

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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
)
)
_____)
THIS ORDER RELATES TO ALL ACTIONS) (centralized before Hon.Sarah Evans
Barker, Judge)
)
)
)

ORDER CONCERNING WITHDRAWAL OF CERTAIN PENDING MOTIONS

On November 22, 2000, the Court issued its Order on Organizational Structure and Discovery. The Order required Plaintiffs' Liaison Counsel for personal injury/death cases to select up to five cases representative of the various remand issues raised in the multidistrict litigation ("MDL") In re Bridgestone/Firestone, Inc., ATX, ATX II and Wilderness Tires Products Liability Litigation, MDL No. 1373 ("In re Bridgestone/Firestone"). Plaintiffs submitted remand motions in four cases for the Court's consideration. The Court has ruled on the remand motions in three of these cases: McKinney v. Bridgestone-Firestone, Inc. and Ford Motor Co., IP 00-5000-C-B/S¹; Fehmers v. Ford Motor Co. et al., IP 00-5068-C-B/S²; and Halkett v. Bridgestone-

¹Order on Request for Suggestion for Remand, January 12, 2001.

²Order Denying Motion for Amendment and Remand, January 30, 2001.

Firestone, Inc. et al., IP 00-5014-C-B/S³. The fourth case, Barger v. Bridgestone-Firestone, Inc. et al., IP 00-5153-C-B/S, has not been transferred to the MDL.

As announced at the MDL Conference on January 30, 2001, the Court asks counsel in personal injury cases with remand motions pending to determine whether their motions should be withdrawn. On or before February 23, 2001, counsel in such cases must either withdraw their motions for remand or notify the Court of their desire for a ruling on the motions. When considering whether to withdraw the motions, counsel are reminded that the Court expedited rulings on these representative remand issues in order to establish clear precedent for all such issues.

In their Notice Regarding Status of Remand Motions in Class Actions of December 20, 2000 (“Status of Class Remand Motions”), Plaintiffs’ Liaison Counsel for the class action cases did not seek remand determination for any of the class actions. Status of Class Remand Motions at 4. Also as announced at the most recent MDL Conference, Plaintiffs’ Liaison Counsel for the class action cases are to consider withdrawing any pending motions for remand in these cases. On or before February 23, 2001, counsel shall inform the Court of their decision either by withdrawing their motions or by notifying the Court of their desire for a ruling on the motions.

It is so ORDERED this ____ day of January 2001.

³Order on Motion to Remand, January 25, 2001.

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

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