

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

)
)
)
In re: BRIDGESTONE/FIRESTONE, INC.,)
TIRES PRODUCTS LIABILITY LITIGATION) Master File No. IP 00-9373-C-B/S

) MDL No. 1373
) (centralized before Hon. Sarah Evans
THIS DOCUMENT RELATES TO ALL) Barker, Judge)
ACTIONS)
)
)
)
)

Entry for July 27, 2001

The Court has on this date issued its rulings on Defendants Bridgestone/Firestone Inc. and Ford Motor Company's ("Defendants") Motion to Dismiss the Master Complaint. Defendants' Motion to Dismiss is directed only to the claims asserted in the Master Complaint, which are claims filed in this Multidistrict Litigation ("MDL") as a proposed class action. The Court's rulings do not address the personal injury actions pending in this MDL.

For ease of review, we provide this summary of our rulings:

Defendants' Motion to Dismiss Plaintiffs' Magnuson-Moss Warranty Act Claim (First Claim for Relief) is DENIED.

Defendants' Motion to Dismiss Plaintiffs' Racketeer Influenced and Corrupt

Organizations Act Claims (Second through Seventh Claims for Relief) is GRANTED.

Defendants' Motion to Dismiss Plaintiffs' Unjust Enrichment Claim (Ninth Claim for Relief) is DENIED.

Defendants' Motion to Dismiss Plaintiffs' Consumer Protection Act Claims (Tenth Claim for Relief) is GRANTED, but only to the extent set forth more specifically in the Order.

Defendants' Motion to Dismiss Plaintiffs' Breach of Express Warranty Claim (Eleventh Claim for Relief) is DENIED.

Defendants' Motion to Dismiss Plaintiffs' Breach of Implied Warranty Claim (Twelfth Claim for Relief) is DENIED.

Defendants' Motion to Dismiss Plaintiffs' Negligence Claim (Thirteenth Claim for Relief) is GRANTED.

Defendants' Motion to Dismiss Plaintiffs' Redhibition Claim (Fourteenth Claim for Relief) is GRANTED.

In a second, separate Order also issued on this date, the Court GRANTS IN PART Defendants' Motion to Dismiss Plaintiffs' Eighth Claim for Relief (to the extent it seeks a court-ordered recall of the subject tires) and DENIES IN PART AS MOOT Plaintiffs' Motion for Preliminary Injunction filed January 29, 2001, and Plaintiffs' Motion for

Preliminary Injunctive Relief Against Ford Motor Company filed June 1, 2001 (to the extent those motions seek a court-ordered recall). The Court has certified this second, separate Order for interlocutory appeal, pursuant to 28 U.S.C. §1292(b).

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

Copy to:

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

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