

UNITED STATES DISTRICT COURT

Northern District of Indiana
South Bend Division

HEARTLAND RECREATIONAL
VEHICLES, LLC,
Plaintiff,

v.

FOREST RIVER, INC.,
Defendant.

)
)
)
)
)
)
)

CASE NO.: 3:08-cv-490 AS- CAN

JURY DEMAND

FOREST RIVER'S MOTION TO AMEND PLEADING

Forest River, Inc., requests permission to amend its "Answer, Defenses, and Counterclaims" in the manner of the attached "Amended Answer, Defenses, and Counterclaims."

Fed. R. Civ. P 15(a)(1)(A) permits a party to "amend its pleading once as a matter of course" before being served with a responsive pleading. There has been no responsive pleading served by Heartland. Instead, Heartland filed a motion to dismiss one of the Counterclaims under Fed. R. Civ. P. 12. Hopefully, this amended pleading will make that motion moot.

A proposed form of Order has been sent to chambers herewith.

Dated: January 12, 2009

Respectfully submitted,

s/Ryan M. Fountain

Ryan M. Fountain (#8544-71)
RyanFountain@aol.com
420 Lincoln Way West
Mishawaka, Indiana 46544
Telephone: (574) 258-9296
Telecopy: (574) 256-5137

Attorney for Defendant Forest River, Inc.

Certificate of Service

I certify that on January 12, 2009, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF system, which sent notification of such filing to all of the parties through at least the following counsel of record:

David P. Irmischer david.irmscher@bakerd.com
Abigail M. Butler abidgail.bulter@bakerd.com

s/Ryan M. Fountain

Ryan M. Fountain
Attorney for Defendant Forest River, Inc.