

UNITED STATES DISTRICT COURT
Northern District of Indiana
South Bend Division

HEARTLAND RECREATIONAL)	
VEHICLES, LLC,)	
Plaintiff,)	
)	CASE NO.: <u>3:08-cv-490 AS- CAN</u>
v.)	
)	
FOREST RIVER, INC.,)	JURY DEMAND
Defendant.)	

DECLARATION OF TODD A. MOWERS

I, Todd A. Mowers, hereby declare under penalties of perjury under the laws of the State of Indiana, that:

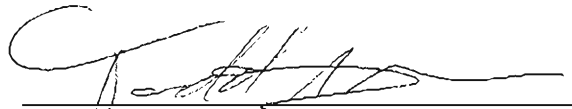
1. I am an adult and am competent to testify as to the matters herein based upon my personal knowledge and upon information and belief.

2. I am the General Manager of SpringHill Suites at 5225 Edison Lakes Parkway, Mishawka, Indiana. I was on duty at the front desk on October 22, 2008 during the time of the so-called “Hotel Action” of this lawsuit.

3. I have read the Affidavit of Bryan Walczak dated October 30, 2009. While I do not now recall specifically and exactly all of the events of that day, October 22, 2008, I do not believe the statements made in Paragraphs 9 through 16 are true and correct because it is now and was then my understanding that the hotel’s policy is not to allow non-guests to have access to the guest rooms and areas of the hotel or to give out a guest’s room number to a non-guest unless they had special authorization or invitation by the guest to do so. Since there was a Forest River event going on at

the Hotel at that time, if Mr. Walczak did get the guest room numbers from me and personally slide the envelopes under the guests' doors, I would only have allowed him to do that if he had indicated to me that he was authorized by Forest River to do so.

Date: 1-15-10



Todd A. Mowers

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v.)	CASE NO.: 3:08-cv-490 TLS-CAN
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FOREST RIVER, INC.,)	
Defendant.)	

AFFIDAVIT OF BRYAN WALCZAK

I, Bryan Walczak, upon my oath, declare and state as follows:

1. I am over eighteen years of age and have personal knowledge of the factual matters set forth in this affidavit. I am competent to testify on the matters stated herein.
2. At all times relevant to this action, I have been employed by Heartland Recreational Vehicles, LLC ("Heartland").
3. On or about October 22 and 23, 2008, Forest River, Inc. ("Forest River") held a Recreational Vehicle ("RV") trade show in Elkhart, IN.
4. Prior to Forest River's trade show, Heartland had a list of RV dealers planning to attend the show. That list included information indicating the hotel at which each dealer was staying.
5. On the evening of October 22, 2008, several Heartland employees, including myself, prepared envelopes with materials promoting Heartland's RV products. Neither the envelopes nor their contents contained any information indicating that they were from Forest

River. The envelopes were clearly marked with a large Heartland logo in the upper corner, and the contents contained information promoting Heartland products.

6. None of the materials included in the envelopes contained false or misleading statements or information.

7. On or about October 22, 2008, Eric Esch and I went to the hotels at which RV dealers were staying during the Forest River trade show. I personally went to the Springhill Suites, Courtyard, Varsity Club, and the Hyatt.

8. At the time I went to the hotels, I was wearing my North Trail logoed jacket.

9. At each hotel I went to, I asked the hotel employees to distribute the envelopes containing Heartland promotional materials. At the Springhill Suites, Courtyard, and Hyatt, the employees gave me the room numbers and I slid the envelopes under the door of those rooms. The Varsity Club agreed to distribute the envelopes and I left them at the front desk.

10. When I was at the hotels, I did not say or do anything to indicate that I was from Forest River.

11. When I was at the hotels, I did not say or do anything to indicate that the envelopes were from Forest River.

12. When I was at the hotels, I did not say or do anything to indicate that the envelopes had to be delivered right away because they were needed for a dealer meeting the next day.

13. When I was at the hotels, I never avoided any questions about my identity.

14. When I was at the hotels, I never avoided any questions asking who the envelopes were from.

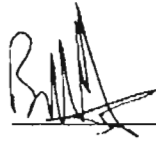
15. When I was at the hotels, I never avoided any questions asking whether the guests were expecting the envelopes.

16. When I was at the hotels, I never said or did anything to indicate that I did not know what the envelopes were for.

17. Kenny Maines, owner of Racetrack RV, came to Heartland's facility on Wednesday, October 22, 2008 before the envelopes were distributed to the hotels. At that time, I had a long standing relationship with Mr. Maines.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October ~~22~~^{30th}, 2009.



Bryan Walczak