So, if somebody comes in off the street,  
8 UPS, FedEx, whatever it is, and they have a  
9 guest's name on a package or an envelope, it's  
10 your policy to try and deliver that to that  
11 guest, correct?  
12 A Or call them and let them know that they have a  
13 guest -- or they have a package at the front desk  
14 if the guest is not in their room.  
15 Q Sure. And you do it as Miss Gearhart described;  
16 you slip a note, slide it under their door, call  
17 the room and leave them a message telling them  
18 there's a package at the front desk; is that  
19 right?  
20 A That is correct.  
21 Q Okay. And that's what you meant when you said  
22 Miss Gearhart did exactly what she should have  
23 done under those circumstances?  
24 A Yeah. I mean, in our industry, it's guest  
25 service.

18

1 A No, there's not.  
2 Q What's the purpose of that video? Just a  
3 security measure?  
4 A It's a security measure and to -- you know, also  
5 for us to watch our employees for security, for  
6 theft issues, that type of thing.  
7 Q And is that something that gets run over -- or  
8 not run over. That's not the right phrase.  
9 Can you go back and figure out what the tape  
10 was for 2005 or something like that or is it  
11 re-used periodically?  
12 A It's digital. So, there is no tape. So, you can  
13 go back. But, honestly, I don't know how far you  
14 can go back. I don't remember how far you can go  
15 back, but you can go back and look at the video.  
16 Q Okay. And how did it happen to be that you  
17 provided this video to Forest River, Mr.  
18 Fountain?  
19 A Because we knew that he was at the front desk and  
20 they had asked if there was -- if we had any type  
21 of video camera systems.  
22 Q Did you go find it?  
23 A Actually, I believe Steffany looked for it.  
24 Q And I don't want to redo Miss Gearhart's  
25 testimony all again. But it's correct, isn't it,

20

1 Q Okay.  
2 A She had no reason, neither did I, to feel that --  
3 that there was anything wrong with what she was  
4 doing.  
5 Q Right. And it would not be normal or appropriate  
6 for you to try and decide whether or not a guest  
7 should receive something that had their name on  
8 it, right?  
9 A Can you repeat that?  
10 Q Sure. It would not be normal or appropriate for  
11 you to -- for your employees and for the hotel to  
12 try and decide whether or not a guest should  
13 receive something that's got their name on it?  
14 A Correct.  
15 Q And to that extent, you are kind of like the post  
16 office. You deliver the mail. If it comes to  
17 the front door, you don't try and figure out  
18 whether the mail should be delivered. Right?  
19 A I wouldn't say that, no.  
20 Q Okay. Why not?  
21 A I would not say we're like a post office, no.  
22 Q Well, if some mail comes to the front door, you  
23 deliver it to the guests, don't you?  
24 A No. We will contact the front desk and -- we  
25 will call them first. And if they're not there,