



Date and time of transmission Monday, April 26, 2004 12:13:10 PM

PLEASE DELIVER THE FOLLOWING TO:

**To:** Name: James Wilson  
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BRIDGETTE C. ROMAN  
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April 26, 2004

**VIA TELEFAX**


James A. Wilson, Esq.  
VORYS, SATER, SEYMOUR & PEASE  
52 East Gay Street  
P.O. Box 1008  
Columbus, Ohio 43216-1008

**Re: *Buckeye Diamond Logistics, Inc. (formerly Buckeye Recyclers, Inc.) v. CHEP USA***  
***U.S. District Court for the Southern District of Ohio Western Division***  
***Case No. C3-01-440 - Judge Walter Herbert Rice***

Dear Jim:

In response to your letter of this date, all of the documents authored by or obtained from Mr. Kolb were produced to you prior to April 20, 2004. There are no further documents "related to 00795" of which I am aware besides those already produced to you. I assume that if further documents existed that were related to 00795, I would be aware of them by now.

In reference to Mr. Kolb's forthcoming deposition, please be reminded that you have entered into a Stipulation to the effect that irrespective of any Court actions with regards to the Protective Order, "the parties and their counsel shall remain bound by the terms of this [Stipulation and Protective Order] as a stipulation." The Court has not rescinded the Protective Order previously entered. However, even if the Court does rescind the Protective Order, you and your client agreed to be bound by it as a stipulation. Your attachment of pages from the depositions taken April 7-8 to a document filed without the benefit of sealing was a blatant violation of that stipulation and the Court's Order. Therefore, prior to Mr. Kolb's deposition it needs to be absolutely clear that until the expiration of the 21-day period allowed by the Stipulation and Protective Order, Mr. Kolb's deposition testimony is "Attorney's Eyes Only." Once the appropriate period of time has elapsed, the testimony may, in whole or in part, be down-graded to a lesser designation or none at all. If you disagree with your obligations under the Stipulation and Protective Order as addressed in this paragraph, inform me no later than 4:00 p.m. today.

Yours very truly,  
  
Bridgette C. Roman

BCR/bnb  
cc: John C. McDonald

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