

**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 OCTOBER 15, 2002

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

1. Ford has named one physician as its medical expert in the *King* and *Turnage* cases. In light of the large number of plaintiffs in these cases, Ford requests that additional physicians in the named physician's practice be permitted to submit reports as to some of the plaintiffs, so that all of the reports can be submitted by the current deadline. The magistrate judge assumes that this will not be objectionable to the plaintiffs, but Ford shall check with plaintiffs' counsel in *King* and *Turnage* and confirm that they have no objection.
2. Firestone submits this date the letters rogatory to be executed by the court.
3. Firestone reports that plaintiffs' counsel has not yet responded to its proposed dates for deposing medical and psychological experts in the foreign accident cases. Victor Diaz agrees to contact the plaintiffs' attorney responsible for scheduling those depositions and ensure that Firestone receives a response by Friday, October 18th.
4. The defendants report that they believe the plaintiffs' production of medical records in numerous second wave foreign accident cases is incomplete. The

defendants will confer with one another to determine what they believe is still missing, and then will confer with plaintiffs' counsel in order to remedy any deficiencies. The parties are urged to work together to resolve this issue without the need for court involvement.

5. Firestone reports that some problems have arisen regarding the Venezuelan plaintiffs' execution of economic release forms. Firestone's counsel has detailed the issues in a letter to Mr. Diaz; Mr. Diaz will respond to that letter and provide a status report to the magistrate judge by Friday, October 18th. Absent extenuating circumstances, all of the economic release forms shall be executed and produced to Firestone by October 25th.
6. Mr. Diaz, on behalf of his clients, agrees to the defendants' proposed stipulation regarding Mr. Baumgardner's examination of companion tires, with the exception of the *LaCruz* case, which the parties have discussed.
7. Once again, the plaintiffs report that Ford still has not provided plaintiffs with the exemplar Australian shock absorbers. Ford reports that they are still working with their supplier, Arvin Industries, to obtain the exemplar shocks, and will report to the magistrate judge by October 18th regarding the status of their efforts. Ford is reminded that they have agreed to provide two sets of adjustable shocks to the plaintiffs.
8. The issue of the plaintiffs' desire to obtain copies of all reports submitted in this MDL by the defendants' vehicle and tire experts was discussed again. Plaintiffs have determined that their liaison counsel does not have copies of all of the

reports, and they believe it would be far less burdensome for the defendants to obtain the reports from their experts, at plaintiffs' expense, than for plaintiffs' liaison counsel to attempt to obtain them from each individual plaintiffs' attorney. The magistrate judge will consider the issue of whether the plaintiffs' request for the reports is a legitimate one pursuant to Federal Rule of Civil Procedure 26 and will advise the parties of her decision.

9. Ford has provided the plaintiffs with a list of documents for which its claim of privilege has been withdrawn, either voluntarily or by court order. However, the list does not include the date, author, and recipient for each document. If the database or spreadsheet file from which the list was generated contains that information for the documents in question, it shall be provided to the plaintiffs. Otherwise, Ford's counsel shall certify to the plaintiffs that it does not have that information in readily producible form.
10. The next telephonic discovery conference is scheduled for **October 30, 2002, at 3:00 p.m.**¹ The call shall be arranged by Tom Stayton, who shall inform all parties and the magistrate judge of the arrangements. Agendas for the conference shall be submitted to the magistrate judge and served on liaison counsel by 5:00 p.m. on October 28th.

¹Counsel should note that as of October 27, 2002, Indianapolis will be on the same time as New York.

ENTERED this _____ day of October 2002.

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

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