

**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 SEPTEMBER 9, 2002**

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

1. The class plaintiffs report that they intend to file within the next few days a motion to stay briefing on Ford's motion for judgment on the pleadings that was filed on August 23, 2002. The parties agreed to an expedited briefing schedule for that motion of ten days to respond and seven days to reply. In the event that the motion to stay is not granted, the parties have agreed to the following briefing schedule for Ford's motion for judgment on the pleadings: the plaintiffs shall respond by October 7, 2002, and Ford shall reply by October 28, 2002.
2. The issue of whether the *Gamez* case, IP 01-5542, should be designated a "Second Wave" foreign accident case in light of its discovery posture, or remain a Third Wave case in light of its filing date, was discussed, and the magistrate judge determines that it should remain a "Third Wave" case.
3. Victor Diaz reports that he has no objection to producing in Miami for deposition the specific witness requested by the defendants in the *Rujano Salas* case.
4. The defendants request, and the magistrate judge grants, a ten-day extension to serve

the expert report of their expert witness, Dr. Rivas-Vasquez, in the *Pedraza* case.

That report need not address the neuropsychological testing conducted by the plaintiffs' expert, Dr. Herrera; rather, the defendants may submit a supplemental expert report addressing that testing within 10 days of the date they receive the raw data from Dr. Herrera.

5. The issue of whether the defendants may conduct a "common testimony" deposition of the plaintiffs' accident reconstructionists was discussed. The magistrate judge advises that the defendants are entitled to conduct a "common testimony" deposition that includes all testimony that can be utilized in multiple individual cases, e.g. the expert's background and qualifications and general methodology, prior to conducting case-specific depositions. While this common testimony portion of the deposition may last up to eight hours, the magistrate judge trusts that all of parties in this MDL will avoid needlessly prolonging any deposition.
6. Mr. Diaz will provide the defendants with his comments regarding their proposed letters rogatory on or before September 11, 2002.
7. Due to a medical emergency in Mr. Baumgardner's family, his depositions scheduled for this week must be rescheduled. The plaintiffs will confirm alternative dates with Mr. Baumgardner as soon as possible and confer with defendants to reschedule the depositions. They will also provide the defendants with any of Mr. Baumgardner's files that have not yet been produced.
8. In light of the rescheduling of Mr. Baumgardner's depositions, the plaintiffs will try to

arrange to reschedule Mr. Lagasa's deposition for this week.

9. Mr. Diaz will confer with Lee Blaylock, counsel for Ford, to resolve the issue of the plaintiffs' need for a correct set of Australian shock absorbers.
10. Mr. Diaz requests that the defendants be required to include, along with the expert witness files produced prior to each expert deposition, a copy of each expert report the expert has prepared and submitted in this MDL. The defendants object to this request, on the ground that the appropriate individual plaintiffs' attorneys have copies of the reports, and Mr. Diaz can obtain and compile them as easily as the defendants can. The magistrate judge determines that it is not the defendants' burden to provide Mr. Diaz with a set of each expert's reports; rather, the plaintiffs' liaison counsel will provide them to Mr. Diaz from his files.
11. The next telephonic discovery conference is scheduled for **Wednesday, September 25, 2002, at 4:00 p.m.** Randy Riggs, counsel for Ford, shall arrange the call and shall inform liaison counsel and the magistrate judge of the arrangements.

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

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

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