

**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)	Case No: 05-md-1721-KHV
Fry, et al. v. Cessna Aircraft Company, et al.,)	
No. 06-CV-2261))	
_____)	

SUGGESTION OF REMAND

This matter is before the Court on the Joint Request For Suggestion Of Remand Of Certain Claims In Fry v. Cessna Aircraft Company (Doc. #86) filed October 18, 2006. Plaintiffs Martha Fry, Individually and as Executrix of the Estate of Robert Delwin Fry, Deceased, and as Next Friend of Minors RDF, MMF, MMF and MMF, and Harry Fry, Individually (collectively, the "Fry Plaintiffs") and defendants Cessna Aircraft Company, Goodrich Corporation, FlightSafety International, Inc. and Brown County Financial Services, L.L.C. have settled all claims between them in the case of Fry, et al. v. Cessna Aircraft Co., et al., D. Kan. No. 05-md-1721-KHV. Because the settlement requires court approval and a hearing on the issue will involve witnesses who reside in or near Fort Worth, Texas, the parties seek a remand of the claims to the Northern District of Texas. In that court, the Honorable Terry R. Means conducted a hearing and approved the settlement of claims by another plaintiff arising from the same aircraft accident. The claims of the Fry Plaintiffs are separable from the claims of the remaining plaintiffs in this MDL proceeding and remand of the claims of the Fry Plaintiffs will not affect the claims of the remaining plaintiffs or the claims in any of the other cases pending as part of the MDL.

The Judicial Panel on Multidistrict Litigation may “separate any claim, cross-claim, counter-claim, or third-party claim and remand any of such claims before the remainder of the action is remanded.” 28 U.S.C. § 1407(a). JPML Rule 7.6(c) provides that the Judicial Panel on Multidistrict Litigation will consider remand of “any separable claim, cross-claim, counterclaim or third-party claim at or before the conclusion of coordinated or consolidated pretrial proceedings” on suggestion of the transferee district court. In these circumstances, the Court finds that remand of the claims between the settling parties is appropriate.

IT IS THEREFORE ORDERED that the Joint Request For Suggestion Of Remand Of Certain Claims In Fry v. Cessna Aircraft Company (Doc. #86) filed October 18, 2006 be and hereby is **SUSTAINED**.

The Clerk is directed to forward a copy of this Suggestion of Remand to the Judicial Panel for Multidistrict Litigation. Pursuant to 28 U.S.C. § 1407, the Court recommends that the Judicial Panel on Multidistrict Litigation remand to the United States District Court for the Northern District of Texas the claims of the Fry plaintiffs in Fry, et al. v. Cessna Aircraft Co., et al., D. Kan. No. 05-md-1721-KHV, N.D. Tex. No. 4:06-cv-00155.

Dated this 26th day of October, 2006 at Kansas City, Kansas.

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