

**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 JUNE 20, 2002

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

1. The issue of “common testimony” expert depositions was discussed at length. There are some cases in which an expert who will be giving common testimony in several personal injury cases has not tendered a common expert report in this MDL, but rather has tendered case-specific reports in multiple personal injury cases. In all such cases, at least seven days prior to the expert’s deposition the party who has designated the expert shall provide the attorney who will be taking the deposition with a copy of the expert report from at least one individual MDL personal injury case that includes the common testimony that expert is expected to give. The parties agree and the magistrate judge affirms that a party may not object to questioning during a case-specific expert deposition on the ground that certain subject matters were (or should have been) addressed during that expert’s earlier common testimony deposition.
2. The plaintiffs and Ford have conferred once again about the Australian shock absorber issue and have resolved or expect to resolve all of the remaining issues. Ford will provide Victor Diaz with the Heinrich documents early next week, so that Mr. Diaz will have time to review them prior to the Heinrich deposition.

3. The parties have conferred regarding the plaintiffs' desire to conduct certain depositions via videoconferencing, rather than having the deponents travel from Venezuela to the United States. The defendants agree to conduct the upcoming deposition of Mr. Coleman via videoconferencing because of his health issues, but object to using videoconferencing for circumstances not involving health or other legitimate reasons why the deponent is unable to travel. The magistrate judge will be prepared to offer guidance on the address of under what circumstances videoconferencing may be used, if at all, in the immediate future.
4. The issue of the *Brzobohaty* case, IP 00-5065, was discussed. *Brzobohaty* involves a two-car accident that occurred in Venezuela. The occupants of one case filed the *Brzobohaty* case; the occupants of the other car filed the *Ruiz* case, IP 00-5116. Because the *Brzobohaty* plaintiffs are American citizens who reside in the United States, the defendants withdrew their forum non conveniens motions as to that case. The *Ruiz* plaintiffs are citizens of Venezuela; accordingly, the forum non conveniens motion was not withdrawn as to that case. The magistrate judge determines that any resident of Venezuela who is a witness only in the *Brzobohaty* case may be deposed via videoconferencing; the magistrate judge takes under the advisement the issue of whether witnesses who are listed in both *Brzobohaty* and *Ruiz* may be deposed in that manner.
5. The issue of three physician depositions in the *Salegui* case, IP 00-5011, was discussed. The plaintiffs produced a significant number of additional medical records in that case on June 18th; the physician depositions were scheduled to take place on June 22nd and June 24th. The defendants sought to reschedule the

depositions to allow them time to translate and review the new records, and two of the deponents were amenable to doing so. As to the third deponent, the magistrate judge orders that the deposition shall proceed on June 24th as scheduled, on the basis of the plaintiffs' assertion that the physician in question was minimally involved in the newly-produced records. Xavier Martinez, counsel for the plaintiffs, agrees promptly to provide the defendants English translations of each of the entries in the new records that were made by the physician in question.

6. The issue of how the fact discovery deadline relates to the depositions of treating physicians who were listed on the plaintiffs' expert disclosures but who will not be offered as experts by the plaintiffs was discussed, and the parties agreed to confer on the issue and report to the magistrate judge during the next discovery conference, which was scheduled by a previous entry for June 28, 2002, at 4:30 p.m.

ENTERED this _____ day of June 2002.

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

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