

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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In re: BRIDGESTONE/FIRESTONE, INC.,)
ATX, ATX II, and WILDERNESS TIRES) Master File No. IP OO-9373-C-B/S
PRODUCTS LIABILITY LITIGATION) MDL No. 1373
_____) (centralized before Hon. Sarah Evans Barker,
) Chief Judge)
THIS DOCUMENT RELATES TO ALL)
ACTIONS) Individual Case Nos. IP 00-5000-C-B/S
) IP 00-5068-C-B/S
) IP 00-5153-C-B/S
) IP 00-5014-C-B/S

ORDER ON BRIEFING OF REMAND MOTIONS

Consistent with the Court’s prior instructions, Plaintiffs’ Liaison Counsel for the personal injury/death cases submitted on December 20, 2000, a list of four pending remand motions that liaison counsel believe to be representative of the remand motions pending in this MDL.¹ The Court now makes the following Order regarding the briefing of these motions.

1. McKinney v. Bridgestone / Firestone et al., IP 00-5000-C-B/S. The plaintiff’s Request for Suggestion of Remand (“Request”) is fully briefed.² Because the Request was filed and

¹The Court invited Liaison Counsel to submit up to five cases. The submission of fewer cases (including one case not yet before this Court and two cases that appear to present very similar issues) causes the Court to infer that the remand motions in the injury/death cases turn on the same few issues or that (contrary to the Court’s earlier information) few remand motions are actually pending in these cases.

²By “fully briefed,” the Court means that all briefs contemplated by S.D. Ind. L.R. 7.1(a) have been filed, either in this Court or in the transferor court.

briefed after transfer to this Court, thereby affording the parties an opportunity to brief the issues presented in light of any applicable choice of law considerations, no further briefing is necessary.

2. Fehmers v. Bridgestone / Firestone et al., IP 00-5068-C-B/S. The plaintiff's Motion for Remand is fully briefed. On or before January 22, 2001, plaintiff and defendants shall file and exchange any supplemental briefs they wish the Court to consider in ruling on the Motion for Remand. The supplemental briefs are to be limited to (a) discussion of the law to be applied by the transferee court in ruling on a motion for remand and (b) presentation of any additional authority under the applicable law. The supplemental briefs should not repeat the arguments contained in the prior briefs, and the Court expects that these briefs will not be lengthy.

3. Barger v. Bridgestone / Firestone et al., IP 00-5153-C-B/S. According to the Court's records, this case is not yet before the Court because the plaintiff filed an opposition to transfer with the Judicial Panel on Multidistrict Litigation. (The Court understands that the matter will be heard by the Panel on January 18, 2001.) Thus we will take no action on the remand motion pending in this case unless and until the Panel's conditional transfer order becomes final.

4. Halkett v. Bridgestone / Firestone et al., IP 00-5014-C-B/S. The Plaintiff's Motion for Remand is fully briefed.³ The parties shall file any supplemental briefs consistent with the schedule and requirements set forth above with respect to Fehmers.

³Although the plaintiff has never filed a reply brief in support of his motion, his deadline for doing so had expired under the local rules for the Southern District of Florida before his case was transferred to this district.

It is so ORDERED this _____ day of December, 2000.

SARAH EVANS BARKER, CHIEF JUDGE
United States District Court
Southern District of Indiana

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