

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

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

**ENTRY FOR JANUARY 11, 2002**

The parties appeared, by counsel, this date<sup>1</sup> for a telephonic status conference, during which the following was discussed:

1. The parties report that they were unable to resolve the issue of the continuation of the deposition of Tom Baughman. Over Ford's strenuous objection, the magistrate judge determines that Mr. Baughman's deposition may be continued, in light of the fact that he has previously been deposed only by counsel representing Texas state court plaintiffs and by the plaintiffs in this action on forum non conveniens issues. The deposition shall proceed on the following schedule: no more than 8 hours for the plaintiffs; no more than 4 hours for Firestone; and no more than 2 hours for Ford.
2. The parties further report that they were unable to resolve the issue of the plaintiffs' request to depose certain of Ford's counsel. Ford has filed a motion for protective order regarding that issue, and the plaintiff responded to that motion during the status conference. The magistrate judge will rule on Ford's motion in a separate Entry. However, inasmuch as the magistrate judge anticipates that at least some of the depositions will be permitted, and that it will be most efficient for the magistrate judge to monitor those deposition to resolve the inevitable objections, by **Wednesday, January 16, 2002**, Ford shall notify the magistrate judge whether it would prefer to conduct the depositions that are permitted in Indianapolis or to have the magistrate judge monitor them via the court's videoconferencing facility.
3. The issue of the need to schedule Mr. Kuznicki's deposition was discussed. Ford had been operating under the incorrect belief that Mr. Kuznicki's deposition was relevant only to foreign-accident cases, and therefore could be scheduled after February 1, 2002. Now that its misperception has been corrected, Ford assured the plaintiffs and the magistrate judge that Mr. Kuznicki will be added to the deposition schedule promptly.
4. The parties suggested that a scheduling conference to aid the parties in scheduling the deposition relevant to foreign-accident cases might be helpful. The magistrate judge will be happy to conduct such a conference.
5. Plaintiffs have requested the depositions of Mr. Abouris and Ms. Petrauskas, both of

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<sup>1</sup>This conference originally was scheduled for January 10, 2002.

whom are former Ford employees who are represented by separate counsel and who may object to being deposed because of their ill health. The parties determine that the issue may well be resolved by a telephonic conference between counsel for Abouris and Petrauskas, Ford's counsel, and Mr. Diaz for the plaintiffs, and Ford's counsel agreed to arrange such a conference.

6. The plaintiffs raised the issue of how their objections to Ford's 2337-page privilege log might best be raised and resolved, and the magistrate judge determines that a full-day discovery conference is the only practical solution. The parties will inform the magistrate judge of when they will be prepared to have such a conference, and the magistrate judge will schedule the conference and establish the procedure that will be used at it.
7. Plaintiffs voiced their concern over the expert witness report schedule and the fact that the parties' supplemental expert reports are due on the same day (March 27, 2002) as the defendants' initial expert witness reports. The magistrate judge understands the plaintiffs' theoretical concern, but is confident that the schedule will prove workable in practice.
8. The plaintiffs report that they are still receiving documents from Ford. The plaintiffs will report at the next status conference whether they find any gaps or omissions in Ford's production.
9. At the plaintiffs' request, Ford reaffirmed its commitment to consistently provide deposition notebooks to the plaintiffs 5-7 days in advance of each deposition.
10. Mike Eidson, counsel for the plaintiffs, will provide the court with a list of those cases that the plaintiffs believe should be remanded to their respective transferor courts because they involve tires which are not properly part of this MDL proceeding.
11. The magistrate judge confirmed that a plaintiff's treating physician is not considered an expert witness as long as he or she only testifies regarding what the plaintiff's treatment has been and what the plaintiff's future medical prognosis is.

12. The depositions of defendant Bridgestone Corporation's witnesses shall take place as follows:

Deponent	Date(s)	Location
Yuji Tomiyasu	February 7-8, 2002	Squire, Sanders & Dempsey LLP 4900 Key Tower 127 Public Square Cleveland, OH 44114
Shingo Katsura	February 12-13, 2002	Squire, Sanders & Dempsey LLP Cleveland, Ohio
Masayuki Ohashi	February 14-15, 2002	Squire, Sanders & Dempsey LLP Cleveland, Ohio
Kenichi Tanaka	February 19-20, 2002	Squire, Sanders & Dempsey LLP Cleveland, Ohio
Ryotaro Fukushima	February 21-22, 2002	Squire, Sanders & Dempsey LLP Cleveland, Ohio
Shigeo Watanabe	March 5-6, 2002	U.S. Consulate 11-5 Nishitenma 2-chome, Kita-ku Osaka 530-8543 Japan
Yoichiro Kaizaki	March 7-8, 2002	U.S. Consulate Osaka, Japan

13. Another telephonic status conference will be held in this case on **Thursday, January 17, 2002, at 1:30 p.m.** The call will be arranged by Victor Diaz, counsel for plaintiffs, who will notify liaison counsel and the magistrate judge regarding the arrangements.

ENTERED this \_\_\_\_\_ day of January 2002.

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

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