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December 13, 2010

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[Heartland RV attorneys to subpoena RV Daily Report](#)

[Greg Gerber](#) posted on December 10, 2010 14:53 [★ ★ ★ ★ ★](#)

ELKHART -- The law firm of Baker Daniels today informed RV Daily Report today they had issued a subpoena seeking the IP address of a person who posted a comment to a story that appeared on RV Daily Report almost two months ago.

Baker Daniels represents Heartland Recreational Vehicles, a division of Thor industries.

The issue stems from a story posted on RV Daily Report Oct. 15 after Forest River filed its fourth lawsuit against Heartland Recreational Vehicles Sept. 29 charging the company with criminal mischief in the way Heartland marketed products to Forest River dealers attending a conference in October 2008.

The original story can be found by [clicking here](#).

A copy of the subpoena will be posted as soon as it is received, said RV Daily Report Editor Greg Gerber.

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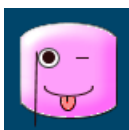
Comments



Mike Martinkus

Friday, December 10, 2010 4:03 PM

I'm no attorney or law student [thank you Lord] but this appears to me to have first amendment issues.



david

Friday, December 10, 2010 4:10 PM

I really had hoped that the THOR takeover of Heartland would stop the petty bickering between Heartland and Forest River...I guess I was wrong.



Jimmy

Friday, December 10, 2010 4:16 PM

What if the person who sent the email wasn't on their own computer.....maybe a friends or from work? Who gets it?

Bob Zagami

Friday, December 10, 2010 4:43 PM



And just how are these brilliant attorneys going to determine who was sitting at the keyboard on that particular computer at that time of day? In my document imaging world we use a service (Active Conversion) that does in fact allow us to see what companies and what the IP address is of the computer being used to access our web site, but it does not have the ability to tell us WHO was using the computer or WHO the person was that visited our web site to research something about our company.

How much of their stockholders investment is Thor going to allow these lawyers to waste trying to find this NEEDLE IN A HAYSTACK?

A subpoena because somebody said something they didn't like on a public blog? Wait until the Wall Street Journal here's about this one!



Aaron

Friday, December 10, 2010 4:47 PM

If it's mine they want I am willing to give that info Greg. Though I doubt they need mine. If it is me just email me their contact info and I will contact them. I have nothing to hide.



Mike Martinkus

Friday, December 10, 2010 4:56 PM

I can only see out of my right eye so I think I should get David's avatar



Mike Martinkus

Friday, December 10, 2010 5:07 PM

Greg

Your article states that the Law firm was issuing a subpoena. I thought the firm would REQUEST that a JUDGE issue a subpoena. Is that the case?



Mike in Maine

Friday, December 10, 2010 5:26 PM

Very sad indeed. I would have hoped they moved on by now...



Concerned RV'er

Saturday, December 11, 2010 8:55 AM

As a frequent poster on your news website I am concerned that any "opinion" will turn into an open invitation for a lawyer to pan-out comments that a corporation doesn't care for.

I read the comment by "The Thinker" that Heartland wants to throw a lawyer at and I'm scratching my head. What is malicious or deserving of a lawyer when you state an opinion on facts published in trade publications? Is every follow-up comment supporting "The Thinker" now a malicious attack on the company and open for litigation? Hell, we offer commentary all the time on new products and the products, is that now a open invitation to be sued?

Where do we draw the line? I sincerely hope that your group and "The Thinker" fight this all the way and publicize this heavily on your site and other free-speech sites. Very sad...

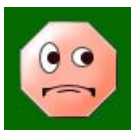


Brian

Sunday, December 12, 2010 11:36 AM

Why don't we all mention that Heartland...or the Heartland attorneys are a bunch of crybabies for pursuing litigation of public opinion. This is me saying that you are a bunch of morons. Let's at least turn this deposition into a party. I'll bring some finger food, if you guys bring the drinks. Just post a comment with your email address, and I will reply with my address where you can send my subpoena.

Maybe they just think they're going to embarrass the person who made the comment? The only people they are embarrassing is themselves.



Bill J.

Sunday, December 12, 2010 8:51 PM

Because this is a public forum and i can say whatever I want without fear of being successfully subpoenaed by poor ole' Heartland - I would like to go on the record to say I will NEVER be surprised by the way Heartland does business. It all starts from the top and flows down and this is exactly the way that their President/CEO works. He honestly thinks he can sick his personal bulldog legal firm on Greg Gerber/RV Daily Report and suppress our free speech. While the comedy that is Heartland leadership continues to entertain, I hope Mr. Fenech will take this opportunity to put his now subordinates in their place and put an end to this latest fiasco and get them to focus on their product and their dealers. After watching so many dealers leave the Heartland fold at Louisville and head across the aisle - he may want to try to stop the bleeding.



Art Lieberman

Sunday, December 12, 2010 10:22 PM

Holy Mackerel Greg

Most of the time when I get news items from Yahoo.com there are whacky comments in the blogs. Some are very offensive and are filled with outright lies and misconceptions in my opinion. But there, exactly is the rub, as Shakespeare would say. They are opinions, which state "facts" which are not true IN MY OPINION.

Opinions are what blogs are all about.

It is not your responsibility to research statements made by bloggers Nor do bloggers have to research so-called facts they state. If they do, and were subject to libel suits, lawyers could find an entirely new avocation

If they actually subpoenaed you, I'd fight them in court Pro Se and seek compensatory and punitive damages for harassment and narratry. I'd further ask for court costs and expenses In other words I'd make a federal case out of it.



Art Lieberman

Sunday, December 12, 2010 10:23 PM

The word was barratry, not narratry

sorry



Sydney Bean

Monday, December 13, 2010 8:57 AM

If they do pursue this, what kind of damage is Heartland going to claim?

It seems to me that the original post with which they took exception, though I don't see it as damaging in the first place, had somewhat limited circulation in the first place. It would have just scrolled down the list of old articles and posts on RVD, dated and mostly forgotten, had they not kept it alive and in front of people's eyes with their threats of subpoena and litigation. It seems to me that they're doing more alleged damage than anyone else by blowing what was an innocent reader's response to an article all out of proportion.

I don't know? The course of the litigation between the two parties seems rather contentious at times, with Motions to Compel & Motions for Sanction....it goes on and on.

<http://dockets.justia.com/docket/indiana/inndce/3:2008cv00490/56146/>

Maybe they think someone associated with the case made the post they think is "offensive" and they want to make light of that in their litigation? I can't see any other reason for such a fuss.



Jake the Snake

Monday, December 13, 2010 9:19 AM

I think the reason they are trying to subpoena Greg and ultimately 'The Thinker'-- as ridiculous as it is-- is because they believe the nature of the information he posted leads them to believe he is on the inside of the situation, IE a Forrest River manager or someone on their legal team.

I'm not sure the legalities surrounding someone directly involved in a lawsuit posting about details of that law suit on an open forum like this. But, think if people made a habit of taking legal information that they may not be at legal liberty to share, and spewed it anonymously on message boards. I could definitely see issues arising from that.

That being said, I recall reading what "The Thinker" posted, and none of it seemed earth shattering or "inside" to me.



Chris Bryant

Monday, December 13, 2010 10:10 AM

Man- that's a tough one for you, Greg. I would be sorely tempted to tell them to go pound sand, but how much I would be willing to spend defending my principles, I'm not sure. I certainly see nothing in the original article and comments which would rise to the level of actionable.

I also wonder about jurisdiction- Arizona? Texas (home of Rackspace)?, the location of the data center ?



krb

Monday, December 13, 2010 10:15 AM

heartland and forest river...sigh...we sell both and I really wish they would both shut up....yes I think they believe it was someone at forest river who posted on that story and maybe it was...who knows ? this all seems to stem from a personal dislike between Pete L and Brian B....please get over it!

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