

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

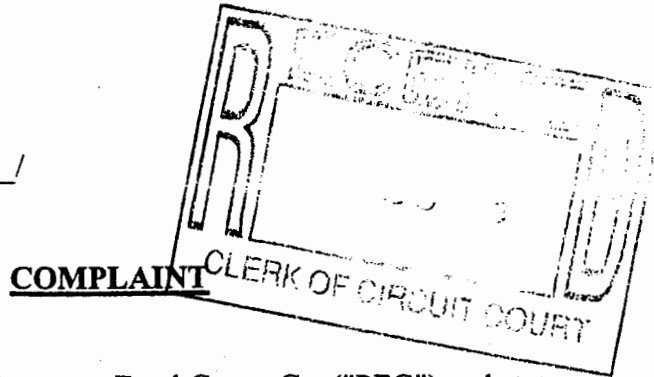
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CHEP USA,  
Plaintiff,

CASE NO.

v.

PERFORMANCE FOOD GROUP  
COMPANY,  
Defendant.



CHEP USA ("CHEP") sues Performance Food Group Co. ("PFG") and states:

1. CHEP is a New York general partnership with its principal place of business located in Orange County, Florida.
2. PFG is a Tennessee company that does substantial and not isolated business in the State of Florida, and has offices in Hillsborough County, Florida.
3. On October 12, 2001, CHEP and PFG entered into a written agreement for the use and rental of CHEP pallets. A true and correct copy of this agreement is attached as **EXHIBIT A.**
4. As part of this Agreement, PFG agreed to maintain control of CHEP pallets it receives and to return them to CHEP or deliver them in accordance with the Agreement.
5. In the event that PFG lost or could not account for any CHEP pallets delivered to PFG, PFG agreed to pay CHEP for each missing Pallet to reimburse CHEP for the cost of

recovering such pallets and/or lost rental revenues. (See Agreement, section entitled "Lost Pallets").

6. The parties agreed that the fee for each lost pallet was \$5 per pallet for the first 1%, and \$24 per pallet on those pallets above 1%.

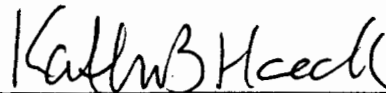
7. CHEP conducted an audit of PFG locations at the end of September, 2004, and it was found that PFG either lost or could not account for 19,484 pallets.

8. Pursuant to the Agreement, CHEP issued an invoice (referred to by CHEP as an "LEN" or "lost equipment note") to PFG in the amount of \$333,856.00 for these pallets that PFG lost or for which it could not account.

9. PFG has refused and failed to pay the invoice.

10. PFG has thereby breached the Agreement, and CHEP has been damaged.

WHEREFORE, CHEP demands judgment against PFG for damages, and for such further relief as is just or necessary.



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