

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**IN RE: CESSNA 208 SERIES AIRCRAFT
PRODUCTS LIABILITY LITIGATION**

MDL No: 1721

**(This Document Relates Only To
Melo-Ferrer v. Cessna Aircraft Company, et al.,
D. Kan. No. 07-2511-KHV)**

Case No: 05-md-1721-KHV

ORDER AND ORDER TO SHOW CAUSE

On February 21, 2007, in the United States District Court for the District of Maryland, plaintiff filed suit against Cessna Aircraft Company (“Cessna”) and Cessna Finance Corporation (“CFC”). The Judicial Panel on Multidistrict Litigation (“MDL Panel”) later transferred the action to this Court.

Prior to the MDL transfer, on July 30, 2007, CFC moved to dismiss plaintiff’s claims under Rule 12(b)(2) (lack of personal jurisdiction), Rule 12(b)(3) (improper venue) and Rule 12(b)(6) (failure to state a claim upon which relief can be granted), Fed. R. Civ. P. 12(b). See Cessna Finance Corporation’s Motion To Dismiss (Doc. #306). On August 29, 2007, plaintiff filed a motion for discovery on jurisdictional issues. See Doc. #309. The following day, on August 30, 2007, plaintiff filed a timely response to the portion of CFC’s motion to dismiss under Rule 12(b)(6) and asked for leave to file a supplemental response on the Rule 12(b)(2) and 12(b)(3) issues if the Court sustained plaintiff’s motion for jurisdictional discovery. See Doc. #308.

At the time the MDL Panel transferred the case, both CFC’s motion to dismiss (Doc. #306) and plaintiff’s related motion for discovery on jurisdictional issues (Doc. #309) were pending. On February 1, 2008, Magistrate Judge David Waxse overruled plaintiff’s motion for discovery on jurisdictional issues without prejudice to refile pending the outcome of the parties’ ongoing

settlement negotiations. See Order (Doc. # 363).

As of this date, plaintiff has not re-filed his motion for discovery on jurisdictional issues or responded to CFC's Rule 12(b)(2) and 12(b)(3) arguments. Accordingly, **on or before June 20, 2008, plaintiff shall show cause in writing why CFC's Motion to Dismiss (Doc. #306) should not be sustained under Rule 12(b)(2) for lack of personal jurisdiction or under Rule 12(b)(3) for improper venue. On or before July 7, 2008, CFC may file a reply.**

On May 29, 2007, Cessna filed a Motion to Dismiss based largely on the same grounds as CFC's pending motion. See Cessna Aircraft Company's Motion to Dismiss (Doc. #438). **Plaintiff's deadline to respond to Cessna's motion is hereby modified. On or before June 20, 2008, plaintiff or CFC may file a response to Cessna's motion to dismiss (Doc. #438). On or before July 7, 2008, Cessna may file a reply.**

IT IS SO ORDERED.

Dated this 10th day of June, 2008 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge