

Exh. I

In The Matter Of:
Heartland Recreational Vehicles, LLC v.
Forest River, Inc.

Jack Plummer
September 20, 2010

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF INDIANA
3 SOUTH BEND DIVISION

3 HEARTLAND RECREATIONAL)
4 VEHICLES, LLC,)
5 Plaintiff,)
6 -vs-)
7 FOREST RIVER, INC.,)
8 Defendant.)
9 -----

Case No.
3:08-CV-490 AS CAN

10 The Videotaped Deposition of JACK PLUMMER

11 Date: Monday, September 20, 2010
12 Time: 1:06 p.m.
13 Place: Baker & Daniels, LLP
14 202 South Michigan Street
15 Suite 1400
16 South Bend, Indiana

17 Called as a witness by the Defendant in
18 accordance with the Rules of the United
19 States District Court, Northern District of
20 Indiana, South Bend Division, pursuant to
21 Notice.

21 Before Sharon L. Brady, Court Reporter
22 and Notary Public

23 MIDWEST REPORTING, INC.
24 1448 Lincolnway East
25 South Bend, Indiana 46613
 (574) 288-4242

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1 I N D E X
2 THE VIDEOTAPED DEPOSITION OF
3 JACK PLUMMER

4 DIRECT EXAMINATION
4 By Mr. Fountain4
5 * * *

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1 APPEARANCES:

2 MR. DAVID P. IRMSCHER
3 Baker & Daniels, LLP
4 111 East Wayne Street
5 Suite 800
6 Fort Wayne, Indiana 46802

5 On behalf of the Plaintiff;

6 MR. RYAN M. FOUNTAIN
7 Attorney at Law
8 228 West High Street
9 Elkhart, Indiana 46516

9 On behalf of the Defendant.

10 * * *

11 ALSO PRESENT:
12 Sara Hazen, CLVS, Videographer

13 * * *

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1 THE VIDEOGRAPHER: Good
2 afternoon. We're now on the record.
3 Today's date is September 20th, 2010.
4 The time is now 1:06 p.m.
5 This is the videotaped deposition
6 of Jack Plummer in the matter of
7 Heartland Recreational Vehicles versus
8 Forest River.
9 Will the attorneys please
10 introduce themselves and who they
11 represent, and will the court reporter
12 please swear the witness.
13 MR. FOUNTAIN: This is Ryan
14 Fountain representing Forest River.
15 MR. IRMSCHER: David Irmscher
16 representing Heartland.
17 JACK PLUMMER,
18 Called as a witness by the Defendant, having been
19 first duly sworn, was examined and testified as
20 follows:
21 DIRECT EXAMINATION
22 BY MR. FOUNTAIN:
23 Q Jack, you may recall me from other contexts. But
24 in this case, I am working for Forest River. And
25 as you may be aware, there's a lawsuit between

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1 could depend on the rest of my division because
2 we work as a team. And we want to have the whole
3 North Trail segment cleaned up. So, if some of
4 my co-workers are having problems getting their
5 units floor planned, I could come in and help
6 move them.
7 So, if North Trail as a whole is clean, they
8 have no issue with us being on the road. But if
9 we're -- if we're lacking or if some PO's aren't
10 turned in or if some units aren't floored or if a
11 dealer is having issues, then they'll ask us to
12 come back in.
13 Q Well, let's take this last month, August. How
14 many days did you have to come in and clean
15 things up at the end of August?
16 A It wasn't really required at -- in August. We
17 were in pretty good shape.
18 Q How about in July?
19 A Really good shape. It wasn't required because
20 it -- it was a very, very good time. Dealers
21 were looking for product.
22 Q How about the end of the quarter in June?
23 A Well, we have to be back for quarter end just
24 to -- I mean, that's -- that's just what's
25 required because I think we had our quarter end

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1 meetings in July because we did go to a baseball
2 game. But June, I -- I don't think anything was
3 said.
4 Q Okay. Do quarter end meetings take more than a
5 day?
6 A They take three days.
7 Q Three days every quarter?
8 A Uh-huh.
9 Q Okay. Now, every now and then, Heartland has an
10 open house for its dealers, doesn't it?
11 A I'm sorry. Heartland has an open house?
12 Q Yeah.
13 A No.
14 Q You don't have any special showings for dealers
15 periodically?
16 A No.
17 Q Are there any times when you tend to invite a
18 bunch of dealers to come see Heartland?
19 A No. No, no specific time. If I'm working a
20 prospect and want to fly him in, I could fly him
21 in any day of the week.
22 Q So, Heartland as an organization doesn't try to
23 have any showings at any particular times?
24 A Other than the Louisville show, which is an
25 industry -- other than that, no.

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1 Q I mean back in Elkhart at Heartland's place of
2 business.
3 A No.
4 Q Okay. Periodically, some of the manufacturers in
5 this area do have such showings, don't they?
6 A Yes.
7 Q When those showings have gone on, have you tried
8 to be back here around that time?
9 A Yes.
10 Q How come?
11 A Just in case a dealer's in town and wants to
12 contact me.
13 Q When those showings happen, do you ever yourself
14 take the initiative and call a dealer to see if
15 they want to meet with you?
16 A No.
17 Q How about prospects that you don't quite have as
18 a customer yet?
19 Do you ever call them when you know they're
20 coming in for a show?
21 A No.
22 Q But you did in October of '08, didn't you?
23 A No.
24 Q The Forest River dealer list that was circulated
25 around, you didn't use that to call any

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1 prospects?
2 A No.
3 Q You didn't use that to call any of your
4 customers?
5 A I use -- I call my customers on a weekly basis.
6 So, it had nothing to with the list, why I made a
7 phone call. I call them weekly.
8 Q When you saw that list before the Forest River
9 show in '08 --
10 A Uh-huh.
11 Q -- did you then call any of your dealers that you
12 saw on that list to see if they could meet with
13 you when they were here?
14 A At that point, I didn't know who my dealers were.
15 I didn't know them real well. So, that list at
16 that point wasn't a benefit to me because I was
17 familiar with the West Coast.
18 And moving to the East Coast, I didn't know
19 if a dealer was a motorized dealer, if it was a
20 travel trailer dealer, what market he was in.
21 My -- my recollection is I saw that list the
22 day of the dealers arriving. And I had no idea
23 who they were.
24 Q And you didn't use that list in any way to make
25 prospect calls; is that right?

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1 A That's correct.
2 Q So, when you say you saw the list --
3 A I did.
4 Q -- you think that was the day of the show?
5 A It was the day, correct.
6 Q But you were involved in the envelope stuffing,
7 weren't you?
8 A No.
9 Q Who was?
10 A I don't know what envelope stuffing -- I don't
11 know who -- what -- what they did. I don't know
12 what envelopes -- I guess I don't understand the
13 question.
14 Q Well, you received an invitation from Bryan
15 Walczak to stuff some envelopes to be given to
16 hotels, didn't you?
17 A That, I don't recall.
18 Q You don't recall that?
19 A (Shakes head.)
20 Q And you don't know anything about Heartland
21 delivering some envelopes to hotels at that point
22 in time?
23 A I've heard that they delivered and I received an
24 e-mail from an employee at Forest River showing
25 me who delivered the envelopes. But I had

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1 nothing to do with it.
2 Q Okay. You say you heard that they delivered it.
3 Who did you hear it from?
4 A I heard it from Joe Rikoto from Forest River.
5 Q And no one at Heartland discussed this with you
6 at any time?
7 A After I saw the e-mail. I -- I -- I'm trying to
8 recall back. My question -- I guess I don't
9 understand the question.
10 Are you asking me if I had any involvement
11 with the stuffing of the --
12 Q The question at this point is, did you hear
13 anything about it at the time?
14 A Not that I recall, no.
15 Q And Joe Rikoto from Forest River told you about
16 it?
17 A Told me that they went to the hotel and put
18 packets under the doors.
19 Q How is it that you had that discussion with Joe?
20 A He's a good friend of mine.
21 Q And were you sitting down at lunch with him or
22 something?
23 A No. He called me.
24 Q When did he call you?
25 A I would have to -- I would guess it was a week

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1 later, as soon as they obtained the video -- the
2 pictures from the hotel. Could've been a week.
3 Could've been two.
4 Q And just out of the blue, he called you?
5 A Well, no. We speak on a weekly basis. I started
6 in this industry with him. I've known him for 13
7 years.
8 Q Do you recall what he told you?
9 A I don't recall. I know it was after the fact and
10 Forest River had the video. And he asked me who
11 the two people in the video were, or the
12 pictures. I said --
13 Q Did you tell him?
14 A I said, "E-mail me, and I'll tell you who they
15 are." He was unable to e-mail it, so he had
16 another employee e-mail them to me. I looked at
17 them. I told him who they were.
18 Q And who did you say they were?
19 A Bryan Walczak and Eric Eash.
20 Q Did you tell him anything else when he raised
21 this subject?
22 A Not that I can recall, no.
23 Q And after you got the e-mail and pictures, did
24 you tell anybody at Heartland about that?
25 A Yes.

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1 Q What did you say?
2 A I said, "Joe Rikoto sent me --" or, "Myka Hicks
3 sent me a e-mail, a Joe Rikoto forward, that
4 shows Walczak at the hotel."
5 Q And why did you circulate that around Heartland?
6 A Because Mike Creech is my boss and a personal
7 friend of mine.
8 Q What's -- he wasn't shown in the photos, though,
9 was he?
10 A No.
11 Q Why do you think it would be of any interest to
12 him?
13 A I didn't.
14 Q So, you just circulated that photo?
15 A To Mike Creech, yes.
16 Q Did you and Mike talk about it?
17 A We did.
18 Q What did you say?
19 A It's a Gulf -- Gulf Stream thing to.
20 Q Pardon me?
21 A It's a Gulf Stream thing to do.
22 Q What is a Gulf Stream thing to do?
23 A Put the envelopes under the doors.
24 Q Did you do that when you were at Gulf Stream?
25 A Yes.