

**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))**

SECOND REVISED COMPREHENSIVE CASE MANAGEMENT SCHEDULE

The purpose of this Entry is to provide counsel with one document which they can use to reference all current case management deadlines in this MDL proceeding. **Please note that this Entry alters some previously established deadlines, some by more than 100 days. All such altered deadlines are in italic type.**

For case management purposes, the cases in this MDL have been divided into two categories. The first category consists of those cases which are not and have not been subject to a motion to dismiss on forum non conveniens grounds. The cases in this category are referred to as “domestic cases.” The second category consists of those cases that are or were subject to a motion to dismiss on forum non conveniens grounds—in general, cases in which the plaintiff is not a U.S. citizen and in which the relevant accident or incident occurred outside of the United States. The cases in this category are referred to as “foreign accident cases.”

The two categories of cases are further divided into subcategories based upon the date the case was filed (i.e. the file was opened) in this court. For the domestic cases, all cases filed on or before June 30, 2001, are grouped together for case management purposes, as are cases filed during the third calendar quarter of 2001, and the deadlines for these case remain unchanged. A change has been made in that *all domestic cases filed on or after October 1, 2002, now are on the same schedule.*

For the foreign accident cases, by previous Entry some cases have been designated as either “Expedited,” “First Wave” or “Second Wave” cases. All other foreign accident cases are now subject to one case management schedule which is established in a separate Entry this date and also is set forth below for ease of reference.

Please note that while these deadlines generally are applicable to the cases in this MDL, there are some individual cases in which specific deadlines have been established by, for example, an entry granting a motion to extend a particular deadline, or granting a motion to deem the case as filed later or earlier than it actually was for case management purposes. For domestic cases and Expedited, First Wave and Second Wave foreign accident cases, any deadlines established by a case-specific order supercede the deadlines contained in this Entry. However, for all other foreign accident cases, the deadlines set forth below supercede all other previous deadlines.

Finally, please note that this Entry does not reflect most deadlines that already have passed. Those deadlines are reflected in the following previous case management orders, which can be accessed on the Court’s website: (1) the Comprehensive Case Management Schedule, dated January 24, 2002; (2) the Revised Comprehensive Case Management Schedule, dated September 9, 2002; and (3) the Entry Extending Case Management Deadlines in Foreign Accident Cases, dated January 29, 2003.

I. DEADLINES FOR DOMESTIC CASES (CASES NOT SUBJECT TO A FORUM NON CONVENIENS MOTION)

A. Deadlines for Domestic Cases Filed During 3rd Quarter 2002 (July 1, 2002 to September 30, 2002):

1. Case specific discovery (with the exception of discovery related to expert

witnesses) shall be completed by **April 29, 2003**;

2. The plaintiffs were to have served their expert witness reports by **April 2, 2003**; the defendants shall serve their expert witness reports by **May 2, 2003**;
3. The parties were to have exchanged lists identifying supplemental experts who will offer expert opinions on topics for which another party has identified an expert, but for which the supplementing party has not yet identified an expert, by **April 2, 2003**;
4. The parties' supplemental expert witness reports shall be served by **May 2, 2003**;
5. Discovery related to those expert witnesses whose opinions will be relevant to motions for summary judgment shall be completed by **May 19, 2003**; all remaining discovery related to expert witnesses shall be completed by **July 7, 2003**.
6. All motions for summary judgment shall be filed by **May 23, 2003**, and shall be briefed in accordance with Local Rule 56.1. Therefore, responses shall be filed within 30 days of the motions and replies shall be filed within 15 days of the responses. The exception to this deadline is any case-specific motion for summary judgment raising missing tire issues. Because those motions may be impacted by the court's rulings on the pending Pearl and Baumgardner *Daubert* motions, the deadline for filing

them is 15 days following the court's *Daubert* ruling.¹

7. All "core" *Daubert* motions shall be filed no later than **May 23, 2003**. Responses shall be filed within 30 days of the motion; replies within 15 days of the responses. Only one motion directed to a particular "core" expert opinion² shall be filed, with the caption of the motion listing the cause numbers of all cases in which the expert's report has been submitted. Also by **May 23, 2003**, the parties shall file a notice of intent to file after remand any case-specific *Daubert* motion they intend to file in a given case, in order to put transferor courts on notice of the intended filings.³

B. Deadlines for Domestic Cases Filed on or After October 1, 2002:

1. *Case specific discovery (with the exception of discovery related to expert witnesses) shall be completed by **July 28, 2003**;*
2. *Lists identifying all expert witnesses and the topics on which they are expected to testify shall be exchanged by the parties by **May 12, 2003**.*

¹Pursuant to the Entry for February 6, 2003, the briefing of any case-specific motion for summary judgment raising missing tire issues that has been filed but not yet fully briefed is stayed pending the court's ruling on the Pearl and Baumgardner *Daubert* motions. The defendants may supplement any such 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. These provisions apply to both domestic and foreign accident cases.

²A "core" expert opinion is one that is applicable to multiple cases in this MDL proceeding, because it relates to a group of tires or vehicles, rather than the specific tire(s) or vehicle involved in a particular case.

³Pursuant to the Entry for February 6, 2003, the completion of the briefing of all case-specific *Daubert* motions that have been filed but not yet fully briefed is deferred at least until the Pearl and Baumgardner *Daubert* motions presently set for hearing before Judge Barker are resolved. This applies to both domestic and foreign accident cases.

3. *The plaintiffs shall serve their expert witness reports by **June 10, 2003**; the defendants shall serve their expert witness reports by **July 10, 2003**;*
4. *The parties were to have exchanged lists identifying supplemental experts who will offer expert opinions on topics for which another party has identified an expert, but for which the supplementing party has not yet identified an expert, by **June 10, 2003**;*
5. *The parties' supplemental expert witness reports shall be served by **July 10, 2003**;*
6. *Discovery related to those expert witnesses whose opinions will be relevant to motions for summary judgment shall be completed by **July 28, 2003**; all remaining discovery related to expert witnesses shall be completed by **September 15, 2003**.*
7. *All motions for summary judgment shall be filed by **August 1, 2003**, and shall be briefed in accordance with Local Rule 56.1. Therefore, responses shall be filed within 30 days of the motions and replies shall be filed within 15 days of the responses. The exception to this deadline is any case-specific motion for summary judgment raising missing tire issues. Because those motions may be impacted by the court's rulings on the pending Pearl and Baumgardner Daubert motions, the deadline for filing them is 15 days following the court's Daubert ruling.*
8. *All "core" Daubert motions shall be filed no later than **August 1, 2003**. Responses shall be filed within 30 days of the motion; replies within 15*

*days of the responses. Only one motion directed to a particular “core” expert opinion shall be filed, with the caption of the motion listing the cause numbers of all cases in which the expert’s report has been submitted. Also by **August 1, 2003**, the parties shall file a notice of intent to file after remand any case-specific Daubert motion they intend to file in a given case, in order to put transferor courts on notice of the intended filings.*

II. DEADLINES FOR FOREIGN ACCIDENT CASES (CASES SUBJECT TO A FORUM NON CONVENIENS MOTION)

A. Deadlines for “Second Wave” Foreign Accident Cases

1. The plaintiffs were to have served their non-core expert witness reports by **April 1, 2003**.
3. The defendants shall serve their non-core expert witness reports by **May 2, 2003**.
4. The parties were to have exchanged lists identifying supplemental experts who will offer “non-core” expert opinions on topics for which another party has identified an expert, but for which the supplementing party has not yet identified an expert, by **April 1, 2003**.
5. The parties’ supplemental non-core expert witness reports shall be served by **May 2, 2003**.
6. Case specific (i.e. non-core) discovery (with the exception of discovery related to expert witnesses) shall be completed by **May 16, 2003**.
7. All expert witness discovery shall be completed by **July 7, 2003**.

8. All dispositive motions and all *Daubert* motions shall be filed by **August 15, 2003**. Responses shall be filed within 30 days; replies within 15 days. To the extent that a *Daubert* motion addresses a “core” expert witness, and therefore is applicable to multiple cases, only one motion, listing the cause numbers of all cases in which the expert’s report has been submitted, should be filed.
 9. The parties shall exchange lists identifying foreign law experts and the topics on which they are expected to offer expert testimony on or before **March 31, 2003**. Also by this date, any party intending to raise an issue concerning the law of a foreign country shall file a notice as required by Federal Rule of Civil Procedure 44.1.
 10. The parties shall serve their foreign law expert witness reports by **May 1, 2003**; responsive foreign law expert reports shall be filed by **June 2, 2003**.
 11. All discovery relating to foreign law experts shall be completed by **August 4, 2003**.
- B. Deadlines for Foreign Accident Cases in the Third and Subsequent Waves
1. The parties shall exchange lists identifying case-specific (i.e. “non-core”) expert witnesses and the topics on which they are expected to offer expert testimony on or before **April 29, 2003**. This deadline does not apply to foreign law experts, who are governed by specific deadlines set forth below.
 2. The plaintiffs shall serve their non-core expert witness reports by **May 30, 2003**.

3. The defendants shall serve their non-core expert witness reports by **June 30, 2003**.
4. The parties shall exchange lists identifying supplemental experts who will offer “non-core” expert opinions on topics for which another party has identified an expert, but for which the supplementing party has not yet identified an expert, by **May 30, 2003**.
5. The parties’ supplemental non-core expert witness reports shall be served by **June 30, 2003**.
6. Case specific (i.e. non-core) discovery (with the exception of discovery related to expert witnesses) shall be completed by **July 15, 2003**.
7. All expert witness discovery shall be completed by **July 30, 2003**.
8. All dispositive motions and any *Daubert* motions relating to the “core” opinions of an expert witness shall be filed by **August 15, 2003**. Responses shall be filed within **30 days**; replies within **15 days**. To the extent that a *Daubert* motion addresses a “core” expert witness, and therefore is applicable to multiple cases, only one motion, listing the cause numbers of all cases in which the expert’s report has been submitted, should be filed. Also by **August 15, 2003**, the parties shall file a notice of intent to file after remand any case-specific *Daubert* motion they intend to file in a given case, in order to put transferor courts on notice of the intended filings.
9. The parties shall exchange lists identifying foreign law experts and the topics

on which they are expected to offer expert testimony on or before **May 15, 2003**. Also by this date, any party intending to raise an issue concerning the law of a foreign country shall file a notice as required by Federal Rule of Civil Procedure 44.1.

10. The parties shall serve their foreign law expert witness reports by **May 30, 2003**; responsive foreign law expert reports shall be filed by **June 30, 2003**.
11. All discovery relating to foreign law experts shall be completed by **August 4, 2003**.

ENTERED this _____ day of April 2003.

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

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