

**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 17, 2002**

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

1. The magistrate judge anticipates entering her order on Ford's motion for protective order on January 18, 2002, and further anticipates that Ford may wish to object to all or part of that ruling pursuant to 28 U.S.C. § 636(b)(1). To that end, the parties agree to the following expedited schedule for briefing any such objections:
  - a. Ford shall file its objections on or before January 28, 2002;
  - b. the plaintiffs shall respond to the objections on or before February 1, 2002;
  - c. Ford shall file its reply on or before February 5, 2002.
2. Victor Diaz, counsel for the plaintiffs, will notify the magistrate judge of the dates the parties have agreed upon for the exchange of "core" expert lists and reports in the foreign accident cases filed prior to July 1, 2001, as provided for in paragraph C.2. of the Order Amending Certain Case Management Deadlines, dated October 26, 2001.
3. Mr. Diaz reports that he does not anticipate filing a supplemental brief in opposition to the motions to dismiss on forum non conveniens grounds. Any party that wishes to supplement its briefing on the forum non conveniens motions to incorporate recently obtained evidence shall do so no later than February 1, 2002.
4. The magistrate judge reiterates that for all document production in this case, documents shall be produced in one of two ways: (1) the producing party shall identify, by Bates number, each document that is responsive to each request; or (2) the documents shall be produced as they are kept in the ordinary course of business. If the latter option is chosen, the producing party must (1) identify the source of each document—e.g., the specific file folder and the specific employee, office or department that created and/or stored the file folder, or the specific computer hard drive where the document was found—and (2) keep the documents in the same order and labeled in the same manner as they were kept by the producing party.
5. The topic of Ford's document production, and the plaintiffs' concerns regarding it, was discussed at length. Mr. Diaz described his specific concern regarding the production of the pages of a spiral notebook which the plaintiffs believe was—either inadvertently or intentionally—disassembled and "shuffled" by Ford prior to its production. Ford's counsel

had not yet had the opportunity to review the issue to determine whether there was a problem and if so why the problem occurred. The magistrate judge requested that Mr. Diaz send her and Ford a copy of the pages as he received them, and that Ford send her and Mr. Diaz a copy of the intact notebook, so that everyone can better understand the circumstances of its production.

6. Ford reports that it is diligently working to prepare an index of all of the documents it recently has produced which will identify, by Bates number, which documents are responsive to which request. Ford anticipates providing the plaintiffs with the completed index within a week. Because of the short time frame between when the plaintiffs received the documents and when the Rule 30(b)(6) depositions of Ford are scheduled, the plaintiffs may need to recall some of Ford's witnesses at a later date for the purposes of document identification and authentication. The plaintiffs will report to the magistrate judge regarding any deficiencies it perceives in Ford's document production as they are able to review and digest the large number of documents Ford has produced.
7. The parties will meet and confer regarding Bridgestone Corporation's document production, and will raise any unresolved issues during the next status conference.
8. Counsel for Bridgestone agreed to forward to plaintiffs' counsel all documents he receives to prepare for the deposition of Bridgestone witnesses.
9. The plaintiffs previously had deferred the deposition of Mr. Golightly in hopes that other deponents would be able to answer the questions they have for Mr. Golightly; however, they have now determined that Mr. Golightly's deposition will be necessary, and, accordingly, it will be added to the schedule.
10. The parties agree that it would be beneficial for the magistrate judge to have a court-appointed expert to assist her at the February 4, 2002, hearing regarding Ford's databases. To that end, the parties further agree to ask their respective experts to agree upon a third person to serve as the court's expert, and to provide that information to the magistrate judge by January 23, 2002. It is anticipated that Ford and the plaintiffs will share in the cost of court-appointed expert.
11. Ford agrees to provide plaintiffs with the back-up data the plaintiffs requested during the deposition of Ernie Grush; the plaintiffs will examine the data and determine whether they need to continue Mr. Grush's deposition.
12. Counsel for the plaintiffs report that they have inadvertently neglected to issue subpoenas for the five third parties of whom they wish to take Rule 30(b)(6) depositions. The magistrate judge instructed plaintiffs to issue the subpoenas immediately, and the issue of scheduling those depositions will be discussed at the next status conference. The plaintiffs will also serve the non-parties with document requests pursuant to Federal Rule of Civil Procedure 34, which may obviate the need for the depositions altogether.
13. The parties will meet and confer to determine whether Ford has produced all of the

requested Hertz-related documents.

14. The parties will confer and determine an appropriate date to meet with the magistrate judge regarding Ford's privilege log and will contact the magistrate judge's staff to schedule the meeting.
15. A telephonic conference is scheduled for Tuesday, January 22, 2002, at noon, to discuss the scheduling of depositions relevant to foreign-accident cases.
16. Another telephonic status conference will be held in this case on **Thursday, January 24, 2002, at 1:00 p.m.** The call will be arranged by Mark Merkle, counsel for Firestone, 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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