

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

HEARTLAND RECREATIONAL VEHICLES,)	
LLC)	
)	
Plaintiff,)	
)	Case No. 3:08-CV-490 AS CAN
vs.)	
)	
FOREST RIVER, INC.)	
)	
Defendant.)	

HEARTLAND RECREATIONAL VEHICLES, LLC'S MOTION TO DISMISS FOREST RIVER, INC.'S CRIMINAL DECEPTION COUNTERCLAIM

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Heartland Recreational Vehicles, LLC ("Heartland") respectfully moves to dismiss Forest River, Inc.'s ("Forest River") Criminal Deception Counterclaim for failure to state a claim for which relief can be granted.

The grounds for Heartland's motion are set forth more fully in the accompanying Memorandum in Support of Heartland Recreational Vehicles, LLC's Motion to Dismiss Forest River, Inc.'s Criminal Deception Counterclaim.

WHEREFORE, Heartland respectfully requests that this court dismiss Forest River, Inc.'s counterclaim.

BAKER & DANIELS LLP

By: /s/ David P. Irscher
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ATTORNEYS FOR PLAINTIFF,
HEARTLAND RECREATIONAL
VEHICLES, LLC

CERTIFICATE OF SERVICE

The undersigned counsel for plaintiff Heartland Recreational Vehicles, LLC, hereby certifies that a copy of the foregoing HEARTLAND RECREATIONAL VEHICLES, LLC'S MOTION TO DISMISS FOREST RIVER'S CRIMINAL DECEPTION COUNTERCLAIM were served upon the following, this 23rd day of February, 2009, by operation of the Court's ECF System.

Ryan M. Fountain
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Mishawaka, Indiana 46544-1902

ATTORNEY FOR DEFENDANT
FOREST RIVER, INC.

BAKER & DANIELS

/s/ David P. Irmischer

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