

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE BRIDGESTONE/FIRESTONE, INC
TIRES PRODUCT LIABILITY LITIGATION

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

THIS DOCUMENT APPLIES TO:

LIZABETH SALAZAR CANTU and)
JUAN E. SOTO,)
)
Plaintiffs,)
)
vs.)
)
BRIDGESTONE CORPORATION)
and BRIDGESTONE/FIRESTONE INC.,)
)
Defendants.)

1:02-cv-5635 SEB-JMS

ORDER DENYING PLAINTIFFS’ MOTION FOR NEW TRIAL
(CM-ECF Docket No. 16)

On January 30, 2009, in accordance with the Seventh Circuit’s Mandate, we issued our Order on Remand concluding that:

- (1) the parties’ stipulation of dismissal and proposed order filed with this Court on December 28, 2005, did, indeed, contain “scrivener’s errors” and, contrary to what the parties had written in those documents, the parties had not intended to voluntarily dismiss Plaintiffs Cantu and Soto from this action; and
- (2) even if Plaintiffs Cantu and Soto had not been voluntarily dismissed from this action, their claims against Bridgestone had to be dismissed on the grounds of *forum non conveniens* because the facts and legal analysis set forth in the Court’s February 27, 2004, ruling on the issue of *forum non conveniens* as to Ford and Firestone applied in like manner to their claims against Bridgestone.

A corresponding judgment was entered on the Court’s docket on February 2, 2009.

Displeased with our decision, Plaintiffs Cantu and Soto filed a “Motion for New Trial,” which they also characterize as a “Rule 60 Motion for Relief from Judgment.” [CM-ECF Docket No. 16.] They argue that we should not have relied on our February 27, 2004, ruling in dismissing their claims because we issued a *subsequent ruling* on July 16, 2007, in series of *other cases* involving accidents that occurred in Mexico and found that Mexico was *not* an available alternate forum for the litigants in those *other cases*. In essence, Plaintiffs argue that our February 27, 2004, ruling on the issue of *forum non conveniens* in their case was superseded by our July 16, 2007, ruling on the issue of *forum non conveniens* in the other cases. They submit that the July 16, 2007, ruling now stands as the controlling case and, thus, they should be permitted to proceed to trial in the United States.

Bridgestone responds that the Court has *already rejected* Plaintiffs’ argument. It points out that not only was the availability of Mexico as an available alternate forum discussed in the parties’ original moving papers, the issue of whether the July 16, 2007, ruling should control was briefed by the parties in their post-remand submissions and rejected by this Court in its January 30, 2009, Order on Remand, which expressly adopted and incorporated the February 27, 2004, ruling.

Bridgestone is correct. Based on the parties’ filings in January 2009, this Court was fully cognizant of Plaintiffs’ argument that the Court’s July 16, 2007, ruling in the other cases should now control their case, but the Court did not accept that argument.

The Court’s January 30, 2009, Order on Remand and corresponding judgment stand. Plaintiffs Motion for New Trial is DENIED.

IT IS SO ORDERED.

Date: 09/29/2009



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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