

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

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

Plaintiff, :

Case No. C3-01-440

v. :

Judge Walter Herbert Rice

CHEP USA, a general partnership :

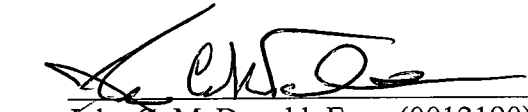
Defendant. :

**CHEP USA’S RESPONSE TO EMERGENCY MOTION OF BUCKEYE
DIAMOND LOGITICS FOR LEAVE TO FILE MEMORANDUM IN
OPPOSITION AND MOTION IN LIMINE PUBLICLY OR, IN THE ALTERNATIVE,
FOR LEAVE TO FILE UNDER SEAL**

Counsel has advised Buckeye that while it is strenuously opposed to Buckeye’s continued efforts to make public filings of documents which Buckeye has stipulated and agreed would not be made a matter of public record, CHEP has no opposition whatsoever to having these pleadings filed under seal without prejudice to their being unsealed by the Court upon review and would so stipulate.

Defendant’s motion for reconsideration of the Court’s March 15, 2004 Decision (Docket 92) is still pending and sets forth in detail CHEP’s concerns about the wholesale disclosure of sensitive commercial information. Those arguments are incorporated herein by reference as the basis for CHEP’s opposition to Buckeye’s emergency motion. Nonetheless, CHEP has no opposition to the alternative portion of Buckeye’s motion.

Respectfully submitted,



John C. McDonald, Esq. (0012190)
P.O. Box 165020
Columbus, Ohio 43216
Tele: (614) 462-2700
Fax: (614) 462-5135
Trial Attorney for Defendant,
CHEP USA

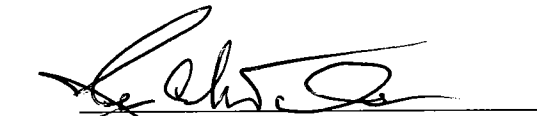
OF COUNSEL:

Kevin L. Murch, Esq. (0066833)
Schottenstein, Zox & Dunn
P.O. Box 165020
Columbus, Ohio 43216
Tele: (614) 462-2700
Fax: (614) 462-5135

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion to Stay Case and Order was served the 16th day of September, 2004, via the Court's electronic filing notification upon:

James A. Wilson
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
Trial Attorney for Plaintiff



John C. McDonald