

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

**In re: BRIDGESTONE/FIRESTONE, INC.,)
TIRES PRODUCTS LIABILITY LITIGATION)
_____)
THIS DOCUMENT RELATES TO ALL)
ACTIONS)**

**Master File No. IP 00-9373-C-B/S
MDL No. 1373**

ENTRY FOR FEBRUARY 6, 2003

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

1. Firestone's counsel report that they attempted to purchase salary survey data from the Venezuelan salary survey firm which provided salary data used by plaintiffs' economists in their calculations, but the firm told Firestone's counsel that providing the data would be a conflict of interest for the firm. The plaintiffs contend that the firm is a consulting expert retained by the plaintiffs for this litigation and, therefore, Firestone is not entitled to the data. Firestone will file a motion to resolve the issue.
2. The parties agree to, and the magistrate judge approves, an extension to March 7, 2003, for the defendants to file their replies in support of their motions in limine directed to Piette and Fentress.
3. In light of the court's indication in its January 31, 2003, order that case specific *Daubert* motions will be deferred for ruling by the transferor courts after cases are remanded, the plaintiffs request that all additional briefing on case specific *Daubert* motions be deferred. Firestone objects to deferring briefing on motions already filed. The magistrate judge determines that all briefing on such motions

shall be deferred at least until the Pearl and Baumgardner *Daubert* motions presently set for hearing before Judge Barker are resolved. The issue will be revisited after those rulings are issued. In addition, the magistrate judge orders that in all cases in which the deadline for case-specific *Daubert* motions has not yet passed, rather than filing *Daubert* motions the parties instead shall file by the applicable deadline a notice of intent to file a case-specific *Daubert* motion after remand, in order to put transferor courts on notice of the intended filings.

4. The parties have agreed that the four expedited first wave foreign accident cases shall serve as exemplar cases to address case-specific motions for summary judgment raising Venezuelan choice of law issues.
5. The plaintiffs request a deferral of further briefing on case-specific motions for summary judgment regarding missing tire issues because the motions may be impacted by the court's rulings on the Pearl and Baumgardner *Daubert* motions. Firestone objects to deferring the briefing. The magistrate judge determines that further briefing shall be stayed, with the additional proviso that the defendants may supplement any pending motion based upon the court's *Daubert* ruling within 15 days after that ruling. The plaintiffs shall file their briefs in response within 30 days of the defendants' supplemental brief or within 45 days of the court's ruling, if no supplemental brief is filed.
6. The parties report that they have resolved the issue of a deposition date for defendants' foreign law expert, Enrique LaGrange.
7. The parties also report that they have resolved the issue of an extension of time on the motion to compel the Baumgardner tire chart.

8. Firestone will advise the plaintiffs and the magistrate judge by February 20, 2003, whether it objects to the use in this MDL of John Lampe's deposition taken in Tennessee state court.
9. Firestone's counsel report that they have viewed the videotapes, photographs and other evidence on product identification in the possession of the Eidson firm and have reached an agreement to obtain copies of that evidence. Firestone's counsel also indicate that they will need an additional two weeks to file a *Daubert* motion in the German accident cases, which the magistrate judge approves.
10. The parties and the magistrate judge discussed organizational issues relating to the upcoming hearing on *Daubert* motions. The magistrate judge indicated that because the plaintiffs have the burden of persuasion, they presumably will open and close the arguments and the presentation of evidence. The parties will try to agree on a schedule for exchanging witness lists, exhibit lists and deposition designations in advance of the hearing.
11. The next telephonic discovery conference will be held on **Thursday, February 20, 2003, at 11:30 a.m.** Victor Diaz 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 **5:00 p.m. on Tuesday, February 18, 2003.**

ENTERED this ____ day of February 2003.

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

Copies to:

William E. Winingham
Wilson Kehoe & Winingham
2859 North Meridian Street
P.O. Box 1317
Indianapolis, IN 46206

Irwin B. Levin
Cohen & Malad, P.C.
136 N. Delaware Street, Suite 300
Indianapolis, IN 46204-2529

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