

will not be required to include essential elements for their theories of recovery or for the affirmative defenses of defendants. Defendant Cessna may include essential elements in the pretrial order, but the Court will not require Plaintiffs or any other party to provide essential elements for their theories of recovery or defenses. Given the role of the transferee court in MDL proceedings, the Court finds that requiring every party to include essential elements for the various theories of recovery and defenses asserted in each individual case when the choice of law issues have not yet been decided by the transferor courts would not comport with the goal of Fed. R. Civ. P. 1 to secure the “just, speedy, and inexpensive determination of every action and proceeding.”

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 23rd day of January, 2009.

s/ David J. Waxse
David J. Waxse
United States Magistrate Judge

cc: All counsel