

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

In re: BRIDGESTONE/FIRESTONE, INC., TIRES PRODUCTS LIABILITY LITIGATION)	Master File No. IP 00-9373-C-B/S
_____)	MDL NO. 1373
THIS DOCUMENT RELATES TO ALL)	
ACTIONS)	

ENTRY FOR DECEMBER 19, 2002

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

1. The defendants report that they were not served with the plaintiffs' response to the *Daubert* motion directed to the plaintiffs' expert Pearl that was filed on December 16, 2002. The parties will resolve that issue.
2. Docket numbers 7009, 7010, 7011, and 7022, which constitute briefs and appendices related to the plaintiffs' responses to the Pearl and Baumgardner *Daubert* motions, shall remain under seal indefinitely; it is not necessary for the parties to file a motion to preserve the seal over those specific documents.
3. Case-specific *Daubert* motions in a foreign accident case (with the exception of the expedited cases, which are subject to a previous order on this issue) must be filed no later than **21 days** following the case-specific deposition of the expert at issue.
4. The parties in the *Brzbohaty* case (IP 00-5065) report that they have agreed to extend the deadline for non-core expert reports by two weeks because of the current turmoil in Venezuela and the death of one of Ford's experts. The magistrate judge approves the extension.
5. Victor Diaz reports that he will not expedite his reply in support of his motion to strike Mr. Gardner's supplemental expert report, but that Mr. Gardner's deposition will

nonetheless proceed on January 7, 2003.

6. Tab Turner, on behalf of the plaintiffs, raises several issues with regard to which the plaintiffs believe coordination between the Texas consolidated action and this MDL would be appropriate. The magistrate judge will report to Judge Barker regarding those issues.
7. Mr. Turner raises the issue of discovery in those MDL cases that involve tire models which have not been addressed by “core” MDL discovery. The defendants do not believe there have been any problems with discovery proceeding in those cases. Mr. Turner will confer with the plaintiffs’ counsel in those cases and determine what, if any, issues need to be addressed. Mr. Turner also will provide the magistrate judge and defense counsel with a list of all such cases of which he is aware.
8. Mr. Turner inquired whether it is necessary for plaintiffs to respond to Bridgestone Corporation’s motions to dismiss on personal jurisdiction grounds in individual cases, in light of the court’s denial of a similar motion in the class action portion of this MDL. In light of Bridgestone’s position that different legal issues are presented in its motions in the individual personal injury cases than were addressed in the class action motion, individual personal injury plaintiffs are advised to respond to any such motion that has been filed or is filed in the future.
9. In response to Mr. Turner’s inquiry, counsel for Bridgestone Corporation confirmed that Bridgestone is accepting service of process in the United States in MDL cases as it has agreed to do; however, for state cases, Bridgestone is requiring plaintiffs to obtain service of process via the procedures set forth in the Hague Convention.
10. The next telephonic discovery conference will be held on **Friday, January 10, 2003, at**

3:00 p.m. Tom Stayton will arrange the call and notify counsel and the magistrate judge of the arrangements. Agendas for the conference shall be exchanged and submitted to the magistrate judge by **noon on January 9, 2003.**

ENTERED this _____ day of December 2002.

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

Copies to:

Irwin B Levin
Cohen & Malad
136 North Delaware Street
Indianapolis, IN 46204

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

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