

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

ORDER TO SHOW CAUSE

The Court, on its own initiative, ORDERS Ronald L. Motley of the law firm Ness Motley Loadhold Richardson & Poole (“Ness Motley”) to appear personally before the Court on December 28, 2001, at 2 p.m. in Room 216, United States Courthouse, to show cause why he should not be removed from Plaintiffs’ Management Committee (as Co-Chair of the Discovery/Experts Committee).

The Court has received information that Mr. Motley has participated in efforts to obtain class certification orders in state court actions involving the same subject matters as those before the Court in this Multidistrict Litigation. If so, that conduct appears to violate this Court’s Order on Plaintiffs’ Management Structure and Various Case Management Orders dated December 8, 2000 (“Management Order”) (see page 5 and page 3 footnote 1) as well as the assurances given the Court by Lead Class Counsel Don Barrett at the hearing held on December 6, 2000 (see Transcript, pages 9-10). The Court notes that it is

particularly concerned about this matter in light of Mr. Motley's responsibilities as Co-Chair of the Discovery/Experts Committee to promote and facilitate the orderly progression of the class proceedings in this Multidistrict Litigation; his apparent activities in state court actions would be directly in conflict with these responsibilities.¹

For these reasons, Mr. Motley shall appear personally before the Court to answer as to the accuracy of Court's information and otherwise to show cause why he should not be removed from the Plaintiffs' Management Committee. (See Management Order, page 5².)

Along with Mr. Motley, Lead Class Counsel and Liaison Counsels for the Class Plaintiffs, Personal Injury Plaintiffs, and Defendants shall attend the hearing.

It is so ORDERED this ____ day of December, 2001.

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

¹Another member of the Ness Motley firm, Donni E. Young, serves on the Executive Committee for the personal injury cases. Although the Court has not received information linking Ms. Young personally to efforts to obtain class certification in state court actions, her firm's apparent conduct may raise concerns about her continued service.

²The Management Order provides that "Plaintiffs are reminded that the Court retains jurisdiction over [and] will review, from time to time, the performance and participation of attorneys serving in the Plaintiffs' Management Structure and shall order changes, if necessary."

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