

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF INDIANA  
3 SOUTH BEND DIVISION  
4

5 HEARTLAND RECREATIONAL )  
6 VEHICLES, LLC )  
7 Plaintiff, )

8 v. ) CASE NO.: 3:09-CV-490 RLM CAN  
9 FOREST RIVER, INC., )  
10 Defendant. )

11 ----- )

12 VIDEOTAPED

13 DEPOSITION OF: TIMOTHY A. HOFFMAN, called as witness by  
14 the Defendant, pursuant to Notice.

15 DATE: Monday, June 17, 2009

16 TIME: 9:00 a.m.

17 PLACE: Baker & Daniels

18 202 South Michigan Street

19 Suite 1400

20 South Bend, Indiana

21

22 REPORTED BY: CHARLES A. OLMSTED, C.S.R., R.P.R, C.M.,

23 VIDEOGRAPHER: BRENDA L. FREDRICK, L.V.S.

24

25

1 APPEARANCE:

2

3 BAKER & DANIELS  
4 by: DAVID P. IRMSCHER, ESQ.,  
5 111 East Wayne, Suite 800  
6 Fort Wayne, Indiana 46802  
7 (260) 424-8000  
8 appearing on behalf of the Plaintiff,  
9

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11 RYAN M. FOUNTAIN, ESQ.,  
12 ATTORNEY AT LAW  
13 420 Lincolnway West  
14 Mishawaka, Indiana 46544  
15 (574) 258-9296  
16 appearing on behalf of the Defendant.  
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1 (WHEREUPON, THE FOLLOWING  
2 PROCEEDINGS WERE HAD:)

3  
4 THE VIDEOGRAPHER: The time is 9:01 a.m.  
5 And, we are here to take the videotaped  
6 deposition of Timothy Hoffman.

7 Today is Wednesday, June the 17th, the year  
8 2009.

9 My name is Brenda Fredrick, Videographer,  
10 with Olmsted and Associates.

11 Also present is Charles A. Olmsted, Court  
12 Reporter.

13 We are at the law-office of Baker and  
14 Daniels, 202 South Michigan Street, Suite 1400,  
15 South Bend, Indiana.

16 We are here in the case caption reading:  
17 United States District Court, Northern District of  
18 Indiana, South Bend Division.

19 Heartland Recreational Vehicles, LLC,  
20 Plaintiff versus Forest River, Inc., Defendant.

21 Case number 3:08-CV-490 RLM CAN.

22 Could I please have Counsel introduce  
23 themselves.

24 MR. DAVID P. IRMSCHER: David Irmischer of  
25 Baker and Daniels for Heartland Recreational

1 Vehicles, LLC.

2 MR. RYAN M. FOUNTAIN: Ryan Fountain, for  
3 Forest River, Inc.

4 THE VIDEOGRAPHER: Mr. Olmsted, would you  
5 please swear in the witness.

6  
7 TIMOTHY ARTHUR HOFFMAN,  
8 Called as a witness by the Defendant, pursuant to notice  
9 and agreement, first being duly sworn testifies as follows:

10  
11 MR. DAVID P. IRMSCHER: Before we get  
12 started, real briefly. Same agreement on  
13 confidentiality we have had for the previous two  
14 depositions.

15 Is that right?

16 MR. RYAN M. FOUNTAIN: Yes.

17 MR. DAVID P. IRMSCHER: And Mr. Hoffman is

18 here as a 30(b)(6) designated representative with  
19 respect to the Forest River meetings that took  
20 place in October.

21 MR. RYAN M. FOUNTAIN: Is that the only  
22 category --

23 MR. DAVID P. IRMSCHER: I believe it is.  
24 I believe this is the second witness that is  
25 consistent with our letter and objections

6

1 previously.

2 MR. RYAN M. FOUNTAIN: Okay.

3 And, so, then as for the other topics in  
4 Forest River's Notice of Deposition of Heartland.  
5 you are not producing a witness at this time?

6 MR. DAVID P. IRMSCHER: That's correct.

7 I believe I've already informed you that with  
8 respect to equitable conduct on that issue we'll  
9 probably supplement with an Expert Witness.

10 I don't have any other witnesses at this  
11 time.

12 I will let you know if we do.

13 MR. RYAN M. FOUNTAIN: Okay.

14 There's more than just an equitable conduct  
15 remaining on this list.

16 You understand that, right?

17 MR. DAVID P. IRMSCHER: Yes. And, I've sent  
18 you a letter about that.

19 MR. RYAN M. FOUNTAIN: Okay.

20 MR. DAVID P. IRMSCHER: I guess what I'm  
21 trying to say, Ryan, is I believe those issue are  
22 going to drop-out of the case.

23 If they don't, then, we'll probably try and  
24 get additional witnesses.

25 But, I think they are going to.