

**UNITED STATES DISTRICT COURT**  
Northern District of Indiana  
South Bend Division

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

**DECLARATION OF JEFFREY BABCOCK**

I, Jeffrey Babcock, 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.

Heartland Recreational Vehicles LLC v. Forest River Inc. Doc. 87 Att. 6

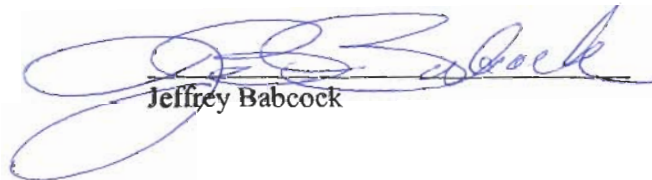
2. I conducted a review of product comparison sheets found in one of the packets which Heartland was trying to have delivered to our dealers during the “Hotel Action” of this lawsuit. Forest River obtained that packet from one of the hotels Heartland had delivered it to. I examined the product comparison sheets and found that they contained false representations and inaccuracies about features of the Forest River’s “Flagstaff” brand products being made at that time.

3. I pointed out certain of the inaccuracies in my deposition of September 3, 2009, starting on page 101 of the transcript of that deposition. I offered to point out more inaccuracies at that time if Mr. Imscher would show me the sheets, but he would not do so.

4. In addition to the information provided in my deposition, those product comparison sheets

falsely describe the Flagstaff products being made at that time as lacking in certain features, including, but not limited to, pantries, black tank flush, crowned laminated roof, drawers on the base of the bed, roller bearing drawer guides, six sided aluminum, acrylic sink, foot flush toilet, and raised cabinet doors. In addition, those product comparison sheets falsely state the shipping weight, carrying capacity, water capacity, and door sizes of the Flagstaff products, indicating them to be inferior to the Heartland North Country products. For example, on the 32QBSS Comparison sheet, Heartland's fresh, black and grey water capacities are stated to be 42, 36 and 36 gallons, respectively, in comparison to Flagstaff's 36, 30 and 60 gallons. In fact, however, Flagstaff's water capacities were 43, 38 and 70 gallons, making them superior to Heartland's in every respect. Also, that same sheet indicated the Heartland product to have 250 lbs greater carrying capacity than the Flagstaff product. In fact, the Flagstaff product has 250 lbs greater carrying capacity than the Heartland product!

Dated: 1-19-2010

  
Jeffrey Babcock