

MAY 25 2004

CAUSE NO. C-737-01-B

MARGARITA BARRIOS TOSCANO, et al.,	§	IN THE DISTRICT CO
Plaintiffs,	§	
	§	
V.	§	93 RD JUDICIAL DISTRICT
	§	
MICHELIN NORTH AMERICA, INC., et al.,	§	
Defendants.	§	HIDALGO COUNTY, TEXAS

ORDER ON DISCOVERY

On May 25, 2004, came to be considered all pending motions of Michelin North America, Inc., Uniroyal Goodrich Tire Co., and Michelin Americas Research & Development Corp. (hereafter "Defendants") to quash the depositions of various witnesses and well as all of Defendants' pending objections and assertions of privilege in response to the Plaintiffs' first set of interrogatories, first set of requests for production, and second set of requests for production. Having considered those matters, the discovery requests at issue, the efforts of the parties to negotiate resolution of these discovery disputes, the history of plaintiffs' difficulties in obtaining discovery, the evidence or lack of evidence supporting the objections and claimed privileges, the protections set out in the protective order, and the arguments of counsel, the Court hereby OVERRULES the objections to the extent that the Court ORDERS as follows:

Unless otherwise agreed by the parties, Defendants are ORDERED to produce on June 1 through 3, 2004, in Atlanta, Georgia, documents and corporate representatives to fully respond to all topics and requests set out within the April 21 and May 14, 2004, notices of deposition and within the April 26 and May 13, 2004, letters from Plaintiffs' counsel to Michelin North America, Inc.'s counsel.

Unless otherwise agreed by the parties, Michelin North America, Inc. is ORDERED to produce on June 4, 2004, in Atlanta, Georgia, Joe Grant for deposition.

Unless otherwise agreed by the parties, Michelin North America, Inc. is ORDERED to produce on June 7, 2004, in Houston, Texas, Rob Liebke for deposition.

Unless otherwise agreed by the parties, Defendants are ORDERED to answer the Plaintiffs' first set of interrogatories by June 1, 2004, with the scope as set forth in the April 26, 2004, letter from Plaintiffs' counsel to Michelin North America, Inc.'s counsel, and Defendants shall produce all documents requested in that letter by June 1, 2004, subject to the protective order in this case.

Unless otherwise agreed by the parties, Defendants are ORDERED to answer the Plaintiffs' first and second sets of requests for production subject to the protective order by

June 1, 2004, in this case as follows:

Defendants (i.e., Michelin North America, Inc., Uniroyal Goodrich Tire Co., and Michelin Americas Research & Development Corp.) shall answer Plaintiffs' first and second sets of requests for production by producing all the materials (regardless of whether in paper or electronic format) in their direct or indirect actual or constructive possession, custody, or control. Materials in Defendants' direct or indirect actual or constructive possession, custody, or control specifically include (1) the materials in possession of any in-house or outside counsel for any Defendant in any past or present case and (2) the materials on file with any court that is presiding over or has presided over any case where any Defendant is or was a party and (3) materials in the possession of any Defendant or Uniroyal Tire Co., Inc. or Michelin Corp. To the extent that Defendants respond to this Order by claiming that they does not have any of the materials ordered produced, Michelin North America, Inc. shall file a sworn certification with this Court by June 1, 2004, certifying that it has searched all the sources in Defendants' direct or indirect actual or constructive possession, custody, or control. To the extent that Defendants claim that any materials have been eliminated due to their document retention policies, Defendants shall produce those policies and certify when the materials were eliminated under those policies.

ORDER regarding Plaintiffs' first set of requests for production:

Defendants will answer requests 1 and 2 with respect to all the Specific Tires (this means "LT235/85R16 LRE Uniroyal Laredo (all tread designs), LT245/75R16 LRE Uniroyal Laredo (all tread design), LT245/75R16 LRE Uniroyal Laredo, 245/75R16 Atlas MKVI with DOT codes __ 11DJG ____, 245/75R16 Sears Superguard with DOT codes __ 11DJF ____, and 245/75R16 Canadian Motomaster with DOT codes __ 11DJM ____) made during the time period from January 1, 1986, through December 31, 1996, and also with respect to any tires made according to TPC spec 2012MS as it existed from 1986 to 1996. To the extent that these documents from this time period no longer exist, Defendants will produce documents from 1996 to the present which do exist and which convey the same or similar information as the documents which no longer exist, including the documents referenced at the depositions of Cesare Gualdoni and Bruce Matheny (e.g., policies, practices, quality assurance procedures, industrial engineering methods, QS9000 documents, technical guidelines, referentials, standard documents, technical documents, materials from ref doc, materials from tech doc, protocols, specifications, in-plant specs, guidelines, and Smithers documents).

The Court recognizes that the Plaintiffs have withdrawn requests 3, 13 - 21, and 23 - 27 to the extent that they have been objected to in order to reduce any burden on Defendants in responding to this discovery.

Defendants will answer requests 4 and 12 with respect to the Specific Tires made at the Opelika plant during the 39th week in 1991 when the tire at issue was made.

Defendants will answer request 5 with respect to testing and failure analysis involving the Specific Tires made during the time period from 1986 through 1996 plus any testing and failure analysis of any tire used to validate any design change or proposed design change in the Specific Tires made during the time period from 1986 through 1996.

Defendants will answer request 6 with respect to the Specific Tires made during the time period from 1986 through 1996.

Defendants will answer request 7 with respect to adjustment data, analyses of adjustment data, documentation of tread separations that occurred during tire testing, and other documentation of any tread separation in the field of any Specific Tires made during the time period from 1986 through 1996.

Defendants will answer request 8 with respect to the time period from the date of all correspondence in connection with PE87058 opened September 18, 1987, through the date of all correspondence in connection with certain LT245/75R16 Uniroyal Laredo tires made during the period of the 48th week of 1995 through the 1st week of 1996. Defendants will produce all documents in connection with (1) PE87058 opened September 18, 1987 and (2) LT245/75R16 Uniroyal Laredo tires made during the period of the 48th week of 1995 through the 1st week of 1996

Defendants will answer request 9 with respect to all materials used to train, provide guidelines for the use of, and to describe the job duties of tire adjusters, tire classifiers, tire inspectors, and quality control personnel who would have, as part of their job functions, adjusted, classified, inspected, or reviewed the quality of any of the Specific Tires made during the time period from 1986 through 1996. To the extent that these documents from this time period no longer exist, Defendants will produce documents from 1996 to the present which do exist

Defendants will answer requests 10 and 22 with respect to documents from the time period of 1986 through 1996. As negotiated among the parties, this request is not limited in any respect except as to the time limitation to the period from January 1, 1986, to December 31, 1996. This request shall include all of the Light Truck Task force documents from 1986 to 1996, and if any of those documents no longer exist, Defendants shall produce all Light Truck Task Ford documents in existence without regard to any time limitation. This request shall also include all similar documents of any person or group working with any Defendant^s to assess tire designs or proposed alternative tire design concerning the causes and proposed means of reducing tread separations (including, but not limited to, the proposed alternative tire designs mentioned in the Plaintiffs' pleadings). To the extent that these documents from the time period of 1986 to 1996 no longer exist, Defendants will produce documents from 1996 to the present which do exist and which convey .

P.H.

Defendants will answer request 11 with respect to adjustment data and analyses of adjustment data referring to any Specific Tires made during the time period from 1986 through 1996 and any adjustment data and analyses of adjustment data comparing the data for any Specific Tires made during the time period from 1986 through 1996 to the adjustment data for any other tires. This request shall include, but is not limited to, any tire failure analysis conducted by Bill Hudson. To the extent that these documents no longer exist, Defendants will produce any deposition and trial testimony concerning such data and analyses.

that involves any Specific Tires made during the time period from 1986 to 1996.

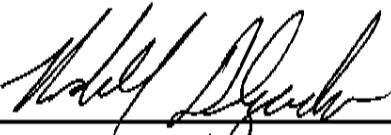
Unless otherwise agreed by the parties, with respect to any CDs which Defendants have offered to make available at some location other than Plaintiffs' counsel's offices, Defendants will produce copies of those CDs subject to the protective order at Plaintiffs' counsel's offices and Plaintiffs will pay for the copying of those CDs.

ORDER regarding Plaintiffs' second set of requests for production:

Defendants will answer requests 1 and 5 with respect to materials that concern the manufacturing conditions at the Opelika plant from 1986 through 1996, including, but not limited to, materials from the *Eddings* and *Carver* cases.

Defendants will answer requests 2, 3 and 4 with respect materials that concern the tread separation or tread detachment of any Specific Tires made during the time period from 1986 through 1996, including, but not limited to, materials from the *Carver*, *Staab*, *Loertscher*, *Lane*, and *Ford* cases.

SIGNED this 25 day of May 2004.



JUDGE PRESIDING