IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE DOW CHEMICAL COMPANY, Plaintiff, v. NOVA CHEMICALS CORPORATION (CANADA), and NOVA CHEMICALS INC. (DELAWARE), Defendants.	)	C.A. No. 05-737 (JJF) **JURY TRIAL DEMANDED**

DEFENDANTS' MOTION TO COMPEL
PRODUCTION OF WITHHELD DOCUMENTS

Defendants NOVA Chemicals Corporation and NOVA Chemicals Inc. ("NOVA") bring this motion to compel Plaintiff The Dow Chemical Company ("Dow") to produce documents improperly withheld as work product or privileged attorney-client communications.

Dow is improperly withholding as work product documents prepared in Dow's ordinary course of business of competitive analysis and testing. Dow is also improperly asserting the attorney-client privilege to withhold, *inter alia*, uncommunicated notes, public documents, and factual data. Dow's steadfast withholding of these documents breaches the bounds of work product immunity and attorney client privilege.

NOVA respectfully requests that its Motion to Compel be granted. NOVA further requests such additional relief, general and special, at law or in equity, to which it may show itself justly entitled.

D. DEL. LOCAL RULE 7.1.1 CERTIFICATE

Counsel for NOVA and counsel for Dow conferred regarding the above motion. No agreement was reached, therefore, it is presented to the Court for ruling.

Respectfully submitted,

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Dated: April 11, 2008
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CERTIFICATE OF SERVICE

I, Richard L. Horwitz, hereby certify that on April 11, 2008, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I hereby certify that on April 11, 2008, the attached document was Electronically Mailed to the following person(s):

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