

**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. :	:	
	:	Judge Walter Herbert Rice
CHEP USA, a general partnership :	:	
	:	
Defendant. :	:	

**BUCKEYE DIAMOND LOGISTICS' MOTION FOR LEAVE TO FILE
SURREPLY MEMORANDUM IN OPPOSITION TO CHEP USA'S OBJECTIONS
TO DISCOVERY ORDER**

Buckeye Diamond Logistics respectfully requests leave to file a surreply memorandum in opposition to CHEP USA's Objections to Discovery Order. This one paragraph surreply, tendered herewith, will show that CHEP USA's Reply Memorandum's new assertions concerning Buckeye's proof of damages are incorrect.

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
October 6, 2004, by electronic delivery upon:

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

s/James A. Wilson
James A. Wilson