

UNITED STATES DISTRICT COURT
Northern District of Indiana
South Bend Division

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

**APPENDIX IN SUPPORT OF
HEARTLAND'S RESPONSE TO FOREST RIVER'S MOTION FOR PARTIAL
SUMMARY JUDGMENT AND ITS CROSS-MOTION FOR SUMMARY JUDGMENT**

Pursuant to N.D. Ind. L.R. 56.1 and Fed. R. Civ. P. 56, Heartland Recreational Vehicles, LLC ("Heartland"), submits the following Appendix in Support of its Response to Forest River's Motion for Partial Summary Judgment and Heartland's Cross-Motion for Summary Judgment. The Appendix includes Heartland's Statement of Genuine Disputes and Material Facts.

I. HEARTLAND'S STATEMENT OF GENUINE DISPUTES AND MATERIAL FACTS

II. APPENDIX OF EXHIBITS

| <u>EXH.</u> | <u>DESCRIPTION</u> |
|--------------------|---|
| A. | Excerpts from Deposition of Jeffrey Babcock, Forest River's 30(b)(6) Designee |
| B. | Declaration of Rod Lung Submitted by Forest River |
| C. | Printout of Open Range RV website |
| D. | Printout of Keystone RV website |
| E. | Affidavit of Rod Lung |
| F. | Excerpts from Deposition of John Leonard |
| G. | Excerpts from Deposition of Timothy Hoffman |
| H. | Affidavit of Brad Campkin |

- I. Excerpts from Deposition of Jack Plummer
- J. Affidavit of Dennis Donat
- K. Forest River's Answers to Heartland's Second Set of Interrogatories
- L. Complaint filed by Forest River, Inc. in Cause No. 3:10-CV-409 JD
- M. INDIANA MODEL CIVIL JURY INSTRUCTIONS, 2010 Edition, §§ 3123-3135

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ATTORNEYS FOR PLAINTIFF,
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CERTIFICATE OF SERVICE

The undersigned counsel for plaintiff Heartland Recreational Vehicles, LLC, hereby certifies that a copy of the foregoing was served upon the following, this 8th day of December, 2010, by operation of the Court's electronic filing system:

Ryan M. Fountain
420 Lincoln Way West
Mishawaka, Indiana 46544-1902

/s/ David P. Irmischer _____

David P. Irmischer