

**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. :

Chief Judge Walter Herbert Rice

CHEP USA, a general partnership :

Defendant. :

**BUCKEYE DIAMOND LOGISTIC'S
NOTICE TO COURT REGARDING
PARTIES' PROPOSED JOINT
FINAL PRETRIAL ORDER**

Buckeye Diamond Logistics files this notice to advise the Court of the status of the parties' proposed final pretrial order in this case. On February 4, 2004, the parties filed a final pretrial order for the trial then scheduled for February 23, 2004. On Friday, April 30, 2004, Buckeye sent CHEP USA its revisions to the previously filed order in order to update the order regarding the status of pending motions and to update its witness list. When Buckeye received no response by noon today, the date the Court set for filing the order, it wrote CHEP asking for its additions or changes by 4 p.m. In response, Buckeye received the correspondence attached at Tab A, stating that CHEP would not respond today, but within a few days. Buckeye files this notice to alert the

Court to this situation and to submit it's the draft of the body of the final pretrial order it sent CHEP (Tab B), its witness list (Tab C) and its current exhibit list (Tab D).

s/ James A. Wilson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Notice was served on
May 4, 2004, by electronic delivery or facsimile upon:

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

s/ James A. Wilson

James A. Wilson