

Appendix D

Plaintiff's Exhibits

PRESIDING JUDGE RICE				PLAINTIFF'S ATTORNEY James A. Wilson		DEFENDANT'S ATTORNEY John McDonald/Bridgette Roman	
TRIAL DATE(S) OCTOBER 12, 2004				COURT REPORTER		COURTROOM DEPUTY	
	No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #
	PX 1				Memorandum from Roger Carroll to Keith Norder regarding Non-Participating Distributors – Key Issues/Solutions		Depo. Ex. 134
	PX 2				“NPD Strategy Working Session”		Depo. Ex. 104
	PX 3				“NPD Pallet Balance”		Depo. Ex. 122
	PX 4				Ohio NPD Activity Summary		Depo. Ex. 117
	PX 5				“NPD Collections”		Depo. Ex. 123
	PX 6				September/October NPD KPI's		Depo. Ex. 21
	PX 7				Monthly NPD reports	CHEP 01425-64	
	PX 8				NPD Audit Summary	CHEP06983	
	PX 9				“NPD Facts and Figures”		Depo. Ex. 20

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No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
PX 10				"NPD P&L"		Depo. Ex. 121	
PX 11				"Wal*Mart Audit Results"		Depo. Ex. 102*	
PX 12				CHEP audited financials 1999 & 2000		Depo. Ex. 139	
PX 13				Brambles report		Depo. Ex. 138	
PX 14				Lost Pallet Reserve calculations (Depo. Ex. 36)			
PX 15				Lost Pallet Reserve calculations		Depo. Ex. 37	
PX 16				Lost Pallet Reserve calculations		Depo. Ex. 39	
PX 17				Lost Pallet Reserve calculations		Depo. Ex. 40	
PX 18				Lost Pallet Reserve calculations		Depo. Ex. 41	
PX 19				Lost Pallet Reserve calculations		Depo. Ex. 42	
PX 20				Lost Pallet Reserve calculations		Depo. Ex. 43	
PX 21				Lost Pallet Reserve calculations		Depo. Ex. 44	

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No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
PX 22				Lost Pallet Reserve calculations		Depo. Ex. 45	
PX 23				Lost Pallet Reserve calculations		Depo. Ex. 46	
PX 24				Lost Pallet Reserve calculation policy		Depo. Ex. 47	
PX 25				Tod Sizemore email to David Turner		Depo Ex. 38	
PX 26				"Fuzzy Situation" report		Depo. Ex. 106	
PX 27				Simplex meeting notes		Depo. Ex. 52	
PX 28				Simplex meeting notes		Depo. Ex. 56	
PX 29				"Four Primary Steps to Improve NPD Performance"		Depo. Ex. 124	
PX 30				5/26/01 Stinson e-mail		Depo. Ex. 68	
PX 31				6/4/01 Buono e-mail		Depo. Ex. 69	
PX 32				5/21/01 Buono e-mail		Depo. Ex. 73	
PX 33				Memo from Buono to Norder		Depo. Ex. 74	

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TRIAL DATE(S) OCTOBER 12, 2004				COURT REPORTER		COURTROOM DEPUTY	
No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
				dated 1/2/02			
PX 34				"Recycler Recovery Program"	CHEP 00485-6	Depo. Ex. 126	
PX 35				Benefit of Paying Recyclers	CHEP 0795	Depo. Ex. 112	
PX 36				"Recycler Feedback"		Depo. Ex. 128	
PX 37				Letter to Recyclers from Tom Kirk	CHEP 05324-42		
PX 38				Miscellaneous lost equipment notes and related e-mails	CHEP 01430-31, CHEP 00955-59, CHEP 01916-20, CHEP 01698-1701, CHEP01786-92, CHEP 01793-99, CHEP 01800-07, CHEP 01180-84, CHEP 01073-75, CHEP 00903-08, CHEP 01076-79, CHEP 00928-46, CHEP 0168-72	Depo. Exs. 98-100, 135-36, 152-55	

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No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
PX 39				Photographs of CHEP pallets at various locations			
PX 40				Photographs of pallets with proprietary or other markings taken at Buckeye			
PX 41				Summary Exhibit: transfers of blue pallets to Buckeye customers			
PX 42				Summary Exhibit: Fees Earned by the Return of Proprietary Pallets			
PX 43				CHEP letter to recyclers	Buckeye 000164-65		
PX 44				Greenten documentation concerning pallets delivered to it.	Not yet produced		
PX 45				April 13, 1993 Abbott Foods agreement with CHEP	CHEP 10474-76		

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No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
PX 46				April 27, 1992 ALDI agreement with CHEP	CHEP 10477-85		
PX 47				October 19, 2001 Kroger agreement with CHEP	CHEP 03410-30	Depo. Ex. 30	
PX 48				May 18, 1994 Kroger agreement with CHEP	CHEP 03431-35	Depo. Ex. 31-32	
PX 49				July 23, 1990 Kroger agreement with CHEP	CHEP 06907-16; CHEP 06934-46	Depo. Ex. 129-132	
PX 50				January 25, 2002 Big Lots agreement with CHEP	CHEP 10486-88		
PX 51				January 25, 2002 Addendum to Big Lots agreement with CHEP	CHEP 10489-10490		
PX 52				March 13, 2002 Wal*Mart Agreement	CHEP 03401-09	Depo. Ex. 29	
PX 53				Power Point Slide with NPD designations defined	CHEP 00889	Depo. Ex. 14	

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No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
PX 54				5/5/2000 E-mail regarding Buckeye	CHEP 00891-93	Depo. Ex. 93	
PX 55				5/10/2000 E-mail regarding Buckeye	CHEP 00886	Depo. Ex. 92	
PX 56				August 12, 1999 Memo and CHEP Asset Protection Manual	CHEP 00393-417	Depo. Ex. 1	
PX 57				March 2000 CHEP Audit Central Handbook	CHEP 00655-706	Depo. Ex. 2	
PX 58				Fisher 10/9/02 e-mail	CHEP 05781	Depo. Ex. 25	
PX 59				Fisher 10/9/02 e-mail	CHEP 05782	Depo. Ex. 26	
PX 60				Fisher 10/20-21/02 e-mail	CHEP 05783	Depo. Ex. 27	
PX 61				2003 Call or Haul Program Objectives	CHEP 05784	Depo. Ex. 28	
PX 62				Transmittal letter and Nov. 18, 1996 P&G Rental Agreement	CHEP 03436-39, 03453-58, 03451-52	Depo. Ex. 33-35	
PX 63				Abbott Foods Contacts report		Depo. Ex. 157	

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	No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #
	PX 64				Abbott transfers		Depo. Ex. 158
	PX 65				Mills Pride transfers		Depo. Ex. 159
	PX 66				Abbott contact report		160
	PX 67				Smith spreadsheet		161
	PX 68				Purported Greenten invoice to CHEP		163
	PX 69				CHEP Pallet Contamination Policy		166
	PX 70				CHEP Contamination Testing Policy		167
	PX 71				CHEP Pallet Purchases		174
	PX 72				CHEP Scrap Rates		175
	PX 73				CHEP 2002 Financial Statements		180
	PX 74				Draft of "Benefit to Recyclers		

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No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
				Document"			
PX 75				Draft of "Benefit to Recyclers Document"			
PX 76				E-mails regarding "Benefit to Recyclers Document"			
PX 77				Derrick Smith e-mail to Greenten			
PX 78				CHEP agreements regarding washing pallets			
PX 79				CHEP Contacts with Mills Pride			
PX 80				Photographs of reproduction of Greenten cleaning rack			
PX 81				CHEP February Damage Calculation			
PX 82				CHEP April Damage Calculation			
PX 83				CHEP May Damage Calculation			

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	No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #
	PX 84				Summary of Pallet Dwell Times	To be prepared from CHEP 14802-15935	
	PX 85				Summary of CHEP Pallet Utilization Rates	To be prepared from CHEP documents	

Buckeye reserves the right to designate additional exhibits as disclosed in discovery an/or produced and identified by CHEP.

