

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 00-9373-C-B/S
PRODUCTS LIABILITY LITIGATION) MDL No. 1373
_____) (centralized before Hon. Sarah Evans
-) Barker, Chief Judge)
)
THIS DOCUMENT RELATES TO ALL)
ACTIONS)

ORDER ON PLAINTIFFS’ MANAGEMENT STRUCTURE
AND VARIOUS CASE MANAGEMENT MATTERS

Order on Plaintiffs’ Management Structure. The Plaintiffs’ Executive Committee shall be composed of five attorneys from the class cases and six attorneys from the personal injury/death cases. The class side of the Executive Committee shall consist of Lead Counsel Don Barrett, of Barrett Law Office, P.A., in Lexington, Mississippi; Liaison Counsel Irwin Levin, of Cohen & Malad, P.C., in Indianapolis, Indiana; Elizabeth J. Cabraser, of Lief, Cabraser, Heimann & Bernstein, LLP, in San Francisco, California; Keith Fleischman, of Milberg Weiss Bershad Hynes & Lerach, LLP, in New York, New York; and Gordon Ball in Knoxville, Tennessee.

The personal injury/death side of the Executive Committee shall consist of Co-

Lead Counsel Victor M. Diaz, Jr., of Podhurst Orseck Josefsberg Eaton Meadow Olin & Perwin, P.A., in Miami, Florida; Co-Lead Counsel Mike Eidson, of Colson Hicks Eidson, in Coral Gables, Florida; Liaison Counsel William E. Winningham, Jr., of Wilson Kehoe & Winningham, in Indianapolis, Indiana; Donni E. Young, of Ness Motley Loadholt Richardson & Poole, P.A., in Mount Pleasant, South Carolina; Mark P. Robinson, Jr., of Robinson, Calcagnie & Robinson, P.C., in San Diego, California; and Robert Langdon, of Langdon, Emison, Kulman & Evans, LLC, in Lexington, Missouri.

The Executive Committee shall direct all aspects of the litigation on behalf of Plaintiffs and all pleadings or other documents filed with the Court on behalf of Plaintiffs must be signed by a member of the Executive Committee unless the submission contains an affirmation from the submitting attorney that the Executive Committee refused to sign the submission or some other exigent circumstance warrants the failure to obtain the signature of a member of the Executive Committee. The Court expects this latter practice to be utilized rarely.

There shall be six committees operating under the direction and control of the Executive Committee, as detailed below. The term “Plaintiffs’ Management Structure” shall refer to the following six committees and the Executive Committee:

(1) Budget/Records/Compensation Committee, to be co-chaired by Carol V. Gilden, of Much Shelist Freed Denenberg Ament & Rubenstein, P.C., in Chicago,

Illinois, and Ralph G. Patino, of Patino & Associates, P.A., in Coral Gables, Florida;

(2) Liaison Committee, to be co-chaired by Ann B. Goldfather, of Oldfather & Morris, in Louisville, Kentucky; Mikal Watts, of Harris and Watts in Corpus Christi, Texas; and Michael D. Hausfeld, of Cohen, Milstein, Hausfeld & Toll, PLLC, in Washington, D.C. The Liaison Committee shall act as liaison for plaintiffs pursuing related claims in state courts. In addition, this committee shall serve as liaison to public safety interest groups and consumer groups as identified by Plaintiffs and to state and federal government entities and officials;

(3) Law Committee, to be chaired by Robert S. Green, of Girard & Green, LLP, in San Francisco, California;¹

(4) Trial Committee, to be co-chaired by Dianne Nast, of Roda & Nast, in Lancaster, Pennsylvania, and Richard Denney, of Denney & Barrett, P.C., in Norman, Oklahoma;

¹Plaintiffs initially proposed Linda D. Houssiere, of Houssiere, Durant & Houssiere, LLP, in Houston Texas to co-chair this committee. In the course of preparing this order, the Court discovered not only that Ms. Houssiere has no cases pending in the MDL, but also that her firm's web site contained, by way of apparent business solicitation, a statement to the effect that their firm's clients were not participating in the MDL. Upon further inquiry of Liaison Counsel, we have learned nothing to the contrary. Therefore, because the parties have agreed with the Court that the lawyers involved in the leadership of this MDL must have cases pending here and must not be engaged in litigation that would undermine this Court's ability to manage the lawsuits transferred to it, the Court has not placed Ms. Houssiere in a management position.

(5) Settlement/ADR Committee, to be co-chaired by Patrick W. Pendley, of the Pendley Law Firm, in Plaquemine, Louisiana, and Paul S. Minor, of Minor & Associates, in Biloxi, Mississippi; and

(6) Discovery/Expert Committee, to be co-chaired by Ronald L. Motley, of Ness Motley Loadholt Richardson & Poole, P.A., in Mount Pleasant, South Carolina, and C. Tab Turner, of Turner & Associates, P.A., in Little Rock, Arkansas.

Counsel who filed the Submission of Plaintiffs in Ford Explorer Diminution in Value Actions Relating to Organization and Structure on December 1, 2000 shall nominate by **Monday, December 11, 2000**, one attorney representing plaintiffs asserting claims that have been characterized as Explorer diminution-in-value cases to serve on the Settlement/ADR Committee and a second attorney representing like plaintiffs to serve on the Discovery/Expert Committee. If, and when, the Court certifies an Explorer diminution-in-value class, the Court anticipates appointing, after recommendations from the Executive Committee, separate Class Counsel for this class. Notwithstanding any of the above, these nominations need not be signed by a member of the Executive Committee in order to be submitted to the Court. Current Liaison Counsel for class cases, Irwin Levin, shall act also as Liaison Counsel for the Explorer diminution-in-value cases.

Lead and Co-Lead Counsel may appoint members in addition to those named

above to serve on these committees and to perform discrete tasks as needed. All of the above-named attorneys and all attorneys to be appointed by Lead and Co-Lead Counsel shall act at the direction and under the authority of the Executive Committee. Plaintiffs are reminded that the Court retains jurisdiction over will review, from time to time, the performance and participation of attorneys serving in the Plaintiffs' Management Structure and shall order changes, if necessary.

Approval of Withdrawal from State Class Actions. The Court hereby approves the voluntary withdrawal of attorneys serving on the Plaintiffs' Management Committee from their representation of class actions in state courts, as presented by Lead and Co-Lead Counsel at the status conference on December 6, 2000. The Court expects that the withdrawal will be completed by all effected attorneys as promptly as possible.

Submission of Plaintiffs' Master Complaint. Plaintiffs shall file a Master Complaint by **Friday, December 29, 2000** (twenty-one (21) days after the issuance of this order).

Submission of Proposed Case Management Plan. The parties shall submit a Proposed Case Management Plan by **Friday, December 22, 2000**. As discussed at the status conference on December 6, 2000, the proposed plan shall clearly indicate the points on which the parties have reached agreement and the competing options proposed by the parties for the points on which they have not reached agreement.

Suspension of “Bundling” Requirement. Motions for Summary Judgment shall be filed in accordance with the procedures set forth in Local Rule 56.1 of the Local Rules of the Southern District of Indiana.² The “bundling” requirement normally governing the submission of motions for summary judgment to Judge Barker under the Pilot Program is hereby suspended until further order of the Court.

Service of Process on Bridgestone Corporation. As represented to the Court by counsel for Defendant Bridgestone Corporation at the status conference on December 6, 2000, Bridgestone Corporation will accept service of process by registered mail at:

Bridgestone Corporation
10-1, Kyobashi 1-Chome, Chuo-ku
Tokyo 104-8350
Japan
Attn: Hiroyuki Kita
Manager
Corporate Legal Department

Bridgestone has agreed to accept the documents written in the English language, without translation into Japanese.

Setting Meeting with Lead and Local Counsel. This cause is hereby set for a status

²The Local Rules of the Southern District of Indiana are available on the Court’s website at <http://www.insd.uscourts.gov> by clicking on “Frequently Asked Questions.”

conference before Judge Sarah Evans Barker on **Tuesday, January 30, 2001, at 10:00 a.m. EST** in Room 216, United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana. Participants shall include Magistrate Judge V. Sue Shields, Special Master Debra McVicker Lynch, the attorneys serving on the Plaintiffs' Executive Committee, and Lead and Local Counsels for Defendants Ford, Firestone, and Bridgestone.

The agenda for this meeting shall include discussions of any issues remaining in dispute relative to the Proposed Case Management Plan submitted on December 22, 2000; the format for and progress in alternative dispute resolution ("ADR"); and follow-up on any other matters addressed during the first two status conferences, including a document depository, protective orders/confidentiality agreements, etc. Discussion shall proceed with the goal of reaching agreement on these issues, and in the absence of agreement, providing the Court with information to issue necessary rulings.

In preparation for this meeting, parties are to submit a written report on the above agenda items to the Court, on or before **Thursday, January 25, 2001**, setting forth the areas on which they have reached agreement and outlining their positions on the issues for which they have failed to reach agreement. Parties are to note, in particular, the progress, or lack thereof, made in negotiations concerning areas of disagreement remaining from the Proposed Case Management Plan submitted on December 22, 2000.

Proposal on Plaintiffs' Attorney Expense Management Plan. Also by **Thursday,**

January 25, 2001, the Plaintiffs' Executive Committee shall submit to the Court a Proposed Protocol on Attorney Expense Management setting forth guidelines for wise management of legal resources on the part of all participants in the Plaintiffs' Management Structure. This submission shall be ex parte. The Executive Committee, in preparing this Plan, shall pay particular attention to ensuring that attorneys do not needlessly duplicate the efforts of other attorneys representing the same interests and to using technology to effectuate efficient and economical service of papers to other counsel representing Plaintiffs.

Briefing Schedule on Press's Motion to Intervene. On December 5, 2000, Dow Jones & Company, Inc. ("Dow Jones") and Bloomberg L.P. ("Bloomberg") filed Motions to Intervene and Unseal Documents. Parties must submit their response to these motions by **December 22, 2000**. Dow Jones and Bloomberg shall submit their replies by **January 5, 2001**.

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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