

UNITED STATES DISTRICT COURT

Northern District of Indiana

South Bend Division

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

DECLARATION OF RODNEY LUNG

I, Rodney Lung, hereby declare under penalties of perjury under the laws of the State of Indiana, that:

1. I am an adult and am competent to testify as to the matters herein based upon my personal knowledge and upon information and belief.

2. I am making this declaration to explain how I obtained the Forest River dealer list which was the subject of the so-called "Hotel Action" of this lawsuit on October 22, 2008.

3. In October of 2008 I was an employee of Open Range RV, located in Shipshewana, IN. In that capacity, I was primarily involved in selling recreational vehicles for Open Range. Prior to the October 2008 Forest River dealer show in Elkhart, I received a telephone call from Brad Whitehead of Heartland RV. I had known Brad for 15 years or so. He called me while I was at work at Open Range. He asked me if I could obtain for him a list of the dealers who were coming to the Forest River dealer show. I told him that I thought I could do so.

4. In my experience, it is not uncommon for dealer lists to be traded among recreational

vehicle manufacturers. When Brad called me and asked for that Forest River dealer list I assumed that he himself would use it to arrange to meet dealers that he already knew when they came to town, such as by showing up at the lounge of the hotel the dealers would be staying at and greeting them. In my experience, that kind of limited use of the dealer list would be consistent with common practice and courtesy in the RV industry.

5. Shortly after that, I called Mike Tribble, an employee of Forest River who was a long time friend of mine. I asked Mike to give me the list of dealers who were coming to the Forest River dealer show. Mike asked me what he would be getting for this, and I told him I would trade him a list of dealers that I had.

6. Mike agreed to give me the Forest River list so long as I would keep it confidential: he specifically asked me to “keep it to myself,” and I agreed to do that. Mike gave me the list at my home, and I gave him a list of dealers of Keystone RV (another manufacturer of recreational vehicles).

7. After that, I contacted Brad Whitehead and gave him the Forest River dealer list that Mike had given me. I gave this list to Brad in confidence and also asked him to keep that list to himself. I trusted Brad to do so. I did not keep a copy of this list for myself. Brad did not tell me what he was actually going to do with the dealer list. Had I known what Brad was actually going to use the dealer list for, I would never have given him that list. In my experience, Heartland took it to an extreme and did something with that dealer list that was outside the normal practice and courtesy in the RV industry.

8. Mike Tribble was fired at Forest River over giving me that dealer list, despite the fact that he voluntarily came forward to tell Forest River about it after Heartland revealed that it obtained the

dealer list from me. Mike should not have been fired for his involvement because what he thought he was doing was a common practice. For example, on the very day that Forest River's attorney first interviewed me about this incident, I was an employee of Coachmen, a division of Forest River, and we had in our building an actual motorhome made by Damon (another manufacturer of recreational vehicles) that we had obtained and were taking apart to see how it was made and worked. In my experience, that kind of investigation into competitors is common practice in the RV industry. Instead of being fired, Mike should have been given a reprimand.

9. I am not an employee of Forest River at this time.

Date:

01-19-10



Rodney Lung