

**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)**

REVISED CASE MANAGEMENT SCHEDULE FOR RECENTLY FILED CASES

On April 8, 2003, a Second Revised Comprehensive Case Management Schedule was entered establishing deadlines for all cases in this MDL. However, the magistrate judge has determined that a separate schedule is required for those cases that have been filed in this court very recently. Accordingly, the following schedules will apply to **all cases** in this MDL (regardless of whether the accident occurred in the United States or in another country) that have been or are filed in this court **on or after January 1, 2003**. The magistrate judge recognizes that this schedule is more compressed than the schedules that have applied to earlier filed cases in this MDL. However, the magistrate judge believes this is appropriate, in light of the fact that discovery in the earlier cases included all of the “core” MDL discovery, which now has been completed. In addition, counsel in these later cases have the advantage of the information gathered during the core discovery phase, as well as the Court’s rulings on various recurring issues, all of which should allow these later cases to proceed far more efficiently than the earlier cases. **Therefore, the parties should not anticipate any extensions of these deadlines—especially those applicable to motion practice—absent extraordinary circumstances.¹**

¹The only possible exception to this is any case that is filed in this court on or after June 1, 2003. In such cases, if the parties determine the deadlines in this order to be unworkable, they should file a proposed schedule for their individual cases **within 30 days of the date the case is filed in this court**.

I. DEADLINES FOR CASES FILED BETWEEN JANUARY 1, 2003, AND APRIL 30, 2003

- A. Case specific discovery (with the exception of discovery related to expert witnesses) shall be completed by **September 29, 2003**.
- B. Lists identifying all expert witnesses and the topics on which they are expected to testify shall be exchanged by the parties by **July 14, 2003**.
- C. The plaintiffs shall serve their expert witness reports by **August 11, 2003**; the defendants shall serve their expert witness reports by **September 10, 2003**.
- D. The parties shall exchange 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 **August 11, 2003**.
- E. The parties' supplemental expert witness reports shall be served by **September 10, 2003**.
- F. Discovery related to those expert witnesses whose opinions will be relevant to motions for summary judgment shall be completed by **September 29, 2003**; all remaining discovery related to expert witnesses shall be completed by **November 14, 2003**.
- G. All motions for summary judgment shall be filed by **October 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.

H. All "core" Daubert motions shall be filed no later than **October 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 **October 1, 2003**, the parties shall file a notice of intent to file after remand any case-specific Daubert motion in a given case, in order to put transferor courts on notice of those intended filings.

II. DEADLINES FOR ALL CASES FILED AFTER APRIL 30, 2003

A. Case specific discovery (with the exception of discovery related to expert witnesses) shall be completed by **October 28, 2003**.

B. Lists identifying all expert witnesses and the topics on which they are expected to testify shall be exchanged by the parties by **August 12, 2003**.

C. The plaintiffs shall serve their expert witness reports by **September 10, 2003**; the defendants shall serve their expert witness reports by **October 10, 2003**.

D. 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 shall be exchanged between counsel by **September 10, 2003**.

- E. The parties' supplemental expert witness reports shall be served by **October 10, 2003**.
- F. Discovery related to those expert witnesses whose opinions will be relevant to motions for summary judgment shall be completed by **October 28, 2003**; all remaining discovery related to expert witnesses shall be completed by **December 15, 2003**.
- G. All motions for summary judgment shall be filed by **October 15, 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.
- H. All "core" Daubert motions shall be filed no later than **October 15, 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 **October 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.

III. DEADLINES APPLICABLE ONLY TO CASES FILED ON OR AFTER JANUARY 1, 2003, THAT ARISE OUT OF ACCIDENTS THAT OCCURRED OUTSIDE OF THE UNITED STATES

- A. The parties shall exchange lists identifying foreign law experts and the topics on which they are expected to offer expert testimony on or before **August 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.
- B. The parties shall serve their foreign law expert witness reports by **August 29, 2003**; responsive foreign law expert reports shall be filed by **September 29, 2003**.
- C. All discovery relating to foreign law experts shall be completed by **November 7, 2003**.

ENTERED this _____ day of May 2003.

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

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