

**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. :

**PLAINTIFF'S MOTION FOR LEAVE TO FILE
SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
MOTIONS IN LIMINE REGARDING CHEP USA'S FAILURE
TO MAKE TIMELY DAMAGE DISCLOSURES**

Buckeye Diamond Logistics hereby seeks leave to file a supplemental memorandum in support of its motion n limine filed February 2, 2004 (Docket # 77). This memorandum will update the Court on significant further issues that have arisen as to the relief sought.

s/ James A. Wilson
James A. Wilson (0030704)
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
(614) 464-5606
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Motion was served on
February 18, 2004, by electronic delivery or facsimile upon:

John C. McDonald
Bridgette Roman
Elaine M Darr
Schottenstein Zox & Dunn
250 West Street
Columbus, OH 43215

s/ James A. Wilson

James A. Wilson