

**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' SURREPLY MEMORANDUM
IN OPPOSITION TO CHEP USA'S OBJECTIONS TO DISCOVERY ORDER**

CHEP USA's Reply Memorandum asserts that CHEP 00795 is irrelevant to proof of its damage claim in this case, and that the failure to produce the file from which it came from is much ado about nothing. This assertion is untrue. On April 28, 2004, Buckeye advised CHEP that it would use this document as proof of its damages. The Discovery Order specifically upheld its use as proof of damages over CHEP's objections. See Docket # 111 at 13.

s/James A. Wilson
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Memorandum was served on October 6, 2004, by electronic delivery upon:

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s/James A. Wilson
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