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U.S. District Court
Atlanta

FEB 26 2003

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LUTHER D. THOMAS, Clerk
By: *KASULL* Deputy Clerk

CHEP USA, a New York partnership,)
)
 Plaintiff,)
)
 vs.)
)
 MOCK PALLET COMPANY,)
 a Georgia Corporation)
)
 Defendant.)

CIVIL ACTION
NO. 02-CV-2053-BBM

AFFIDAVIT

Appearing before me, the undersigned Ricky Mock, President of Mock Pallet Company testifies as follows:

1.

My name is Ricky Mock. I am over eighteen years old and am competent to give this affidavit. It is based on my personal knowledge and I understand it is to be used in Mock Pallet Company's opposition to CHEP USA's Motion for a Protective Order and its Motion to Compel.

2.

My wife, Nancy, and I operate a small pallet company that employs approximately fifteen people in Covington, Georgia.

3.

CHEP USA has requested that Mock Pallet Company produce its customer list. This list is confidential. The company has always treated this information as a closely guarded secret. This information is valuable to Mock Pallet Company. I am afraid that if this list, which would also be extremely valuable to our much larger competitor, CHEP, fell into the hands of CHEP's

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employees. it could be misused. My concern is that CHEP, a multi-billion dollar company could use this list and other confidential information that it has requested in this case to go to Mock's customers and underbid us or make special deals to eliminate their need for our company's services. Thus, Mock Pallet Company runs the risk of losing major customers and suppliers and could thus be forced to terminate employees or even in a worst case scenario be run out of business.

4.

I am even reluctant to enter into a Protective Order for outside attorneys only, ever fearful that inadvertently, this closely guarded and sensitive information could fall into the wrong hands and be misused.

5.

My fears have grown as I have discovered a paid ad on the back of Pallet Enterprise Magazine attached hereto, which states that CHEP not only deals in blue pallets, but that it now "generates millions of recycled white wood pallets through our total pool management operations." The white wood pallets is the type of pallets that Mock predominately deals in.

7.

Mock Pallet Company has come into possession of the subject, CHEP-marked pallets as follows:


Mock sends tractor trailers to the facility of the distributor/wholesaler to be filled up by distributor center employees as the pallets accumulate. Mock Pallet Company accepts the contents of these tractor trailers, sight unseen and buys its contents by payment on a per pallet basis. These trailers are closed end box trailers, so no one can see what is in the trailer. CHEP-marked pallets sometimes become co-mingled in the aforementioned truck load and get

interspersed with the white pallets that are loaded onto the tractor trailer. The trailers are sealed and Mock cannot even break the seal until it is out of the distribution facility. The percentage of CHEP-marked pallets that sometimes are interspersed, is a very small percentage of the entire truck load. Occasionally, a trailer comes in to our facility where there are no blue pallets or just one CHEP-marked blue pallet.

8.


Before this litigation commenced, Mock Pallet Company did not keep records of the receipt of the shipment of these CHEP-marked pallets, nor does it have records prior to this litigation of how many, if any, CHEP-marked pallets were in any given load.

Further affiant saith not.



Ricky Mock
President, Mock Pallet Company

Sworn to and subscribed before me
this 24th day of February, 2003.



Notary Public

