

Heartland Recreational Vehicles, LLC v. Forest River, Inc.

30(b)(6) Dennis Donat September 24, 2010

Page 201

1 Q. That's not what I asked. Would your spreadsheet allow us
 2 to determine the marginal incremental costs of travel
 3 trailers sold by Heartland in October 2008?
 4 A. No.
 5 Q. As a result -- let's step back for a second. Do you know
 6 that in the fall of 2008 Heartland obtained from Forest
 7 River a list of dealers that Forest River had invited to
 8 its private trade show, right?
 9 A. I understand that.
 10 Q. Okay. When did Heartland get that list?
 11 A. I have no knowledge.
 12 Q. Did you ever try to find out?
 13 A. No.
 14 Q. What did Heartland use that list for?
 15 A. I don't have specific knowledge.
 16 Q. What general knowledge do you have?
 17 A. Only what counsel has told me.
 18 Q. And what is that?
 19 A. Allegedly it was used to contact Forest River dealers.
 20 Q. Anything else?
 21 A. Not to my knowledge.
 22 Q. As a result of contacting Forest River dealers, did
 23 Heartland obtain any particular gain?
 24 MR. IRMSCHER: Objection, lack of foundation.
 25 Q. I'm sorry. As a result of Heartland contacting Forest

Page 202

1 River dealers using that dealer list, did Heartland gain
 2 anything?
 3 A. Not to my knowledge.
 4 Q. Did you do anything to try to find out?
 5 A. No.
 6 Q. Did Heartland obtain any additional sales of products by
 7 using the list of Forest River dealers who were planning
 8 to attend the private Forest River dealer show?
 9 A. Not to my knowledge.
 10 Q. Did you do anything to try to find out?
 11 A. No.
 12 Q. Item two on the notice of deposition says that you are
 13 here to talk about Heartland sales of products as a result
 14 of obtaining the list of Forest River dealers who were
 15 planning to attend the private Forest River trade show.
 16 Are you the person who is supposed to be testifying about
 17 that?
 18 MR. IRMSCHER: I'm not aware of any sales we got
 19 as a result of obtaining the list. He's here to talk
 20 about all the sales that are on the spreadsheet and
 21 all the profits associated with that.
 22 MR. FOUNTAIN: Do you have a witness who will
 23 talk about category 2?
 24 MR. IRMSCHER: I'm not aware of any sales that
 25 are in that category. You've never told us what

Page 203

1 sales are in that category.
 2 BY MR. FOUNTAIN:
 3 Q. On the dates of Forest River's trade show, according to
 4 e-mails we received from Heartland, 18 dealers,
 5 thereabouts, also showed up at Heartland's place of
 6 business. Did you know that?
 7 A. No.
 8 Q. You never saw that e-mail?
 9 A. Not that I recall.
 10 Q. Do you know how many sales Heartland got as a result of
 11 anything that happened on October 22nd and 23rd?
 12 A. No.
 13 Q. Have you done anything to try to find out?
 14 A. No.
 15 MR. FOUNTAIN: Okay. Dave, I'd like to show this
 16 witness documents number 510 and 511. Do you have
 17 any objection to that?
 18 MR. IRMSCHER: No.
 19 MR. FOUNTAIN: Okay. He's talking about the
 20 Bates numbers in the corner.
 21 THE WITNESS: Yeah. I understand.
 22 BY MR. FOUNTAIN:
 23 Q. Dennis, have you ever seen that document before, or those
 24 two documents?
 25 A. I have not seen these two documents.

Page 204

1 Q. Do you know who prepared those, provided them to us?
 2 A. No.
 3 Q. Do those contain part of the financial records of
 4 Heartland?
 5 A. What I recognize just -- I recognize the VIN, first three
 6 digits of the VIN and I recognize the brand and I
 7 recognize models. And some of the dealer names are
 8 familiar to me. That would cause me to conclude this is
 9 something from Heartland, but I don't know -- I've not
 10 seen it before.
 11 Q. So you don't know who created that?
 12 A. No.
 13 Q. Have you ever seen anything that looks like that before?
 14 A. Not to my recollection.
 15 MR. FOUNTAIN: Okay. Similarly, Dave, I'd like
 16 to show the witness document number 379 and 380.
 17 Have any objection?
 18 MR. IRMSCHER: Since this is all confidential
 19 eyes only, I don't have any objection at all, I don't
 20 believe.
 21 A. 379 and 380. Again, I don't recall any document in this
 22 form. I recognize certain information pertaining to
 23 Heartland.
 24 BY MR. FOUNTAIN:
 25 Q. Were you involved in creating that document?

