

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.)	

**UNOPPOSED MOTION TO WITHDRAW
FOREST RIVER’S MOTION FOR PROTECTIVE ORDER COMPELLING
HEARTLAND TO PARTICIPATE IN THE DISCOVERY PROCESS (DE#129)**

Forest River hereby informs the Court that the Rule 37 conference requested by the prior motion for protective order (DE#129) took place on November 8, 2010, starting at 3:03 pm and extending for approximately 50 minutes, between the undersigned counsel and Mr. Irmischer and Mr. Meyer (both counsel for Heartland). Although the conference was unsuccessful in resolving the discovery disputes between the parties and Forest River will seek additional relief from the Court via a motion to compel and a motion for contempt, the motion for protective order is now moot.

Heartland’s counsel, Peter Meyer, has informed the undersigned that Heartland does not oppose this motion to withdraw. A proposed form of order is forwarded to chambers concurrently herewith.

Dated: November 17, 2010

Respectfully submitted,

s/Ryan M. Fountain

Ryan M. Fountain (8544-71)
RyanFountain@aol.com
420 Lincoln Way West
Mishawaka, Indiana 46544
Telephone: (574) 258-9296
Telecopy: (574) 256-5137

ATTORNEY FOR DEFENDANT

Certificate of Service

I certify that on November 17, 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. Irmischer david.irmscher@bakerd.com

s/Ryan M. Fountain

Ryan M. Fountain
ATTORNEY FOR DEFENDANT