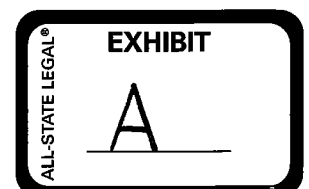


**BUCKEYE DIAMOND LOGISTICS, INC.**  
**fka BUCKEYE RECYCLERS, INC. vs. CHEP USA**  
**CASE NO. C3-01-440**

**TRIAL EXHIBITS FOR WHICH CONFIDENTIALITY IS CLAIMED**

<b>PLAINTIFF'S EXHIBITS DESIGNATED AS CONFIDENTIAL - ATTORNEYS EYES ONLY BY CHEP</b>		
<b>No.</b>	<b>Description</b>	<b>Basis for Confidentiality</b>
PX 1	12/19/01 Memorandum from Roger Carroll to Keith Norder regarding Non-Participating Distributors – Key Issues/Solutions	Internal strategic business planning memorandum
PX 2	1/3/01 “NPD Strategy Working Session” prepared by Bain & Company	Consultant report for strategic business planning
PX 3	“NPD Pallet Balance” FY99 1H to FY02 2H	Internal accounting data for strategic business planning
PX 4	Ohio NPD Activity Summary 1998 - 2002	Internal statistical data for strategic business planning
PX 5	“NPD Collections” Comparison FY01 and FY02 Jan - Jun	Internal statistical data for strategic business planning
PX 6	2002 September/October NPD KPI's	Internal key performance indicators for strategic business planning
PX 7	2001 – 2002 Monthly NPD reports	Internal key performance indicators for strategic business planning
PX 8	NPD Audit Summary	Internal statistical data for strategic business planning
PX 9	“NPD Facts and Figures”	Internal statistical data for strategic business planning
PX 10	July-Dec 2001 “NPD P&L” w/varying recovery rates	Internal profit and loss data
PX 11	“Wal*Mart Audit Results”	Consultant reports for strategic business planning



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<b>No.</b>	<b>Description</b>	<b>Basis for Confidentiality</b>
PX 12	CHEP audited financials 1999 & 2000	Audited financial statement for partners of CHEP USA
PX 14	11/30/01 Lost Pallet Reserve calculations	Internal statistical and financial data for strategic business planning
PX 15	11/27/01 Lost Pallet Reserve calculations	Internal statistical and financial data for strategic business planning
PX 16	11/29/01 Lost Pallet Reserve calculations	Internal statistical and financial data for strategic business planning
PX 17	7/01 Lost Pallet Reserve calculations	Internal statistical and financial data for strategic business planning
PX 18	Loss Pallet Analysis – Dispatches	Internal statistical data for strategic business planning
PX 19	6/1/02 Lost Pallet Reserve calculations	Internal statistical and financial data for strategic business planning
PX 20	Estimated Annual P&L Impact of Proposed Accounting Changes 2002-2008, Lost Pallet Reserve calculations	Internal accounting procedures for strategic business planning
PX 21	Estimated Annual P&L Impact of Proposed Accounting Changes 2002-2208, Lost Pallet Reserve calculations	Internal accounting procedures for strategic business planning
PX 22	Change in Depreciation Policy – Effective 7/01	Internal accounting records
PX 23	Revised Budget EBITA – Post Policy Changes FY02 Revised Estimates 6/12/02 Depreciation Policy Change Memos Lost Pallet Reserve calculations	Internal statistical and financial data for strategic business planning
PX 24	Accounting for Pallet Loss Provisions and Pallet Losses Lost Pallet Reserve calculation policy	Internal accounting policy and procedures

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<b>No.</b>	<b>Description</b>	<b>Basis for Confidentiality</b>
PX 25	11/27/01 Email from Tod Sizemore to David Turner	Internal CHEP communication concerning accounting procedure and financial impact
PX 26	"Fuzzy Situation" report on how to recover assets	Internal strategic business planning memorandum
PX 27	Simplex meeting notes	Notes from internal meeting on strategic business planning
PX 28	Simplex meeting notes	Notes from internal meeting on strategic business planning
PX 29	"Four Primary Steps to Improve NPD Performance"	Internal strategic business planning memorandum
PX 31	6/4/01 Email from Ralph Buono to Tod Sizemore re Weekly Transportation Program Report	Internal CHEP communication concerning statistical data for strategic business planning
PX 32	5/21/01 Email from Ralph Buono to Beth Duncan re Asset Protection Visits	Internal CHEP communication concerning business procedures
PX 34	"Recycler Recovery Program" \$1.50 Proposed Offer	Internal strategic business planning memorandum
PX 35	Benefit of Paying Recyclers for Recovered CHEP Pallets Kolb Memo 90 cents - \$3.54	Internal financial analysis for strategic business planning
PX 36	"Recycler Feedback" Propak - Pallet Management Systems	Internal memorandum for strategic business planning
PX 37	Letter to Recyclers from Tom Kirk and script for discussion with pallet recyclers	CHEP05324-76 are not Confidential; balance of exhibit is internal business operations memorandum
PX 38	Miscellaneous lost equipment notes and related e-mails	Reflects name, address and financial dealings with several hundred CHEP customers
PX 45	4/13/93 Abbott Foods agreement with CHEP	Terms and conditions of CHEP contract with customer

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<b>No.</b>	<b>Description</b>	<b>Basis for Confidentiality</b>
PX 46	4/27/92 ALDI agreement with CHEP	Terms and conditions of CHEP contract with customer
PX 47	10/19/01 Kroger agreement with CHEP	Terms and conditions of CHEP contract with customer
PX 48	5/18/94 Kroger agreement with CHEP	Terms and conditions of CHEP contract with customer
PX 49	7/23/90 Kroger agreement with CHEP	Terms and conditions of CHEP contract with customer
PX 50	1/25/02 Big Lots agreement with CHEP	Terms and conditions of CHEP contract with customer
PX 51	Schedule 1 to Big Lots agreement with CHEP	Terms and conditions of CHEP contract with customer
PX 56	8/12/99 Memo from Roger Miller to All CHEP Personnel, CHEP Asset Protection Manual	Internal introduction to business operating procedure and policy and procedure manual for CHEP personnel only
PX 57	March 2000 CHEP Audit Central Handbook	Internal business procedure memo for CHEP personnel only
PX 58	10/9/02 Email from Steve Fisher to CHEP Personnel re Lifted Restrictions on Collections	Internal memo concerning business operating procedures
PX 59	10/9/02 Email from Steve Fisher to CHEP Personnel re Collection Targets	Internal memo concerning business operating procedures
PX 60	10/20-21/02 Email from Steve Fisher to CHEP Personnel re 2003 Call or Haul Program, collection goals	Internal memo concerning business operating procedures
PX 61	2003 Call or Haul Program Objectives	Internal memo on strategic business planning
PX 62	11/18/96 P&G Rental Agreement	Terms and conditions of CHEP contract with customer

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<b>No.</b>	<b>Description</b>	<b>Basis for Confidentiality</b>
PX 63	Abbott Foods transfers 1999 - 2003	Internal statistical record of transactions with customer
PX 64	Abbott Foods transfers 1999 - 2003	Internal statistical record of transactions with customer
PX 65	Mills Pride transfers 1999 - 2003	Internal statistical and financial records of transactions with customer
PX 66	Abbott contact report	Internal report of contacts between CHEP personnel and customer
PX 69	12/11/03 CHEP Pallet Contamination Policy	Internal operating procedure memorandum
PX 70	9/19/01 CHEP Contamination Testing Policy	Internal operating procedure memorandum
PX 71	CHEP Pallet Purchases	Internal statistical and financial data for strategic business planning
PX 72	CHEP Scrap Rates	Internal statistical data for strategic business planning
PX 73	CHEP Financial Statements for 18-month period ended June 30, 2002	Internal financial statements
PX 74	3/15/01 Draft of "Benefit to Recyclers Document" – Kolb	Internal financial analysis for strategic business planning
PX 75	3/15/01 Draft of "Benefit to Recyclers Document"	Internal financial analysis for strategic business planning
PX 76	3/15/01 Emails regarding "Benefit to Recyclers Document"	Internal CHEP communications concerning strategic business planning
PX 77A 77B 77C 77D	1/8/04 Emails from Derrick Smith to Walt Russell, et al.	77A, 77C and 77D are internal CHEP communications concerning conditioning cost structure. 77B is not Confidential.
PX 78	CHEP agreements with Propak, CLM and Millwood regarding washing pallets	Terms and conditions of CHEP contracts with repair centers

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<b>No.</b>	<b>Description</b>	<b>Basis for Confidentiality</b>
PX 79	CHEP Contacts with Mills Pride	Internal report of contacts between CHEP personnel and customer
PX 84	NPD Dwell Times from CHEP Management Reports	Internal statistical data for strategic business planning; derived by Plaintiff's expert from confidential records produced subject to Protective Order
PX 85	NPD Dwell Times (in days)	Internal statistical data for strategic business planning; derived by Plaintiff's expert from confidential records produced subject to Protective Order
PX 86	Pallet Movements within 150 Mile Radius of Buckeye April 2002 to March 2003	Internal statistical data for strategic business planning, includes names and addresses of 1137 CHEP customers and distributors
PX 87	Pallet Movements within 150 Mile Radius of Buckeye July 2003 to March 2004	Internal statistical data for strategic business planning, includes names and addresses of 1167 CHEP customers and distributors
PX 88	Summary of Pallet Movements within 150 Miles of Buckeye April 2002 to May 2005	Internal statistical data for strategic business planning
PX 89	Comparison of Stringer and Block Quantities	Internal statistical data for strategic business planning; derived by Plaintiff's expert from confidential records produced subject to Protective Order
PX 90	CHEP Stringer Holdings 1999-2004	Internal statistical data for strategic business planning; derived by Plaintiff's expert from confidential records produced subject to Protective Order
PX 91	CHEP Percentage of Stringer Pallets vs. Total Holdings	Internal statistical data for strategic business planning; derived by Plaintiff's expert from confidential records produced subject to Protective Order

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<b>No.</b>	<b>Description</b>	<b>Basis for Confidentiality</b>
PX 92	Comparison of Stringer and Block Inventory Held by CHEP	Internal statistical data for strategic business planning; derived by Plaintiff's expert from confidential records produced subject to Protective Order
PX 93	Comparison of CHEP Stock Not in Field and Pallets Allegedly Held by Buckeye	Internal statistical data for strategic business planning; derived by Plaintiff's expert from confidential records produced subject to Protective Order
PX 94	Stringer Transaction History	Internal statistical data for strategic business planning; derived by Plaintiff's expert from confidential records produced subject to Protective Order
PX 95	CHEP Paid and Physical Utilization Rates	Internal statistical data for strategic business planning; derived by Plaintiff's expert from confidential records produced subject to Protective Order
PX 96	Paid and Physical Utilization Rates	Internal statistical data for strategic business planning; derived by Plaintiff's expert from confidential records produced subject to Protective Order
PX 97	Portion of Total CHEP Pallets in Field and Not in Field – Jan 00 to Sept 03	Internal statistical data for strategic business planning; derived by Plaintiff's expert from confidential records produced subject to Protective Order
PX 98	CHEP Pallets Not in Field – Jan 00 to Sept 03	Internal statistical data for strategic business planning; derived by Plaintiff's expert from confidential records produced subject to Protective Order
PX 99	Breakdown of Available Pallets by Block and Stringer	Internal statistical data for strategic business planning; derived by Plaintiff's expert from confidential records produced subject to Protective Order

**PLAINTIFF'S EXHIBITS DESIGNATED AS CONFIDENTIAL -  
ATTORNEYS EYES ONLY BY CHEP**

<b>No.</b>	<b>Description</b>	<b>Basis for Confidentiality</b>
PX 100	CHEP Pallet Prices from Management Reports	Internal financial data for strategic business planning; derived by Plaintiff's expert from confidential records produced subject to Protective Order
PX 102	CHEP Americas Progress Report for May 2001 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 103	CHEP Americas Progress Report for June 2001 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 104	CHEP Americas Progress Report for July 2001 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 105	CHEP Americas Progress Report for August 2001 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 106	CHEP Americas Progress Report for October 2001 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 107	CHEP Americas Progress Report for November 2001 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 108	CHEP Americas Progress Report for January 2002 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 109	CHEP Americas Progress Report for February 2002 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 110	CHEP Americas Progress Report for March 2002 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning

<b>PLAINTIFF'S EXHIBITS DESIGNATED AS CONFIDENTIAL - ATTORNEYS EYES ONLY BY CHEP</b>		
<b>No.</b>	<b>Description</b>	<b>Basis for Confidentiality</b>
PX 111	CHEP Americas Progress Report for April 2002 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 112	CHEP Americas Progress Report for May 2002 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 113	CHEP Americas Progress Report for June 2002 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 114	CHEP Americas Progress Report for July 2002 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 115	CHEP USA Progress Report for August 2002 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 116	CHEP USA Monthly Report for September 2002 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 117	CHEP USA Monthly Report for October 2002 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 118	CHEP USA Monthly Report for November 2002 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 119	CHEP USA Monthly Report for December 2002 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 120	CHEP USA Monthly Report for February 2003 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning

<b>PLAINTIFF'S EXHIBITS DESIGNATED AS CONFIDENTIAL - ATTORNEYS EYES ONLY BY CHEP</b>		
<b>No.</b>	<b>Description</b>	<b>Basis for Confidentiality</b>
PX 121	CHEP USA Monthly Report for May 2003 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 122	CHEP USA Monthly Report for June 2003 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 123	CHEP USA Monthly Report for July 2003 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 124	CHEP USA Monthly Report for October 2003 – Profit and Loss Statement and other financial data	Internal financial and statistical data for strategic business planning
PX 125	CHEP Calculations of Dwell Times for NPD Customers (based on Buckeye's Formula)	Internal statistical data for CHEP customer transactions with specific named distributors
PX 126	CHEP Reports regarding pallet receipts and returns	Internal report listing name, account number and details of transactions with numerous customers
PX 128	CHEP's Supplemental Answers to Interrogatories (09/30/04)	Includes names of customers, depots and internal statistic data
PX 129	CHEP's Second Supplemental Answers to Interrogatories (06/13/05)	Includes names of customers, depots and internal statistic data
PX 132A	CHEP Ohio NPD Pallet Receipts and Collections 1999 – 2005, Source: CHEP Second Supplemental Answers to Plaintiff's Interrogatories	Internal statistical data used for strategic business planning
PX 132B	CHEP Recovery from NPDs in Ohio 1999 – 2005	Internal statistical data used for strategic business planning
X 132C	Monthly Shortfalls in Collections of Pallets Sent to Ohio NPDs, Jan 1999 to May 2005	Internal statistical data used for strategic business planning

**DEFENDANT'S EXHIBITS DESIGNATED AS CONFIDENTIAL –  
ATTORNEYS EYES ONLY BY CHEP**

<b>No.</b>	<b>Description</b>	<b>Basis for Confidentiality</b>
DX 7	8/8/93 CHEP Rental Agreement with Participating Manufacturers (J.M. Smucker)	Terms and conditions of CHEP contract with customer
DX 37	Pallet Movements Within a 150 Mile Radius of Buckeye (South Charleston, Ohio) (Aug 2003 to Jul 2004)	Internal statistical data for strategic business planning, includes names and addresses of 1123 CHEP customers and distributors

**JOINT EXHIBIT DESIGNATED AS CONFIDENTIAL -  
ATTORNEYS EYES ONLY BY CHEP**

<b>No.</b>	<b>Description</b>	<b>Basis for Confidentiality</b>
JX 7	“Asset Recovery”	Internal strategic business planning memorandum

**DEFENDANT'S EXHIBITS DESIGNATED AS CONFIDENTIAL –  
ATTORNEY'S EYES ONLY BY BUCKEYE**

<b>No.</b>	<b>Description</b>	<b>Basis for Confidentiality</b>
DX 12	Buckeye's Bills of Lading and Invoices to Abbott Foods	Marked by Buckeye
DX 13	Buckeye's Sales by Customer Report for Abbott Foods 7/3/00 – 8/17/01	Marked by Buckeye
DX 14	Buckeye's Bills of Lading and Invoices to Mills Pride	Marked by Buckeye
DX 15	Buckeye's Sales by Customer Report for Mills Pride 7/21/00 – 12/18/00	Marked by Buckeye
DX 17	Buckeye Recyclers Income Statements	Marked by Buckeye – Financial Statements
DX 39	Plaintiff's Responses to Defendant's First Set of Interrogatories (03/01/02)	Marked by Buckeye

<b>DEFENDANT'S EXHIBITS DESIGNATED AS CONFIDENTIAL – ATTORNEY'S EYES ONLY BY BUCKEYE</b>		
<b>No.</b>	<b>Description</b>	<b>Basis for Confidentiality</b>
DX 40	Plaintiff's Supplemental Answers to Defendant's First Set of Interrogatories (09/22/04)	Marked by Buckeye