

Exh. G

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

HEARTLAND RECREATIONAL)
VEHICLES, LLC)
Plaintiff,)
v.) CASE NO.: 3:09-CV-490 RLM
CAN
FOREST RIVER, INC.,)
Defendant.)
- - - - -)

VIDEOTAPED

DEPOSITION OF: TIMOTHY A. HOFFMAN, called as witness by
the Defendant, pursuant to Notice.

DATE: Monday, June 17, 2009

TIME: 9:00 a.m.

PLACE: Baker & Daniels
202 South Michigan Street
Suite 1400
South Bend, Indiana

REPORTED BY: CHARLES A. OLMSTED, C.S.R., R.P.R., C.M.,

VIDEOGRAPHER: BRENDA L. FREDRICK, L.V.S.

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1 APPEARANCE:

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appearing on behalf of the Plaintiff,

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1 A 392 or -- yes. It's pinned together.

2 BY MR. RYAN M. FOUNTAIN:

3 Q Okay.

4 A So, it 392 and --

5 Q Through...?

6 A Through 403.

7 Q Okay.

8 You say that is a dealer list.

9 What dealer list is that?

10 A This is a dealer list from Forest River.

11 Q That's a Forest River dealer list?

12 A There's what we were told.

13 Q Who told you that?

14 A This came from a Sales Rep from another Company.

15 Q Who was that?

16 A That was Rod Lung.

17 Q Okay.

18 Rod Lung works for who?

19 A Then?

20 Or today?

21 Q At the time he gave you a list, who did you work for?

22 A Open Range.

23 Randy Graber.

24 Q And, who does he work for today?

25 A Forest River.

1 Pete Liegl.

2 Q Okay.

3 Who did Rod Lung give that to at Heartland?

4 A He gave it to Brad Whitehead, my North Country Brand
5 Manager.

6 Q And, when did he do that?

7 A Two weeks before the show -- before the October date.
8 October 22nd.

9 Q How did it come about that Rod Lung gave that to Brad?

10 A I believe that -- I had a conversation with Brad
11 Whitehead about it.

12 He told me that he contacted Rod, and asked him if
13 he had any information on the show.

14 And, Rod said that, "He would look into it."

15 Q When did you have that conversation with Brad?

16 A Preparing for the deposition.

17 Q Okay.

18 And, did Brad indicate when he had talked to Ron
19 (sic) asking for this information?

20 A "Rod"?

21 Q Rod?

22 A Yeah.

23 "Rod Lung."

24 Q Okay.

25 Did Brad indicate when he had talked to Rod?

1 A Probably October.

2 Q Okay.

3 Do you know if Brad had requested that information
4 from someone else?

5 A No.

6 He told me he just -- he asked Rod if he could
7 locate any kind of information about the show.

8 Q And, did Brad indicate why it was he selected Rod to do
9 that?

10 A Rod Lung -- they're friends.

11 And, Rod Lung has a lot of sources in the
12 Industry.

13 So, I think Brad thought it was a good choice.

14 Q Do you know how Rod got ahold of that list?

15 A No. I do not.

16 Q Did Rod ever tell anybody at Heartland how he got that
17 list?

18 A I queried all my Brand Managers and my sales people.
19 And they said that Rod never told them where he got
20 that information.

21 Q Uh-huh.

22 Mike Creech still works for Heartland, doesn't he?

23 A Yes, he does.

24 Q Are you aware that he was soliciting that list from
25 people at Forest River?

1 Did "Race Track" get a packet under their door, to
2 your knowledge?

3 A "Race Track" did.

4 Q I'm sorry.

5 "Loveall."

6 Did Loveall's?

7 A I do not know.

8 Q Okay.

9 Did you talk with Loveall's -- that dealer at the
10 time of the Forest River show?

11 A No. I did not.

12 Q Do you know if they came to your dealership?

13 Or to the Heartland facility during the Forest
14 River show?

15 A Yes.

16 My Brand Manager said they came to the Heartland
17 Facility.

18 Q Okay.

19 And, is it your opinion that they purchased the
20 products that they purchased as a result of getting a
21 packet under the door?

22 A No. They did not.

23 Q How do you know that?

24 A We had been prospecting them for quite some time.
25 Approximately six months. We did repeated drive-bys.

1 We've been on their lot.

2 We've been pursuing them for quite sometime.

3 And, they showed strong/interest in buying
4 Heartland product.

5 Q And, this was the first time they purchased any
6 Heartland product, would have been in October of 2008.

7 Is that right?

8 A Yes.

9 That's correct.

10 Q Okay.

11 Early today you had been asked some questions
12 about the Patent, Exhibit 1, in this case.

13 Is it your understanding that that Patent relates
14 to Fifth Wheels?

15 Or travel-trailers?

16 Or do you have an understanding?

17 A My understanding is it relates to Fifth Wheels only.

18 Q That's because the turning radius that's at issue there
19 is with respect to a Fifth Wheel.

20 Is that right?

21 A That's correct.

22 Q Okay.

23 You talked earlier today about a possible sale of
24 interest in the Patent.

25 Do you recall that testimony?