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**IN THE COURT OF COMMON PLEAS
FOR CLARK COUNTY, OHIO**

BUCKEYE RECYCLERS,	:	
	:	
Plaintiff,	:	Case No. 01-CV-0915
	:	
v.	:	
	:	
CHEP USA, a general partnership	:	
	:	
Defendant.	:	

**PLAINTIFFS FIRST SET OF INTERROGATORIES
TO DEFENDANT**

Plaintiff Buckeye Recyclers Inc., by and through its counsel, hereby submits its First Set of Interrogatories to defendant CHEP USA to be answered fully in writing and under oath within 28 days of receipt of service of same in accordance with Rule 33 of the Ohio Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

1. The term "Plaintiff," when used herein, shall mean Buckeye Recyclers and its agents, consultants, advisors, representatives, and employees.
2. The terms "CHEP" or "Defendant" when used herein shall mean Defendant CHEP USA, as well as its present and former officers, partners, agents, directors, attorneys, accountants, investigators, employees, and all other persons known to be acting on its behalf.
3. "Person" herein shall mean natural persons as well as entities including but not limited to corporations, associations, partnerships, firms, organizations, and governmental agencies or bodies.

4. The words “and” and “or” are both conjunctive and disjunctive when used in these Interrogatories.

5. “Identify” means and includes:

- a. With respect to a natural person, his or her full name, home address, home telephone number, business address, business telephone number, employer, and job title.
- b. With respect to a document, its title, a description of its subject matter, the identity of the person or persons who prepared it, the identity of the addressor and addressee or recipients thereof, its date (if undated, its date of preparation), and its location and custodian.

6. “Describe” when referring to a document shall mean to provide the title or subject, date, originator, addressee, and a brief description of the substance therein. When referring to an event, “describe” shall mean to give the date, the names of the persons participating, the time of day, the place, and a brief description of all occurrences, statements, and conversations contiguous with and pertaining to that event. When referring to a person or persons, “describe” shall mean to provide the name or names, job title or titles, and a brief description of the person’s or persons’ role in any event or occurrences, or his or her relationship to the facts set forth in the text of the Interrogatory.

7. If any information called for by an Interrogatory is withheld on the basis of privilege, state the nature of the information being claimed as privileged, the type

of privilege claimed, and all circumstances upon which you are relying to support each claim of privilege.

8. If these Interrogatories cannot be answered in full, after exercising due diligence to secure the full information to do so, answer to the extent possible, specify the reason for your inability to answer the remainder, state whatever information and knowledge you have regarding the unanswered portion, and detail what you did in attempting to secure the unknown information. With respect to each Interrogatory, in addition to supplying the information asked for and identifying the specific documents referred to, identify and describe all documents to which you refer in preparing your answers.

9. In each instance where an Interrogatory is answered on information and belief, it is requested that Plaintiff set forth the basis for such information and belief.

10. In each instance where Plaintiff denies knowledge or information sufficient to answer the Interrogatory, it is requested that Plaintiff set forth the name and address of each person, if any, known to have or whom you contend possesses such knowledge.

11. These Interrogatories are deemed to be continuing pursuant to Ohio Rule of Civil Procedure 26. In the event you obtain any additional information at a later time which is different from and/or in addition to that provided in response to this First Set of Interrogatories, you are requested to amend or supplement the responses hereto promptly.

INTERROGATORIES

1. Identify any lawsuits CHEP has filed in the state of Ohio.

RESPONSE:

2. Identify each physical location from which CHEP, directly or through its agents, does or since January 1, 1995 has done business within the state of Ohio, has been identified as a CHEP depot or has had responsibility for the delivery of pallets to any entity in the state of Ohio or the recovery of pallets from any entity in the state of Ohio, regardless of whether such facilities are located within the state of Ohio.

RESPONSE:

3. Identify all entities with whom CHEP has entered into a or renewed a contracts since January 1, 1995, including manufacturers, distributors (whether “participating” or “non-participating” as defined in the complaint), recyclers or retailers, that purports to govern in any manner the contracting parties’ rights or obligations with respect to any pallets that might reasonably be anticipated to be shipped, used, located, possessed or stored in the state of Ohio.

RESPONSE:

4. Identify all entities with whom CHEP believes or has reason to believe have shipped, used, possessed or stored CHEP pallets in the state of Ohio since January 1, 1995.

RESPONSE:

5. Identify CHEP's primary contact person for each of the entities identified in response to Interrogatory 3.

RESPONSE:

6. Describe all systems, procedures or strategies CHEP uses for tracking pallets it claims to own.

RESPONSE:

7. Identify all individuals employed by CHEP chief operating officers since January 1, 1995.

RESPONSE:

8. Identify all individuals employed by CHEP as chief financial officers since January 1, 1995

RESPONSE:

9. Identify all individuals employed by CHEP since January 1, 1995 who have had responsibility for tracking, locating, sale, monitoring, investigating, surveillance or recovery of pallets shipped, used, located, possessed or stored in the state of Ohio.

RESPONSE:

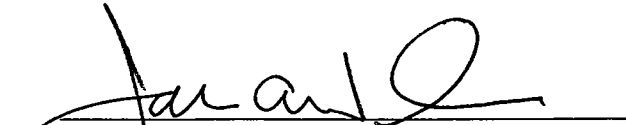
10. Identify and describe CHEP's Asset Protection systems, structure, strategies, procedures and management since January 1, 1995.

RESPONSE:

11. Identify and describe CHEP's Asset Recovery systems, structure, strategies, procedures and management since January 1, 1995.

RESPONSE:

Respectfully submitted,



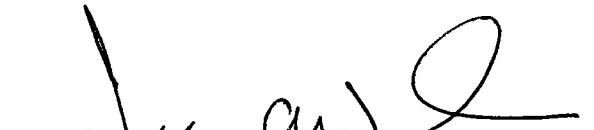
James A. Wilson (0030704)
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
(614) 464-5606

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Set of Interrogatories was served on September 19, 2001, by certified mail upon:

CHEP USA,
C/O THE PRENTICE-HALL
CORPORATION SYSTEM, INC.
110 North Magnolia Street
Tallahassee Florida 32301
Statutory Agent for its General Partners
Brambles Industries Inc. and GKN
Industries Inc.



James A. Wilson

**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. 23-01-440

v. :

Judge Walter Herbert Rice

CHEP USA, a general partnership :

Defendant. :

**PLAINTIFF'S SECOND SET OF INTERROGATORIES
TO DEFENDANT**

Plaintiff Buckeye Diamond Logistics, Inc. fka BuckeyeRecyclers Inc., by and through its counsel, hereby submits its Second Set of Interrogatories to defendant CHEP USA to be answered fully in writing and under oath within 30 days of receipt of service of same in accordance with Rule 33 of the Federal Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

1. The term "Plaintiff," when used herein, shall mean Buckeye Diamond Logistics, Inc. fka Buckeye Recyclers and its agents, consultants, advisors, representatives, and employees.

2. The terms "CHEP" or "Defendant" when used herein shall mean Defendant CHEP USA, as well as its present and former officers, partners, agents, directors, attorneys, accountants, investigators, employees, and all other persons known to be acting on its behalf.

3. "Person" herein shall mean natural persons as well as entities including but not limited to corporations, associations, partnerships, firms, organizations, and governmental agencies or bodies.

4. The words "and" and "or" are both conjunctive and disjunctive when used in these Interrogatories.

5. "Identify" means and includes:

- a. With respect to a natural person, his or her full name, home address, home telephone number, business address, business telephone number, employer, and job title.
- b. With respect to a document, its title, a description of its subject matter, the identity of the person or persons who prepared it, the identity of the addressor and addressee or recipients thereof, its date (if undated, its date of preparation), and its location and custodian.

6. "Describe" when referring to a document shall mean to provide the title or subject, date, originator, addressee, and a brief description of the substance therein. When referring to an event, "describe" shall mean to give the date, the names of the persons participating, the time of day, the place, and a brief description of all occurrences, statements, and conversations contiguous with and pertaining to that event. When referring to a person or persons, "describe" shall mean to provide the name or names, job title or titles, and a brief description of the person's or persons' role in any event or occurrences, or his or her relationship to the facts set forth in the text of the Interrogatory.

7. If any information called for by an Interrogatory is withheld on the basis of privilege, state the nature of the information being claimed as privileged, the type of privilege claimed, and all circumstances upon which you are relying to support each claim of privilege.

8. If these Interrogatories cannot be answered in full, after exercising due diligence to secure the full information to do so, answer to the extent possible, specify the reason for your inability to answer the remainder, state whatever information and knowledge you have regarding the unanswered portion, and detail what you did in attempting to secure the unknown information. With respect to each Interrogatory, in addition to supplying the information asked for and identifying the specific documents referred to, identify and describe all documents to which you refer in preparing your answers.

9. In each instance where an Interrogatory is answered on information and belief, it is requested that Plaintiff set forth the basis for such information and belief.

10. In each instance where Plaintiff denies knowledge or information sufficient to answer the Interrogatory, it is requested that Plaintiff set forth the name and address of each person, if any, known to have or whom you contend possesses such knowledge.

11. These Interrogatories are deemed to be continuing pursuant to Federal Rule of Civil Procedure 26. In the event you obtain any additional information at a later time which is different from and/or in addition to that provided in response to this

Second Set of Interrogatories, you are requested to amend or supplement the responses hereto promptly.

INTERROGATORIES

1. For the United States and the State of Ohio, for calendar years 1998, 1999, 2000, 2001 and 2002, identify the total number of pallets CHEP owned, the total number that have leaked from CHEP's system (i.e., come into the possession of any person or entity that himself, herself or itself is not a signatory to any contract or agreement with CHEP to return such pallets to CHEP), and average percentage of leakage from the CHEP system.

RESPONSE:

2. Describe standards, policies, procedures, methodologies or practices CHEP uses determines whether, where and when a pallet has leaked from the CHEP system (i.e., come into the possession of any person or entity that himself, herself or itself is not a signatory to any contract or agreement with CHEP to return such pallets to CHEP) or to determine the percentage of leakage from the alleged closed system, and identify all documents that constitute, refer or reflect such standards, policies, procedures, methodologies or practices. .

RESPONSE:

3. Describe all standards, policies, procedures, methodologies and practices CHEP applies in determining how it can or should report its ownership or loss of pallets that have leaked from its system (i.e., come into the possession of any person or entity that himself, herself or itself is not a signatory to any contract or agreement with CHEP to return such pallets to CHEP) for accounting or audit purposes, state and federal tax purposes, Securities and Exchange Commission reporting purposes, and for purposes of any reporting made to its general partners or to any regulatory agency of any nation to which its general partners make mandatory or voluntary financial or tax filings or reports, and identify all documents that constitute, refer or reflect such standards, policies, procedures, methodologies or practices. This interrogatory includes, but is not limited to, a request for a description of all standards, policies, procedures, methodologies and practices CHEP applied in determining to write off or write down pallets in the possession of or set to non-participating distributors, for accounting, tax or government reporting purposes, as reported in public reports by Brambles Industries Limited.

RESPONSE:

4. Identify the CHEP personnel responsible for calculation, reporting, and remittance of personal property tax in the state of Ohio on pallets CHEP claims to own and all standards, policies, procedures, methodologies and practices CHEP applies to determine whether personal property taxes must be paid on any pallets within or outside its control in the state of Ohio.

RESPONSE:

5. Identify any company with which CHEP contracts for the insurance of pallets and any insurance claims made with respect to the loss or leakage of pallets.

RESPONSE:

6. Identify any actions or investigation undertaken by any police department, sheriff's department, or other local, state, or federal law enforcement body related in any way to any effort of CHEP to recover the possession of pallets in any jurisdiction over the past ten years.

RESPONSE:

7. Identify all non-participating distributors (i.e., those distributors who have not executed a written obligation to sort and return pallets to CHEP or its agents) in the state of Ohio which CHEP knows or believes have received or been sent pallets bearing CHEP's markings, and the volume of such pallets (by month and year since January 1998) CHEP believes each such non-participating distributor received and how CHEP believes each such distributor disposed of each such pallet.

RESPONSE:

8. Identify all person responsible for or who participated in formulation or approval CHEP's Asset Recovery Program announced on or about May 2, 2002 by Tom Kirk, Vice President TPM & Asset Management and all documents constituting, describing, referring, relating or prepared in connection with that program, including but not limited to any documents relating to the means by which CHEP determine the amount of payment that would be offered in compensation for the cost of the return of pallets to CHEP.

RESPONSE:


9. With respect to CHEP's allegations in paragraph 15 of its Counterclaim that "CHEP is informed and believes that Buckeye is in possession and control of a large number of CHEP pallets at one or more of its locations in South Charleston, Springfield or Columbus, Ohio," identify:

- a. Each distributor, manufacturer or other entity from whom Buckeye has received pallets containing CHEP's markings, the date Buckeye received those pallet, any communications CHEP has had with each such entity concerning its shipment of pallets to Buckeye, the amount of compensation CHEP has received or demanded from each such entity for pallets shipped to Buckeye and the individuals at each such entity with who CHEP has communicated orally or in writing concerning the entities obligations to CHEP or obligations not to ship pallets to Buckeye;
- b. Which of the pallets in Buckeye's possession were received by Buckeye from non-participating distributors;
- c. All tracking information CHEP has in its possession, custody and control concerning any pallet it claims is in Buckeye's possession;
- d. All sources of information upon which CHEP bases its allegation;
- e. All communications CHEP has had with Buckeye concerning such pallets;

- f. Any identifying information CHEP claims is contained on each such pallet other than the color it is painted and its marking with CHEP's logo; and
- g. Each occasion (by date, time, location and identity of persons involved) any employee, agent or representative of CHEP has entered property owned by Buckeye.

RESPONSE:

Respectfully submitted,



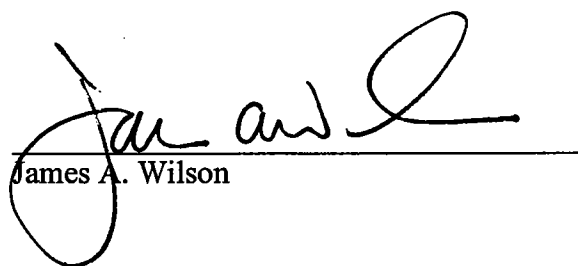
James A. Wilson (0030704)
Vorys, Sater, Seymour & Pease LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
(614) 464-5606

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Set of Interrogatories
was served on September 18, 2002, by fax and regular mail upon:

John C. McDonald
Bridgette Roman
Schottenstein Zox & Dunn
41 S. High St., Suite 2600
Columbus, OH 43215-6106


James A. Wilson