

**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 FOR EXTENSION OF
TIME TO SEPTEMBER 28, 2004 TO FILE ITS MOTION
IN LIMINE REGARDING CHEP USA'S DAMAGE CLAIMS**

Buckeye Diamond Logistics hereby moves for an extension of two business days, until September 28, 2004, to files its motion in limine concerning CHEP USA damage claims. A memorandum in support of this motion 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

Buckeye Diamond Logistics respectfully seeks a two business day extension, to September 28, 2004, to file a motion in limine regarding CHEP USA's damage claims in this case. On September 10, 2004, the Court issued a discovery order requiring CHEP to produce various categories of documents related to its damage claims. CHEP's counsel has advised that at least a preliminary production of those documents will be made today, September 23, 2003. Motions in limine are currently due on September 24, 2004. The two day extension requested will allow Buckeye to review this production to determine if it provides any additional support for Buckeye's motion, and thereby avoid unnecessary supplementation of the motion.

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
September 23, 2004, by electronic delivery or facsimile upon:

John C. McDonald
Kevin L. Murch
Schottenstein Zox & Dunn
250 West Street
Columbus, OH 43215

s/ James A. Wilson

James A. Wilson