

UNITED STATES DISTRICT COURT
Northern District of Indiana
South Bend Division

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

**NOTICE OF WITHDRAWAL OF
FOREST RIVER’S MOTION FOR PROTECTIVE ORDER COMPELLING
HEARTLAND TO PARTICIPATE IN THE DISCOVERY PROCESS**

Forest River hereby informs the Court that the Rule 37 conference requested by this motion took place on November 8, 2010, starting at 3:03 pm and extending for approximately 50 minutes, between the undersigned counsel and Mr. Imscher and Mr. Meyer (both counsel for Heartland). Although the conference was unsuccessful in resolving the discovery disputes between the parties and additional relief will need to be sought from the Court via a motion to compel and a motion for contempt, the present motion is now moot.

Dated: November 15, 2010

Respectfully submitted,

s/Ryan M. Fountain

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ATTORNEY FOR DEFENDANT

Certificate of Service

I certify that on November 15, 2010, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF system, which sent notification of such filing to all of the parties through at least the following counsel of record:

David P. Irscher david.irmscher@bakerd.com

s/Ryan M. Fountain

Ryan M. Fountain
ATTORNEY FOR DEFENDANT

INDEX TO EXHIBITS

Exhibit A	Meyer letters of June 7 and June 18, 2010
Exhibit B	Irscher letter of September 1, 2010
Exhibit C	Heartland's Response to Forest River's Fifth Production Request
Exhibit D	Heartland's Response to Forest River's Sixth Production Request
Exhibit E	Forest River's Notice for deposition of Heartland
Exhibit F	Fountain email of Sept. 28, 2010 to Heartland's counsel
Exhibit G	Email correspondence of October 1 - 4, 2010
Exhibit H	Lauber Memo
Exhibit I	Fountain memo to Irscher re discovery issues
Exhibit J	Fountain Email of October 14, 2010 to Heartland's counsel
Exhibit K	Email exchange of October 18, 2010
Exhibit L	Fountain email of September 16, 2010
Exhibit M	Fountain email of September 24, 2010 re Thor Sale
Exhibit N	Excerpt of Donat Deposition - Proffered
Exhibit O	Fountain email of September 24, 2010 re Donat Transcript
Exhibit P	Fountain Email of October 14, 2010 to Heartland's counsel (Ex. J w/ diff. emp.)