

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

HEARTLAND RECREATIONAL	)	
VEHICLES, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CAUSE NO. 3:08-CV-490 JD
	)	
FOREST RIVER, INC.,	)	
	)	
Defendant.	)	

**ORDER**

On October 1, 2010, Defendant/Counter-claimant, Forest River, Inc. (“Forest River”), filed a motion for an extension of time to file an expert report on financial issues. On October 18, 2010, Plaintiff/Counter-defendant, Heartland Recreational Vehicles, LLC (“Heartland”), filed a response. On October 28, 2010, Forest River filed a reply. For the following reasons, this Court now **GRANTS** the motion.

**I. RELEVANT BACKGROUND**

Forest River alleges that Heartland stole a list of customers that Forest River had prepared for a trade show and then used that list to contact Forest River’s clients and steal their business. In an effort to prove its claims, Forest River has requested information from Heartland to show the amount of damages incurred as a result of Heartland’s alleged conduct. On March 31, 2010, this Court issued an order compelling the discovery of the information that Forest River requested. Heartland produced a financial spreadsheet containing detailed information about the profits Heartland made from every individual sale from August 22, 2008, to December 2, 2008, produced some of the underlying financial statements used to compile the financial spreadsheet, and made its chief financial officer available for deposition regarding these

documents.

Forest River wants this Court to extend the deadline for filing of its financial expert's report because its expert has not finished her report. Forest River argues that the expert's failure is the result of Heartland's dilatory tactics in responding to discovery requests. Forest River requests that it be given an additional two weeks to complete the report.

## **II. ANALYSIS**

Fed. R. Civ. P. 6(b) allows the Court to extend deadlines for good cause. "The good cause standard focuses on the diligence of the party seeking the extension." Tschantz v. McCann, 160 F.R.D. 568, 571 (N.D. Ind. 1995). A party must show that despite its diligence, the deadline could not have reasonably been met. Id.

Heartland argues that an extension of time should not be granted because Forest River has all the information it needs to complete the expert report. Specifically, Heartland argues that the financial documents it has produced should be sufficient despite Forest River's contention that they are not sufficient.

This Court finds Heartland's arguments unpersuasive and finds that the Forest River has shown good cause for the extension of time. First, Forest River has shown that the documents produced by Heartland were insufficient for its expert report. Forest River has detailed in its motion the necessity for a sales ledger, balance sheets, and valuation studies. Doc. No. 125 at 7-8. Thus, this Court finds that Forest River has shown the need for more information.

Second, this Court finds that Forest River has been diligently seeking the information required to produce its financial expert's report. However, Heartland has not been entirely forthcoming with its information as evidenced by this Court's March 31, 2010, order compelling

Heartland to answer discovery requests. Thus, Forest River has demonstrated its diligence in trying to meet the deadline. Furthermore, this Court finds that Heartland will suffer little prejudice from a two-week extension of the expert report deadline given that this case is now over two years old. Therefore, this Court finds that Forest River has shown good cause for an extension of time.

### **III. CONCLUSION**

Because Forest River has shown good cause for an extension of time, its motion to extend the deadline for its financial expert's report is **GRANTED**. [Doc. No. 125]. The deadline for Forest River's expert report is now **November 15, 2010**.

**SO ORDERED.**

Dated this 2nd day of November, 2010.

s/Christopher A. Nuechterlein  
Christopher A. Nuechterlein  
United States Magistrate Judge