

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**  
\_\_\_\_\_ )  
**THIS DOCUMENT RELATES TO ALL** )  
**ACTIONS** )

**ENTRY ON FIRESTONE’S MOTION TO EXTEND TIME TO EXCHANGE EXPERT  
WITNESS REPORTS, COMPLETE EXPERT DISCOVERY AND TO FILE SUMMARY JUDGMENT  
MOTIONS IN THE CLASS ACTION CASE ONLY**

This cause is before the magistrate judge on the motion of defendant Bridgestone/Firestone, Inc. (“Firestone”) entitled Motion to Extend Time to Exchange Expert Witness Reports, Complete Expert Discovery and to File Summary Judgment Motions in the Class Action Case Only. Defendant Ford Motor Company has joined in Firestone’s motion. The magistrate judge, being duly advised, **GRANTS IN PART AND DENIES IN PART** Firestone’s motion for the reasons and to the extent set forth below.

Firestone seeks an extension of the case management deadlines relating to expert witness discovery and motions for summary judgment until after the Seventh Circuit has ruled on the pending appeal of the order granting class certification in this case. The magistrate judge remains unconvinced that justice will best be served by delaying all of the deadlines encompassed by Firestone’s motion. While it is certainly possible that the Seventh Circuit’s ultimate ruling may affect the content of the parties’ expert reports and summary judgment motions, the magistrate judge firmly believes that the amount of time and energy that may be wasted as a result is less significant than the substantial delay that could result from effectively staying the case pending the Seventh Circuit’s ruling. This is especially true where liability issues are concerned, in light of the fact that much, if not all, of the liability issues are common to the class action case and the personal injury cases. However, because this commonality is less pronounced where damages issues are concerned, the magistrate judge **grants** Firestone’s motion as to expert witness deadlines and motions for summary judgment that relate solely to the issue of damages. Accordingly, for the class action case only, the deadlines relating to expert witness reports, expert discovery, and motions for summary judgment which relate solely to damages,

including the appropriate measure of damages, are extended as follows:

1. The plaintiffs shall serve their expert witness reports which relate solely to damages **within 30 days of the date of the Seventh Circuit's ruling**; the defendants shall serve their expert witness reports which relate solely to damages **within 30 days of the date the plaintiffs' reports are served**;
2. The parties shall exchange lists identifying supplemental damages experts who will offer expert opinions on topics for which another party has identified an expert, but for which the supplementing party has not yet identified an expert, **within 30 days of the date of the Seventh Circuit's ruling**;
3. The parties' supplemental damages expert witness reports shall be served **within 30 days of the date the supplemental damages experts are identified**;
4. Discovery related to those damages expert witnesses whose opinions will be relevant to motions for summary judgment shall be completed **within 75 days of the date of the Seventh Circuit's ruling**; all remaining discovery related to damages expert witnesses shall be completed **within 120 days of the date of the Seventh Circuit's ruling**.
5. Motions for summary judgment related solely to damages issues shall be filed **within 80 days of the date of the Seventh Circuit's ruling**, and shall be briefed in accordance with Local Rule 56.1. Therefore, responses shall be filed within 30 days of the motions and replies shall be filed within 15 days of the responses.

All other case management deadlines in the class action case, and all deadlines in the personal injury cases, shall remain unchanged.

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

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

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