

**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 FOR MAY 20, 2002

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

1. The plaintiffs requested several months ago that they and their experts be given access to two vehicles on which Ford has installed the so-called Australian suspension kits. Ford has agreed to provide this access, but the plaintiffs have been unsuccessful in their attempts to make the necessary arrangements with Ford. Ford's counsel promised to confer with the appropriate people at Ford and insure that the arrangements are made with plaintiffs' counsel by the end of business on May 22, 2002.
2. The issue of whether expert reports are required for treating physicians who may offer opinion testimony was discussed, and the parties agreed that they would discuss the matter further among themselves and report to the magistrate judge if agreement could not be reached on the issue.
3. The plaintiffs report that an extension of time for case-specific expert reports in the first wave foreign accident cases may be necessary in light of the significant amount of documentary evidence the parties are obtaining from Venezuelan police officers who are being deposed. The parties will discuss this issue, as well as the

issue of an appropriate case management schedule for the second wave foreign accident cases, and submit a proposal to the magistrate judge for approval prior to the next status conference.

4. The parties have conferred and resolved a question that was raised regarding the application of the Joint Stipulated Order Regarding Expert Depositions by agreeing that physicians, accident reconstructionists, and biomechanical experts are not considered to have common opinions, and therefore their depositions will not be governed by either ¶ 5 or ¶ 7 of the Order, even though they may be testifying in multiple personal injury cases. Such experts will give case specific depositions under ¶ 8 of the Order in each case in which they are designated as experts. The parties will use reasonable efforts to avoid duplication and repetitive questioning in subsequent depositions of the same expert.
4. Plaintiffs' expert Ken Pearl, who has already been deposed in conjunction with a Texas case, will be deposed in the MDL next week. Pursuant to ¶ 9 of the Joint Stipulated Order Regarding Expert Depositions, the plaintiffs are required to provide the defendants with Mr. Pearl's complete file of materials relevant to his opinions in this MDL seven days prior to the deposition. Due to the relatively small amount of materials that were produced by Mr. Pearl in conjunction with the Texas deposition, and in order to expedite the present production and avoid confusion, the magistrate judge determines that the plaintiffs may not only update the materials that were produced in conjunction with the Texas deposition; rather, they shall produce a complete set of materials to the MDL defendants.
5. The parties report that they are still working to arrive at a proposal regarding

discovery in those cases that are in this MDL but which involve with tires that are unrelated to those at issue in this litigation. The magistrate judge emphasized once again that the fact that a remand motion may be pending in a case does not stay or extend any discovery deadlines, and therefore there is no reason that discovery should not have been on-going in all cases in this MDL, regardless of the tire at issue. However, the magistrate judge recognizes that if the “core” MDL discovery is not applicable to a given group of cases, that may well constitute good cause to extend the discovery period in those cases because of the additional discovery that will be necessary.

6. The next telephonic status conference will be held on **Tuesday, May 28, 2002, at 2:00 p.m.** The call will be arranged by Randy Riggs, counsel for Ford, who shall inform liaison counsel and the magistrate judge of the arrangements.

ENTERED this _____ day of May 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

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

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