

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

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In re: BRIDGESTONE/FIRESTONE, INC., ) Master File No. IP 00-9373-C-B/S  
TIRES PRODUCTS LIABILITY LITIGATION ) MDL No. 1373  

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 ) (centralized before Hon. Sarah Evans Barker,  
 ) Judge)  
THIS DOCUMENT RELATES TO ALL )  
ACTIONS )  
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**ORDER REQUIRING NOTICE OF CERTAIN PENDING MOTIONS  
AND ESTABLISHING BRIEFING SCHEDULES**

To assist the Court in timely identifying pending motions that are ripe for ruling, the Court now ORDERS counsel to provide notice to the Court as follows: In all personal injury cases pending in this MDL in which a motion under Fed. R. Civ. P. 12 or 56 or a motion for remand has been filed, counsel for the moving party shall file a notice with the Court within ten days of the motion becoming fully briefed and ripe for ruling. The notice shall list by title and date filed all filings related to the motion, including, without limitation, the motion itself and all briefs, appendices, and other materials filed in support of or in opposition to the motion. As to motions in personal injury cases that already have been fully briefed and ripe for ruling more than ten days, counsel shall provide the above notice by September 5, 2001. This notice requirement also applies to any motions that were fully briefed in the transferor court prior to transfer but have not yet been ruled upon (but only if those motions still require a ruling). This notice requirement does not apply to motions of which counsel have previously provided notice pursuant to the Court's Order dated December 28, 2000. In addition, counsel are reminded of

their obligation to notify the Court immediately (1) of any reasonably anticipated settlement of a case in which a motion is pending or (2) of the parties' resolution of a pending motion. See S.D. Ind. L.R. 7.1(d).

In all personal injury cases pending in this MDL in which motions had been filed in the transferor court (and/or state court in removed cases) but have not yet been fully briefed, the parties shall complete the briefing according to the provisions of the local rules of this Court (typically S.D. Ind. L.R. 7.1 and 56.1). The due dates for briefs under these circumstances are to be calculated as if the last brief filed had been filed in this Court on the date of this Order.<sup>1</sup> With respect to cases transferred to this Court after the date of this Order, the due dates for briefs shall be calculated as if the last brief filed had been filed in this Court on the date of the final, certified transfer order of the Judicial Panel on Multidistrict Litigation. If, however, a party had failed to make a timely filing<sup>2</sup> in connection with a motion while the case was still pending in the transferor court, then the party must seek leave from this Court to submit any additional briefing.

Nothing in the preceding paragraph shall be construed to alter any deadline established by the Case Management Order dated January 30, 2001, or the Supplemental Case Management Order

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<sup>1</sup>For example, if a motion to dismiss and brief in support were filed in the transferor court on March 1, 2001, and the case was transferred to the MDL before further briefing occurred, then the response brief would be due (under L.R. 7.1) fifteen days from today and the reply brief seven days thereafter (as calculated according to Fed. R. Civ. P. 6.1).

<sup>2</sup>For these purposes, a failure to file timely in the transferor court means not filed within the time period prescribed by that court, unless, at the time the filing was otherwise due, the case was subject to (a) a stay order, (b) a petition to transfer to the MDL, or (c) a conditional transfer order of the Judicial Panel on Multidistrict Litigation.

dated March 2, 2001.

It is so ORDERED this \_\_\_\_ day of August, 2001.

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

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