

# Vorys, Sater, Seymour and Pease LLP

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April 28, 2004

## VIA FACSIMILE

John McDonald  
Bridgette Roman  
Schottenstein, Zox & Dunn  
250 West Street  
Columbus, OH 43215

Re: Buckeye Recyclers v. CHEP USA

Dear John and Bridgette:

Please advise whether you are willing to stipulate that each (or any) of the documents produced last week is (a) an authentic copy of a document from CHEP's files, and (b) either a business record within the exception to the hearsay rule of Fed. R. Evid. 803(6) or constitute an admission of a party opponent under Fed. R. Evid. 801(d)(2). If so, I will prepare a stipulation stating our agreement. If you are unwilling to enter such a stipulation for all of these documents, please indicate when you are able to produce for a telephone deposition the witness(es) most knowledgeable regarding any documents for which you are not willing to enter such a stipulation.

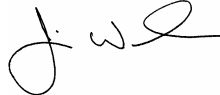
In yesterday's deposition, Mr. Kolb testified that CHEP 00795 still exists in electronic form. Please provide me with (a) a clean, legible hard copy; (b) an electronic (Excel version); (c) all metadata connected with the file; (d) identification of the server, drive, folder, and subfolder (if any) in which this document is located, and (e) copies of all other documents in that folder or subfolder.

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Finally, in light of Mr. Kolb's deposition, please be advised that Buckeye will present Mr. Kolb's calculations as an alternative basis for calculating damages on its unjust enrichment claim in this case. Please advise whether CHEP is willing to produce Mr. Kolb for testimony at trial in Dayton.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Wilson', written over a horizontal line.

James A. Wilson

JAW/jw