

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

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

ENTRY FOR FEBRUARY 6, 2002

The parties appeared, by counsel, this date for a telephonic conference to discuss certain issues related to discovery in Victor Diaz's Venezuelan cases. The magistrate judge, being duly advised, determines the following:

1. Firestone is entitled to examine and perform non-destructive testing on the subject tires from each case at its own facility in Akron, and it is not required to disclose to plaintiffs' counsel what type of non-destructive testing it intends to perform.
2. Mr. Diaz will provide Firestone with the subject tires from each of his cases on a rolling basis, as he completes his own non-destructive testing on each tire. The deadline for providing the last tire to Firestone is **March 15, 2002**.
3. Firestone will return the tires to Mr. Diaz on a rolling basis as it completes its non-destructive testing on each tire.
4. No destructive testing of any kind may be performed on any of the subject tires until after a protocol for the testing is either agreed upon by the parties or approved by the court.
5. The parties will endeavor to reach an agreement regarding the execution of medical releases to enable the defendants to obtain the plaintiffs' medical records. If they cannot reach an agreement, Mr. Diaz will file a motion for protective order.
6. The issue of the scheduling of the Venezuelan plaintiffs' independent medical examinations was discussed. Mr. Diaz has requested that, for efficiency's sake, any IME be scheduled at the same time that the plaintiff is in Florida for his or her deposition. The defendants object to this, on the ground that they may not know whether they wish to have an IME conducted

on any given plaintiff until after they take and review that plaintiff's deposition. The magistrate judge determines that the IME of any plaintiff who alleges a permanent mental or physical injury shall either be conducted within 3 calendar days of that plaintiff's deposition¹ or within the seven calendar days preceding trial. To the extent that the defendants are not certain that they wish to have an IME conducted of a plaintiff who does not allege a permanent injury, they may wait until after the plaintiff's deposition to make that determination and schedule the IME, even if that requires the plaintiff to make an additional trip to Florida.

ENTERED this _____ day of February 2002.

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

Copies to:

Irwin B Levin
Cohen & Malad
136 North Delaware Street
P O Box 627
Indianapolis, IN 46204

William E Winingham
Wilson Kehoe & Winingham
2859 North Meridian Street
P.O. Box 1317
Indianapolis, IN 46206-1317

Randall Riggs
Locke Reynolds LLP
201 N. Illinois St., Suite 1000
P.O. Box 44961
Indianapolis, IN 46244-0961

¹The magistrate judge expects that Mr. Diaz will inform the defendants if any of these plaintiffs have plans to visit South Florida for any other purpose subsequent to their deposition; if that is the case, the IME may instead be scheduled during that subsequent visit, if the defendants so wish.