

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

**In re: BRIDGESTONE/FIRESTONE, INC.,) Master File No. IP 00-9373-C-B/S
ATX, ATX II and WILDERNESS TIRES) MDL NO. 1373
PRODUCTS LIABILITY LITIGATION)
_____))
THIS DOCUMENT RELATES TO ALL)
ACTIONS)**

**ENTRY REGARDING BRIDGESTONE/FIRESTONE INC.'S OBJECTION
TO FORD'S ADJUSTMENT DATA DESIGNEE**

This cause is before the magistrate judge on Bridgestone/Firestone Inc.'s Objection to Ford's Adjustment Data Designee and Ford's response thereto. The magistrate judge, being duly advised, **OVERRULES** Firestone's objections for the reasons set forth below.

Pursuant to the procedure established in this case, on August 3, 2001, Ford notified Firestone that it intended to provide its statistical expert, Dr. William Wecker, with a copy of Firestone's electronic adjustment data.¹ In response, Firestone filed the instant objection, based on its belief that Dr. Wecker has some sort of consulting relationship with Cooper Tire Company, a competitor of Firestone, and the fact that he "is an extraordinarily active consultant in the automotive field," having worked as a consultant for at least one tire company and several vehicle manufacturers. Firestone argues that Ford should be required to choose a statistical expert "who presents neither the number nor the extent of Wecker's entanglements with Firestone's competitors and customers."

The first ground for Firestone's objection—Dr. Wecker's relationship with Cooper Tire Company—is easily disposed of, inasmuch as Dr. Wecker has no such relationship. Rather, Dr.

¹Because of the highly sensitive proprietary nature of the adjustment data, this procedure was established to provide Firestone the opportunity to object in advance to a particular person having access to the data.

Wecker had only brief, preliminary discussions with attorneys for Cooper Tire Company, which did not result in any consulting agreement.

As for Firestone's other, more general concern regarding Dr. Wecker's consulting work in the tire and automotive industries, the magistrate judge determines that the following safeguards, similar to those imposed upon the plaintiffs' expert in this case, when combined with the Confidentiality Order already in place in this case, will protect Firestone's legitimate confidentiality interests:

1. For the pendency of this litigation,² Dr. Wecker shall not perform any work for or have any relationship with any tire company; provided that if Dr. Wecker's services as an expert in this MDL proceeding are terminated prior to the end of this litigation (as defined in footnote 2 herein), Dr. Wecker may ask this court, in its discretion, to relieve him from this requirement.
2. Until June 1, 2004, other than his services in this MDL, Dr. Wecker may not perform any work for any company or individual which involves the statistical analysis of data related to tires, or which otherwise involves or relates to the adjustment data of any tire company. This requirement will not be subject to modification by the court.
3. Within 24 hours of the termination of his services in this MDL proceeding, Dr. Wecker shall: (1) return to Ford's counsel all copies of the adjustment data and any manipulation or analysis thereof in his possession or control, in all forms,

²"This litigation" includes this MDL proceeding, any case which is remanded from this MDL to another federal district court for trial or other proceedings, and any state case involving the same issues.

including computer disc or cd-rom; (2) remove the adjustment data and any manipulation or analysis thereof from the hard drive of any computer in his possession or control; and (3) certify under oath to this court that he has done so.

As soon as Ford files with this court an affidavit executed by Dr. Wecker stating that he agrees to comply with each of these conditions and also has signed a copy of the Confidentiality Order in this case and agrees to abide by its provisions, it may provide Dr. Wecker with Firestone's adjustment data.

ENTERED this _____ day of October 2001.

V. Sue Shields
United States Magistrate Judge
Southern District of Indiana

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