

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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| | 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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| 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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| | | | | | 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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| 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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| 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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| 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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| | 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 |
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| | PX 69 | | | | CHEP Pallet Contamination Policy | | 166 |
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| | PX 73 | | | | CHEP 2002 Financial Statements | | 180 |
| | PX 74 | | | | Draft of "Benefit to Recyclers | | |

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| | | | | 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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| | 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.

