

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

BUCKEYE DIAMOND LOGISTICS, INC. :
fka BUCKEYE RECYCLERS, INC. :

Plaintiff, :

Case No. C3-01-440

v. :

Chief Judge Walter Herbert Rice

CHEP USA, a general partnership :

Defendant. :

Buckeye Diamond Logistics Motion to Set New Trial Date

Buckeye Diamond Logistics hereby moves the Court to reset this matter for trial. As discussed below, Buckeye believes that this case can be ready for trial any time after September 1, 2004. A memorandum in support is attached.

s/ James A. Wilson

James A. Wilson (0030704)
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
(614) 464-5606
Attorneys for Plaintiff and Counterclaim
Defendant Buckeye Diamond Logistics

MEMORANDUM IN SUPPORT

Trial of this case has been continued three times. Most recently, this case was continued from its trial setting of May 24, 2004, due to the need to resolve discovery issues raised by Buckeye Diamond Logistics with respect to deficiencies in CHEP USA's production of documents and answers to interrogatories related to damages on CHEP's counterclaim against Buckeye. Magistrate Judge Ovington held a hearing on these issues on June 18, 2004, and indicated that a decision would be filed promptly. Assuming such a decision is filed by mid-July, there is no reason Buckeye cannot complete any remaining discovery permitted by mid-August. Therefore, this case should be ready for trial no later than September 1, 2004. Accordingly, Buckeye respectfully requests that the Court set this matter for trial on the earliest available date after September 1st.

s/ James A. Wilson

James A. Wilson (0030704)
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
(614) 464-5606
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Motion was served on
June 22, 2004, by electronic delivery or facsimile upon:

John C. McDonald
Bridgette Roman
Schottenstein Zox & Dunn
250 West Street
Columbus, OH 43215

s/ James A. Wilson

James A. Wilson