

## Appendix E

### Plaintiff's Exhibits

PRESIDING JUDGE RICE				PLAINTIFF'S ATTORNEY James A. Wilson		DEFENDANT'S ATTORNEY John McDonald/Kevin Murch	
TRIAL DATE(S) JUNE 27, 2005				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

PRESIDING JUDGE RICE				PLAINTIFF'S ATTORNEY James A. Wilson		DEFENDANT'S ATTORNEY John McDonald/Kevin Murch	
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	No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #
	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

PRESIDING JUDGE RICE				PLAINTIFF'S ATTORNEY James A. Wilson		DEFENDANT'S ATTORNEY John McDonald/Kevin Murch	
TRIAL DATE(S) JUNE 27, 2005				COURT REPORTER		COURTROOM DEPUTY	
No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
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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	<b>No.</b>	<b>Date Offered</b>	<b>Marked</b>	<b>Admitted</b>	<b>Description</b>	<b>Bates #</b>	<b>Depo Ex. #</b>
					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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No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
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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No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
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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No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
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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	No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #
	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
	PX 68				Purported Greenten invoice to CHEP		163
	PX 69				CHEP Pallet Contamination Policy		166
	PX 70				CHEP Contamination Testing Policy		167
	PX 71				CHEP Pallet Purchases		174
	PX 72				CHEP Scrap Rates		175
	PX 73				CHEP 2002 Financial Statements		180
	PX 74				Draft of "Benefit to Recyclers		

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No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
				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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No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
PX 84				NPD Dwell Times from CHEP Management Reports	Buckeye/Hinson 013		
PX 85				NPD Dwell Times (in days)	Buckeye/Hinson 014		
PX 86				Pallet Movements within 150 Mile Radius of Buckeye April 2002 to March 2003	CHEP10499-551	Formerly CHEP Trial Exhibit # 32	
PX 87				Pallet Movements within 150 Mile Radius of Buckeye July 2003 to March 2004	CHEP11805-831	Formerly CHEP Trial Exhibit # 37	
PX 88				Summary of Pallet Movements within 150 Miles of Buckeye April 2002 to May 2005			
PX 89				Comparison of Stringer and Block Qualities	Buckeye/Hinson 001-02		
PX 90				CHEP Stringer Holdings 1999-2004	Buckeye/Hinson 003		
PX 91				CHEP Percentage of Stringer	Buckeye/Hinson		

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No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
				Pallets vs. Total Holdings	004		
PX 92				Comparison of Stringer and Block Inventory Held by CHEP	Buckeye/Hinson 005		
PX 93				COMaprison of CHEP Stock in Field and Pallets Allegedly Held by Buckeye	Buckeye/Hinson 006		
PX 94				Stringer Transaction History	Buckeye/Hinson 007		
PX 95				CHEP Paid and Physical Utilization Rates	Buckeye/Hinson 008		
PX 96				Paid and Physical Utilization Rates	Buckeye/Hinson 009		
PX 97				Portion of Total CHEP Pallets in Field and Not in Field – Jan. 00 to Sept 03	Buckeye/Hinson 010		
PX 98				CHEP Pallets Not in Filed – Jan. 00 to Sept 03	Buckeye/Hinson 011		
PX 99				Breakdown of Available Pallets	Buckeye/Hinson		

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No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
				by Block and Stringer	012		
PX 100				CHEP Pallet Prices from Management Reports	Buckeye/Hinson 015		
PX 101				Jan. 20, 2005 Letter from Kathryn Hoeck to Darren Bronco			
PX 102				CHEP Americas Progress Report for May 2001	CHEP 28576-624		
PX 103				CHEP Americas Progress Report for June 2001	CHEP 28671-710		
PX 104				CHEP Americas Progress Report for July 2001	CHEP 28758-98		
PX 105				CHEP Americas Progress Report for August 2001	CHEP 26187-229		
PX 106				CHEP Americas Progress Report for October 2001	CHEP 28922-37		
PX 107				CHEP Americas Progress Report for November 2001	CHEP 28998-29045		

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No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
PX 108				CHEP Americas Progress Report for January 2002	CHEP 29183-201		
PX 109				CHEP Americas Progress Report for February 2002	CHEP 26284-303		
PX 110				CHEP Americas Progress Report for March 2002	CHEP 29202-32		
PX 111				CHEP Americas Progress Report for April 2002	CHEP29290-322		
PX 112				CHEP Americas Progress Report for May 2002	CHEP 29350-81		
PX 113				CHEP Americas Progress Report for June 2002	CHEP 29407-39		
PX 114				CHEP Americas Progress Report for July 2002	CHEP 29440-61		
PX 115				CHEP USA Progress Report for August 2002	CHEP 29462-76		
PX 116				CHEP USA Monthly Report for September 2002	CHEP 26366-84		

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No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
PX 117				CHEP USA Monthly Report for October 2002	CHEP 29477-96		
PX 118				CHEP USA Monthly Report for November 2002	CHEP 29497 -516		
PX 119				CHEP USA Monthly Report for December 2002	CHEP 29517-33		
PX 120				CHEP USA Monthly Report for February 2003	CHEP 29553-71		
PX 121				CHEP USA Monthly Report for May 2003	CHEP 29599-613		
PX 122				CHEP USA Monthly Report for June 2003	CHEP 29614-28		
PX 123				CHEP USA Monthly Report for July 2003	CHEP 29629-44		
PX 124				CHEP USA Monthly Report for October 2003	CHEP 26385-402		
PX 125				CHEP Calculations of Dwell Times for NPD Customers of			

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No.	Date Offered	Marked	Admitted	Description	Bates #	Depo Ex. #	
				Buckeye			
PX 126				CHEP Reports regarding Advanced Auto pallet receipts and returns			
PX 127				CHEP's First Amended Response to Plaintiff's Third Set of Interrogatories			
PX 128				CHEP's Supplemental Answers to Interrogatories (9/30/04)			
PX 129				CHEP's Supplemental Answers to Interrogatories (forthcoming)			
PX 130				Chart summarizing pallets retrieved by CHEP from Buckeye since October 3, 2003			
PX 131				CHEP Return Notes from pallets retrieved from Buckeye (9/03)	CHEP10671-91	Dep. Ex. 184; previously DX 18	

Buckeye reserves the right to designate additional exhibits as disclosed in CHEP's supplemental discovery responses.