

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

HEARTLAND RECREATIONAL VEHICLES, )  
LLC )

Plaintiff, )

vs. )

FOREST RIVER, INC. )

Defendant. )

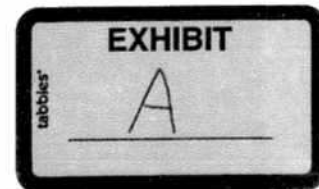
Case No. 3:08-CV-490 AS CAN

**FOREST RIVER'S RESPONSE TO HEARTLAND RECREATIONAL VEHICLES,  
LLC'S SECOND SET OF  
REQUESTS FOR PRODUCTION OF DOCUMENTS TO FOREST RIVER, INC.**

**REQUESTS FOR PRODUCTION**

**REQUEST NO. 13:** All documents, including signed affidavits, identified in response to Heartland's Second Set of Interrogatories to Forest River.

**RESPONSE:** This request is objected to as unduly burdensome and irrelevant in so far as it requests copies of documents be provided to Heartland which have already been provided or which Forest River has itself received from Heartland in this litigation. In so far that this requests documents and things which have already been made available to Heartland for inspection, Forest River is willing to make those items available for inspection again at a mutually convenient time, but Forest River is not willing to deliver those items to Heartland as literally requested herein since that is objected to as unduly burdensome and oppressive. As to the computer records obtained through Holland Metal Fab., Inc., (which include CAD drawings of prior Damon frames likely known by Mr. Brady), a copy of the computer hard drive recovered is maintained for safekeeping by Keilman & Associates in South Bend. Forest River has no



objection to Heartland contacting that firm and obtaining its own copy of the hard drive showing the prior art frames, but that is to be at Heartland's own expense. The copy of the hard drive obtained and used by Forest River's counsel, however, is considered to disclose attorney work product and/or trial preparation materials at this point in time (and disclosure is thereby objected to) since it shows the search methodology and results by Forest River's counsel in its prior art investigation, the identification of which under the "privilege log" provisions usually associated with Rule 26 being further objected to as unduly burdensome and irrelevant.

**REQUEST NO. 14:** All documents supporting your claim for damages, specifically including but not limited to attorneys' fees or any other categories of damages you seek.

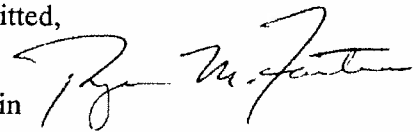
**RESPONSE:** This request is objected to as unduly burdensome and oppressive under the definitions selected by Heartland. Literally, this would require repetitive production of a huge number of documents and things which have been previously produced or made available for copying to Heartland. Further, this request is objected to as calling for the production of documents that Heartland already has. In the interests of moving this matter forward and avoiding further waste of time, Forest River repeats the offer it has made in connection with Request No. 13. Further, this request is objected to as premature since the certain damages cannot yet be determined without disclosure of documents which Heartland has failed to provide to Forest River in violation of discovery requests and in violation of this Court's order for production. Put differently, until we see certain of the withheld documents, we do not know all of that which we have now which may be relevant and supportive. This request is further objected to as calling for the production of attorney-client, work product, and trial preparation materials; the identification of which under the "privilege log" provisions usually associated with

Rule 26 being further objected to as unduly burdensome, irrelevant and premature. However, in an effort to move this matter forward and avoid unnecessary waste of time, as to attorneys' fees it is a matter of public record that Forest River's counsel has a normal billing rate of \$250.00 per hour for federal court litigation of this type. Accordingly, if Heartland seeks to estimate the damages based upon attorneys' fees, multiply the time that one could normally expect an experienced trial counsel to spend on this case by \$250.00/hour.

September 14, 2010

Respectfully submitted,

s/ Ryan M. Fountain



Ryan M. Fountain  
420 Lincoln Way West  
Mishawaka, Indiana 46544  
Tel.: 574-258-9296

ATTORNEY FOR FOREST RIVER

**CERTIFICATE OF SERVICE**

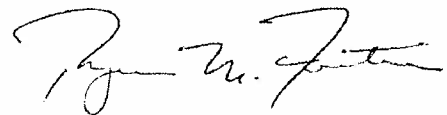
The undersigned counsel hereby certifies that a copy of the foregoing FOREST RIVER'S RESPONSE TO HEARTLAND RECREATIONAL VEHICLES, LLC'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO FOREST RIVER, INC. was served, via U.S. Mail, upon the following, this 14<sup>th</sup> day of September, 2010:

David P. Irmischer  
Baker & Daniels  
111 East Wayne, Suite 800  
Fort Wayne, Indiana 46802

ATTORNEY FOR DEFENDANT

A courtesy copy was sent to Mr. Irmischer via email on this date as well.

s/Ryan M. Fountain



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Ryan M. Fountain