

**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))
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NOREEN EALY et al.,))
))
Plaintiffs,))
))
vs.) **CAUSE NO. IP 02-5646-C (B/S)**
))
BRIDGESTONE/FIRESTONE, INC., et al.,))
))
Defendants.))

ENTRY REGARDING MOTIONS RELATING TO PLAINTIFFS’ DEPOSITIONS

On May 7, 2003, defendant Bridgestone/Firestone Inc. (“Firestone”) filed a Motion for Sanctions and Request for Statutorily Prescribed Payment of Expenses and Fees for Plaintiffs’ Failure to Attend Their Properly Noticed Depositions, in which it asserts that the plaintiffs failed to attend their properly noticed depositions on April 22, 2003, and also failed to object to those depositions. The magistrate judge is puzzled by Firestone’s motion, inasmuch as on April 16, 2003, the plaintiffs did object to their depositions – in the form of a motion for protective order.¹ Perhaps Firestone was not served with this motion (although the certificate of service indicates that it was mailed to its counsel on April 15, 2003) and was otherwise unaware of it (although it was entered on the court’s docket on April 17, 2003); that is unclear. What is abundantly clear is that the plaintiffs failed to comply with Local Rule 37.1 before filing the motion, and such

¹The magistrate judge notes that the deposition notices are dated April 10, 2003, and, at least according to their certificates of service, were served on plaintiffs’ counsel by U.S. mail. Therefore, the April 16th motion for protective order was certainly not untimely.

compliance likely would have avoided both of the motions at issue. The magistrate judge also notes that the plaintiffs' motion fails to reveal the date for which the depositions were noticed and does not otherwise indicate that an expedited ruling was required in light of the impending date, omissions that the magistrate judge trusts plaintiffs' counsel will avoid in any future motions.

In light of the pendency of the motion for protective order, Firestone's motion for sanctions is denied. The magistrate judge trusts that the parties will work together to schedule the plaintiffs' depositions for the earliest mutually convenient date.

ENTERED this _____ day of May 2003.

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

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