

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

<b>In re: BRIDGESTONE/FIRESTONE, INC.,</b>	) <b>Master File No. IP 00-9373-C-B/S</b>
<b>ATX, ATX II and WILDERNESS TIRES</b>	) <b>MDL NO. 1373</b>
<b>PRODUCTS LIABILITY LITIGATION</b>	)
_____	)
<b>THIS DOCUMENT RELATES TO ALL</b>	)
<b>ACTIONS</b>	)

**ORDER REGARDING PRACTICE AND PROCEDURE UPON TRANSFER**  
**AND**  
**SETTING INITIAL CONFERENCE**

This cause is hereby set for a preliminary status conference before Chief Judge Sarah Evans Barker on **Friday, November 17, 2000, at 10:00 a.m. EST<sup>1</sup>** in Room 216, United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana. The conference is expected to conclude by 1:00 p.m. EST. To minimize costs and facilitate a manageable conference, parties shall appear at the conference by counsel only. Parties with similar interests are encouraged to agree to the extent practicable on a single attorney to act on their behalf at the conference. By designating an attorney to represent its interests at the conference, a party will not be precluded from other direct participation in the various stages of this litigation. Attendance at the conference will not constitute a waiver of objections to jurisdiction, venue, or service.

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<sup>1</sup>Indianapolis remains on Eastern Standard Time all year.

## PRE-CONFERENCE SUBMISSIONS

In order to familiarize the Court with the pending cases, on or before **November 9, 2000**, counsel for the plaintiff(s) in each case transferred to this Court shall submit to the Court a brief (not to exceed three pages) summary of the case. The summary shall not be filed with the Clerk and need not be distributed to the other parties; it will not be binding, will not be considered to waive any claims or defenses, and may not be offered in evidence against a party in later proceedings. The summary should include the following:

1. A brief synopsis of the factual allegations involved in the case;
2. A brief summary of the legal issues involved in the case;
3. A brief description of any discovery which has been completed, including any depositions which have been taken;
4. If the case has been filed as a class action, a description of the proposed class and an indication of any discovery which will be necessary before the class certification issue can be briefed, along with an anticipated schedule for that discovery;
5. A list of pending motions, with an indication as to whether they are fully briefed;
6. Any other matter which counsel believes requires the immediate attention of the Court.

Counsel are also requested to notify the Court if they plan to attend the conference and, if so, to provide the name of counsel who will appear.<sup>2</sup>

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<sup>2</sup>Space in the courtroom is limited. In addition, fourteen of the available seats will be reserved for members of the media. If the demand for media seats exceeds the reserved seating, the media will be asked to use pool reporters. In addition, members of the media and counsel are reminded that no

## AGENDA FOR INITIAL CONFERENCE

The initial conference is to permit counsel to meet with the judicial officers assigned to this case and to raise for discussion any matters requiring immediate attention by the Court. In addition, counsel are invited to suggest in general terms any proposals for the organization and structure of the pretrial phases of this litigation, by which counsel and the Court will attempt to efficiently manage its development. Any party wishing to address the Court and/or to advance such a proposal is requested to file a succinct, written description of the proposal with the Clerk on or before **November 9, 2000**.<sup>3</sup> Such proposal should include a discussion of its anticipated benefits to the litigants in managing the fees and costs associated with litigation of this magnitude. Because the Court expects to issue its order establishing the organizational structure for coordinating and managing claims and defenses promptly after the second scheduled court conference, no appointment by the Court of interim liaison counsel is anticipated. Counsel will also be invited at the Initial Conference to propose other topics for inclusion on the agenda of the next scheduled conference on December 6, 2000.

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electronic equipment (e.g. beepers, cell phones, cameras, recorders, etc.) is permitted in the courtroom.

<sup>3</sup>For scheduling purposes, any counsel desiring to embellish orally her/his written proposal at the November 17, 2000 conference should include a request to do so. Any such remarks will be limited to ten minutes.

NEXT SCHEDULED CONFERENCE

A second MDL attorneys conference is Hereby set for **Wednesday, December 6, 2000, at 10:00 a.m. EST.**, at which the proposed agenda shall include:

1. Consideration of specific proposals regarding the organization and structure for the management of claims and defenses, including the means and manner by which the following specific activities shall be efficiently and cost-effectively overseen by counsel: discovery; class certification; pleading and practice, including Federal Rule of Civil Procedure 12(b) motions; coordination of international, federal and state litigation; expert witnesses; and settlement.
2. Discussion of the role and duties of the Special Master (whose appointment is effected by separate order issued simultaneously with this order) and method of compensation.
3. Scheduling of the next conference and suggestions for that agenda.

PRACTICE AND PROCEDURE ORDER UPON TRANSFER

PURSUANT TO 28 U.S.C. 1407(a)

Those actions transferred to this court by the Judicial Panel on Multidistrict Litigation pursuant to their order of October 24, 2000, and all related actions originally filed in this court or transferred or removed to this court, as well as any tag-along actions transferred to this court by the Judicial Panel on Multidistrict Litigation pursuant to Rule 7.4 of the Rules of Procedure of that Panel subsequent to the filing of the final transfer order by the Clerk of this court, and any related actions subsequently filed in

this court or otherwise transferred or removed to this court, shall all be governed by the following practices and procedures:

1. The actions described above are consolidated for pretrial purposes.

2. All documents filed in these actions shall bear the identification "MDL DOCKET NO.1373," and shall indicate to which of these actions it applies. Counsel are urged to use the caption as it appears above. The notation "ALL CASES" shall be used where appropriate; alternatively, if any filing does not relate to all of these actions, the individual docket numbers assigned to those actions by the Clerk of this court (as listed in Schedule A) shall be listed. An abbreviated caption for each of those actions may be listed opposite its cause number. Cause numbers assigned by transferor courts shall not be used in filings with this court.

3. All documents shall be filed with the Clerk of this court and not with the transferor district court. A signed original and one copy shall be tendered for filing. The street address is: Clerk, U. S. District Court, Southern District of Indiana, 46 East Ohio Street, Room 105, Indianapolis, IN 46204.

4. The Clerk of this court will maintain a master docket for these actions (IP 00-9373-C-B/S) and a master file containing all original filings and orders of the Court. Dockets of individual actions as well as files for each individual action, containing only documents originally filed in the transferor courts, will also be maintained. The Court's dockets may be accessed at any time through the Internet at <[www.insd.uscourts.gov](http://www.insd.uscourts.gov)>, using the locator "Bridgestone/Firestone," docket number IP 00-9373-C-B/S, or the individual case docket number. Additionally, a Webpage dedicated specifically to this litigation will be maintained on this court's Website. Counsel are urged to review it regularly.

5. Counsel who have appeared in a transferor district court prior to the transfer need not enter separate appearances before this court. Motions for leave to appear pro hac vice are not required and are discouraged. Parties to these actions shall not generally be required to obtain local counsel in this district; however, counsel are expected to be fully familiar with and to comply with the provisions of the Local Rules of the Southern District of Indiana. The Local Rules are available from the Clerk of the court and may also be accessed through the Internet at <[www.insd.uscourts.gov](http://www.insd.uscourts.gov)>.

6. Prior to the Initial Conference, service of all papers shall be made on each of the attorneys on the Panel Attorney Service List which appears on the Court's Webpage and is attached hereto as Schedule B. **A distribution list should not be included on documents filed in this court; rather, a certificate of service stating that all attorneys appearing on the Panel Attorney Service List were served is sufficient.** Any attorney who wishes to have his/her name added to or deleted from such Panel Attorney Service List may do so by filing such request in this action, with notice to all other persons on such service list. Service shall be deemed sufficient if made upon all attorneys on the Panel Attorney Service List. That list will be updated as counsel enter appearances and/or as tag-along cases are transferred to this court and, in particular, after the Initial Conference.

7. The parties shall present to the court at the Initial Conference a list of attorneys for purposes of service. Only one attorney for each party separately represented shall be included on that list.

8. Where counsel for more than one party plan to file substantially identical papers, they shall join in the submission of such papers and shall file only one paper on behalf of all parties so joined.

9. Hearings shall not be held on any motions except by specific order of the Court; counsel are directed, in particular, to the provisions of Local Rule 7.5.

10. Upon remand of any of these actions to the transferor courts, the parties may be required to provide to this court copies of any necessary and relevant papers previously filed.

11. Any orders including protective orders previously entered by this court or any transferor district court shall remain in full force and effect unless modified upon application.

12. The Court will be guided in its management of this litigation by the Manual for Complex Litigation, Third which has been approved by the Judicial Conference of the United States. Counsel are directed to familiarize themselves with that reference.

It is so ORDERED this 1st day of November 2000.

(Signed)

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

Copies to Counsel Listed in Schedule B, attached

## SCHEDULE A

MDL-1373 – In re Bridgestone/Firestone, Inc., ATX, ATX II and Wilderness Tires Products  
Liability Litigation

Western District of Arkansas

IP 00-5000-C-B/S Cheryl H. McKinney, etc. v. Bridgestone/Firestone, Inc., C.A. No. 2:00-2164

Central District of California

IP 00-5001-C-B/S Lawrence Kaufman v. Bridgestone/Firestone, Inc., et al., C.A. No. 2:00-9592

Northern District of California

IP 00-5002-C-B/S Public Remedies, Inc. v. Bridgestone/Firestone, et al., C.A. No. 3:00-3183

Southern District of California

IP 00-5003-C-B/S Daryl L. Ford v. Ford Motor Co., et al., C.A. No. 3:00-1766

District of District of Columbia

IP 00-5004-C-B/S Center for Auto Safety v. Bridgestone/Firestone, et al., C.A. No. 1:00-2011

Middle District of Florida

IP 00-5005-C-B/S Gabriel Carrillo, etc. v. Bridgestone/Firestone, Inc., et al., C.A. No. 2:00-350

IP 00-5006-C-B/S Jorge Carrillo, et al. v. Bridgestone/Firestone, Inc., et al. C.A. No. 2:00-351

IP 00-5007-C-B/S Kate Sanders v. Bridgestone/Firestone, Inc., et al., C.A. No. 2:00-367

Southern District of Florida

IP 00-5008-C-B/S David Jacobs v. Bridgestone/Firestone, Inc., et al., C.A. No. 0:00-7267

IP 00-5009-C-B/S Randall Smithwick III et al. v. Bridgestone/Firestone, Inc., et al., C.A. No.  
0:00-7329

IP 00-5010-C-B/S Leo Cruz, et al. v. Ford Motor Co., et al., C.A. No. 1:00-3180

IP 00-5011-C-B/S Eduardo Salegui, et al. v. Ford Motor Co., et al., C.A. No. 1:00-3256

IP 00-5012-C-B/S Jeffrey Margolis v. Bridgestone/Firestone, Inc., et al., C.A. No. 1:00-3257

IP 00-5013-C-B/S Rufino Rujano, et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 1:00-3360

IP 00-5014-C-B/S William Halkett, Jr. et al v. Bridgestone/Firestone, Inc. et al., C.A. No. 1:00-3370

IP 00-5015-C-B/S Roberto Vives, et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 1:00-3371

IP 00-5016-C-B/S John Flanagan v. Bridgestone/Firestone, Inc., et al., C.A. No. 9:00-8819

IP 00-5017-C-B/S Joanne Epstein v. Bridgestone/Firestone, Inc., et al., C.A. No. 9:00-8820

Central District of Illinois

IP 00-5018-C-B/S Esther Siewert-Sitzmore v. Bridgestone/Firestone, Inc., C.A. No. 1:00-1289  
IP 00-5019-C-B/S Dennis Mickunas v. Ford Motor Co., et al., C.A. No. 2:00-2228

Northern District of Illinois

IP 00-5020-C-B/S John Zelenika, et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 1:00-5013  
IP 00-5021-C-B/S Susan P. Grayson, et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 1:00-5405  
IP 00-5022-C-B/S Martha K. Benford, et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 1:00-5406  
IP 00-5023-C-B/S Rodolfo Trujillo, et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 1:00-5407  
IP 00-5024-C-B/S Florence Bruemmer v. Bridgestone/Firestone, Inc., et al., C.A. No. 1:00-5408

Southern District of Illinois

IP 00-5025-C-B/S Gary Gustafson, et al. v. Bridgestone/Firestone, Inc., C.A. No. 3:00-612  
IP 00-5026-C-B/S Jeana Wonnacot, et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 3:00-678  
IP 00-5027-C-B/S Dawn Whorl v. Ford Motor Co., et al., C.A. No. 3:00-797

Eastern District of Louisiana

IP 00-5028-C-B/S Donita Qualey, et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 2:00-2599  
IP 00-5029-C-B/S Ethelyn Collins, et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 2:00-2822  
IP 00-5030-C-B/S Douglas Sylvester v. Bridgestone/Firestone, Inc., et al., C.A. No. 2:00-2834

Middle District of Louisiana

IP 00-5031-C-B/S Kellerman Woodworks LLC et al. v. Bridgestone/Firestone Inc. C.A. No.3:00-621

Western District of Louisiana

IP 00-5032-C-B/S Charles T. Gray, et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 3:00-1877

District of Massachusetts

IP 00-5033-C-B/S Thomas J. Kerner et al. v. Bridgestone/Firestone, Inc., et al., C.A. No.1:00-11686  
IP 00-5034-C-B/S George Saccardo v. Bridgestone/Firestone, Inc., et al., C.A. No. 1:00-11789

District of Maryland

IP 00-5035-C-B/S Joan Spied v. Bridgestone/Firestone, Inc, et al., C.A. No. 1:00-2653  
IP 00-5036-C-B/S Patricia Maguire et al. v. Bridgestone/Firestone Inc. et al. C.A. No. 8:00-2862

Eastern District of Michigan

IP 00-5037-C-B/S George R. Burkes, Jr. v. Bridgestone/Firestone, Inc., et al., C.A. No. 2:00-73881

Southern District of Mississippi

IP 00-5038-C-B/S Jennifer L. Surge v. Bridgestone/Firestone, Inc., C.A. No. 1:00-436

Western District of Missouri

IP 00-5039-C-B/S Kevin Stafford v. Bridgestone/Firestone, Inc., et al., C.A. No. 4:00-935

District of New Jersey

IP 00-5040-C-B/S Barbara Felice, et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 3:00-4447

District of New Mexico

IP 00-5041-C-B/S Eve Monson, etc. v. Bridgestone/Firestone, Inc., C.A. No. 1:00-1144

IP 00-5042-C-B/S David Sena, et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 1:00-1273

Southern District of Ohio

IP 00-5043-C-B/S John Dovich, et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 1:00-731

IP 00-5044-C-B/S Louis Rubenstein v. Bridgestone/Firestone, Inc., et al., C.A. No. 1:00-750

Eastern District of Oklahoma

IP 00-5045-C-B/S DeAndrea Johnson v. Bridgestone/Firestone, Inc., et al., C.A. No. 6:00-531

Western District of Oklahoma

IP 00-5046-C-B/S Pamela S Jones v. Bridgestone/Firestone, Inc., et al., C.A. No. 5:00-1254

District of Rhode Island

IP 00-5047-C-B/S Eric E. Gasbarro v. Bridgestone/Firestone, Inc., et al., C.A. No. 1:00-439

Middle District of Tennessee

IP 00-5048-C-B/S James H. Powell v. Bridgestone/Firestone, Inc., C.A. No. 3:00-750  
IP 00-5049-C-B/S Martin Brookes v. Bridgestone/Firestone, Inc., et al., C.A. No. 3:00-756  
IP 00-5050-C-B/S Jennifer L. Hakker v. Bridgestone/Firestone, Inc., et al., C.A. No. 3:00-785  
IP 00-5051-C-B/S Michael Louridas v. Bridgestone/Firestone, Inc. et al. C.A. No.3:00-833  
IP 00-5052-C-B/S Marie Davison, et al. v. Ford Motor Co., et al., C.A. No. 3:00-834  
IP 00-5053-C-B/S Willie J. Hardy v. Bridgestone/Firestone, Inc., et al., C.A. No. 3:00-846

Eastern District of Texas

IP 00-5054-C-B/S Connie Gibson v. Bridgestone/Firestone, Inc., et al., C.A. No. 1:00-621

Northern District of Texas

IP 00-5055-C-B/S James C. Morris, et al. v. Ford Motor Co., C.A. No. 5:00-313

Southern District of Texas

IP 00-5056-C-B/S Michelle Stallone v. Bridgestone/Firestone, Inc., et al., C.A. No. 2:00-364  
IP 00-5057-C-B/S Greyson Knapp v. Bridgestone/Firestone, Inc., C.A. No. 4:00-2718  
IP 00-5058-C-B/S John Brick v. Bridgestone/Firestone, Inc., et al., C.A. No. 4:00-3050  
IP 00-5059-C-B/S Carrie Lynn Spencer et al. v. Bridgestone/Firestone, Inc., et al., C.A. No. 6:00-76  
IP 00-5060-C-B/S Cindy G. Garza v. Bridgestone/Firestone, Inc., et al., C.A. No. 7:00-225

Southern District of West Virginia

IP 00-5061-C-B/S Kathe E. Deitzler, et al. v. Bridgestone Corp., et al., C.A. No. 3:00-722