

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

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

**ENTRY FOR JANUARY 10, 2003**

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

1. The issue of scheduling expert depositions in the *Brzobohaty* case (IP 00-5065) was discussed. The parties shall confer and confirm dates for all of the outstanding expert depositions by **January 16, 2003**. Also by that date, the parties shall submit a proposed order to the magistrate judge setting forth any necessary changes to the case management schedule in that case in light of the expert deposition schedule.
2. The issue of the *Brzobohaty* plaintiffs' desire to conduct destructive testing of a companion tire in that case also was discussed. If the plaintiffs agree to the protocol for such testing proposed by Firestone and previously agreed to by Victor Diaz on behalf of his clients, then the testing will go forward according to that protocol. If the plaintiffs do not agree to that protocol, the parties shall attempt to agree upon another protocol before raising the issue with the court.
3. The parties in *Brzobohaty* further report that Firestone might seek leave to conduct additional fact witness depositions if they are able to locate the witnesses in question. With the exception of the two eyewitnesses who were in the other case involved in the accident, the plaintiffs would object to the defendants taking additional fact witness depositions.

4. The defendants report that the signatures on many of the Spanish versions of the Venezuelan plaintiffs' discovery responses are undated. The defendants shall prepare a proposed stipulation regarding the date that these answers were signed and forward it to plaintiffs' counsel for signature. Plaintiffs' counsel will continue to work to obtain the remainder of the Spanish discovery responses and will remind their clients to date their signatures.
5. The parties agree to, and the magistrate judge approves, the following extensions: the defendants shall file their reply in support of their Baumgardner *Daubert* motion by **January 15, 2003**, and their reply in support of their Pearl *Daubert* motion by **January 22, 2003**. In addition, the defendants are granted an additional five pages for each of these briefs.
6. In the *Fayard* case (IP 01-5407), the defendants shall file their reply in support of their Baumgardner *Daubert* motion within 21 days of the completion of Mr. Baumgardner's case-specific deposition in that case.
7. In the *Pedraza* cases (IP 01-5268 and IP 01-5321), Xavier Martinez will provide the affidavit required in the Entry for December 17, 2002, by **January 14, 2003**. Also in those cases, Mr. Martinez will use his best efforts to arrange the deposition by videoconferencing of the auto lot owner by the end of January 2003. Any dispositive or *Daubert* motions in those cases shall be filed within 21 days of the completion of Mr. Baumgardner's case-specific deposition.
8. The parties report that they are working to schedule the completion of the Lasaga deposition in the *Dias* case (IP 00-5113).

9. The parties report that they are conferring regarding the expert discovery schedule in the *Pena* case (IP 02-5681), which is a Sixth Wave case, in light of the fact that it arises out of the same accident as the *Altuve* case (IP 01-5314), which is a Second Wave case.
10. The deadlines relating to case-specific expert reports in all Second Wave foreign accident cases are presumptively extended by **60 days**. In addition, all case management deadlines in the Third Wave foreign accident cases are presumptively extended by **60 days**. If any plaintiff in any of these cases objects to these extensions, they shall file an objection **on or before January 20, 2003**.
11. Plaintiffs' counsel report that they wish for the deposition of John Lampe that was recently taken in the Tennessee state court consolidated cases to be available for use by plaintiffs in this MDL. The parties shall confer about this issue and report to the magistrate judge if the defendants have any objection to this.
12. In *Casadiago* (IP 00-5103) and *Octavio* (IP 00-5112), the plaintiffs shall file their reply in support of their motion to strike James Gardner's supplemental expert report by **January 17, 2003**.
13. In *Octavio* (IP 00-5112), the plaintiffs shall file their response to the motion in limine relating to Piette by **January 31, 2003**, and shall respond to all other pending motions in limine by **January 24, 2003**.
14. The next telephonic discovery conference will be held on **Thursday, January 23, 2003, at 9:00 a.m.** Randy Riggs 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 **4:00 p.m. on January 21, 2003**.

ENTERED this \_\_\_\_\_ day of January 2003.

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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