

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 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 ON BRIEFING OF CLASS REMAND MOTIONS

Consistent with the Court’s prior instruction, Plaintiffs’ Liaison Counsel for the class action cases submitted on December 20, 2000, a list of seven class cases with pending remand motions. Liaison Counsel at that time advised the Court that Class Counsel was not seeking a determination of those motions at that time. On February 26, 2001, Liaison Counsel for the class cases informed the Court that the plaintiffs in ten class cases seek rulings on their remand motions.¹ After that filing, the plaintiff in one other class case² renewed her request for a ruling on the remand motion she had filed in the transferor district court, and the Court is aware of one additional case³ in which the plaintiff has given notice of a pending remand motion.

¹These ten cases include three of the seven originally identified on December 20, 2000, and seven more cases with remand motions of which Liaison Counsel was apparently unaware when he made his original filing.

²Spied v. Bridgestone/Firestone, Inc., et al., Cause No. IP 00-5035.

³Benishai v. Bridgestone/Firestone, Inc., et al., Cause No. IP 00-5076.

The Court has determined in its review of these pending remand motions that nearly all of them were briefed before transfer to this Court. We have previously established that the law of the Seventh Circuit governs the removal and remand issues presented in this case. See, e.g., Order on Motion to Remand dated January 25, 2001. Supplemental briefing will therefore be permitted so that the parties can address the issues presented by these remand motions in light of Seventh Circuit authority. In addition, the Court requests the parties to brief the effect, if any, of the pendency of the Master Class Complaint on the Court's subject matter jurisdiction over these class cases in which remand is sought. The supplemental briefs should not repeat the arguments contained in the prior briefs. Counsel for plaintiffs and counsel for defendants may file consolidated briefs (i.e., for multiple cases) if appropriate in light of the varying factual and legal issues presented by the motions.⁴

The parties shall file their supplemental briefs by June 4, 2001. The parties may then file briefs in response to the supplemental briefs by July 9, 2001.

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

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

⁴The provision of the Court's December 8, 2000 Order on Plaintiffs' Management Structure and Various Case Management Matters requiring that all plaintiffs' filings be signed by a member of the Plaintiffs' Executive Committee does not apply to these supplemental briefs.

Copy to:

William E. Winingham
Wilson Kehoe & Winingham
2859 North Meridian Street
P.O. Box 1317
Indianapolis, IN 46206-1317

Randall Riggs
Locke Reynolds LLP
201 N. Illinois St., Suite 1000
P.O. Box 44961
Indianapolis, IN 46244-0961

Daniel P. Byron
McHale Cook & Welch Pc
320 N Meridian St.
1100 Chamber of Commerce Bldg
Indianapolis, IN 46204

Irwin B. Levin
Cohen & Malad
136 North Delaware Street
P O Box 627
Indianapolis, IN 46204