

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,
) Judge)
THIS DOCUMENT RELATES TO ALL)
ACTIONS)
)
)

ORDER REGARDING JANUARY 30, 2001
ATTORNEY CONFERENCE

The next conference of attorneys in this MDL, scheduled for January 30, 2001, will be held in Room 216, United States Courthouse, 46 E. Ohio Street Indianapolis, Indiana, beginning at 10 a.m. EST. The Court expects that the conference will conclude by 1 p.m. Attorneys on the Plaintiffs' Executive Committee and lead and local counsels for defendants Bridgestone/Firestone, Inc., Ford Motor Company, and Bridgestone Corporation are expected to attend and participate.

The Court will allow, but does not encourage, the attendance of other attorneys and expects that any others in attendance will participate only through the above representatives. Any media representative who plans to attend should notify the Special Master at (317)229-3608 or at dlynch@insd.uscourts.gov. The conference will be on the record and transcripts will be available.

Case Management Order

The primary purpose of the conference is to address the proposed Case Management Order, particularly the provisions on which the parties have not agreed. These matters include: (a) the scope of the Master Complaint; (b) the filing of Rule 12 motions in the class cases; (c) the timing for briefing of class certification motions; (d) initial disclosures under Fed. R. Civ. P. 26(a)(1); (e) various disputes about the manner by which and the time within which documents will be produced; (f) the assertion of privilege and the scope of the Court's rulings on privilege; (g) the scheduling of multiple depositions; and (h) the duration of depositions.¹ The objective for this conference will be to resolve these issues if possible, and if not, to air the issues fully so that the Court will be prepared to make a ruling. Entry of a Case Management Order will promptly follow the January 30 conference.

The parties' respective submissions made in connection with the proposed Case Management Order also reveal fundamental differences about the extent to which this Court should seek the coordination of state court actions with the proceedings in the MDL, and the extent to which that coordination should be incorporated into the Case Management Order.

We will address those issues briefly here in order to give the parties some guidance in advance of the January 30 conference. It is our intention, when feasible and advisable under the circumstances, to explore with state court judges the process of coordination of their proceedings with those in the MDL. We are aware of defendants' efforts to consolidate pre-trial proceedings in those states where numerous personal injury/wrongful death cases are pending, and we encourage those efforts because

¹The Court has identified these issues from the parties' submissions, but does not consider this to be an exhaustive list of the case management issues the parties may wish to address.

consolidation will simplify MDL/state court coordination. As these efforts to consolidate proceed, we ask that defendants keep the Court apprised of developments and provide contact information for the judges before whom cases have been consolidated.

Although we are ready and willing to make appropriate informal efforts to coordinate with state courts, we do not intend to attempt to formalize coordination procedures by including them in the Case Management Order. We expect the extent to which state courts may desire to coordinate their proceedings and the contours of that coordination will differ from court to court, and it will not be our goal to attempt to impose on state courts the more rigid procedures contemplated in the defendants' proposed provisions of the Case Management Order. Discussion at the conference regarding the provisions of the Case Management Order will therefore proceed without regard to state court coordination issues, which will be treated as a separate matter.

Other Matters

The Court also expects to address at the conference on January 30 the status of the following matters identified at prior conferences: (a) the format for and progress in alternative dispute resolution ("ADR"); (b) the status of settlement negotiations generally; (c) document depository arrangements; and (d) protective orders/confidentiality agreements. The Court will also discuss with counsel the Plaintiff Executive Committee's Application for Order Establishing a Litigation Expense Trust Fund for Plaintiffs in the Personal Injury/Wrongful Death Cases. The schedule for the conference has been designed also to provide time for the parties to raise additional issues that need to be addressed at this time.

It is so ORDERED this _____ day of January, 2001.

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

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