

[Redacted]

[Redacted]

[Redacted]

Three horizontal light green bars with rounded ends, stacked vertically, enclosed in a black rectangular border.

A large rectangular area enclosed by a decorative green scalloped border.

business of the parties, and

(d) the place where the relationship, if any, between the parties is centered. Restatement (Second) Conflict of Laws § 145(2) (1971).

Here, it is undisputed that the alleged injury occurred in Utah. This is the most significant factor in a choice of law analysis for a products liability action.¹ "Next to the place where the injury occurred, the most important contact is the place where the relationship between the parties is centered. That place is ... where the product was purchased."² Here, Plaintiff does not dispute that the product was used by the Decedent in Utah; thus it is clear that the relationship between the parties was centered in Utah.³

It is also undisputed that the Decedent resided in Utah. Where the allegedly defective Tysabri® was designed is of little importance when the place of injury, the center of the parties' relationship, and the domicile of the plaintiff or decedent are all in the same state. Under such circumstances, courts uniformly apply the law of that state, not the state of manufacture.⁴

Accordingly, this Court should conclude that the law of Utah applies, as it is the place of the injury, the center of the relationship of the parties, and the place of residence of the Decedent at the time of his alleged injury.

¹ See *Kearns v. Amer. Honda Motor Co.*, 641 F. Supp. 420,423-24 (D. Idaho 1986); *Richard O'Brien Cos. v. Challenge-Cook Bros., Inc.*, 672 F. Supp. 466,469 (D. Colo. 1987).

² *Kearns*, 641 F. Supp. at 423-24.

³ Utah. See *Allison v. ITE Imperial Corp.*, 928 F.2d 137, 142 (5th Cir. 1991); *Rottman v. Krabloonik*, 834 F. Supp. 1269, 1271 (D. Colo. 1993).

⁴ *Richard O'Brien Cos.*, 672 F. Supp. at 469; *White v. Winnebago Indus.*, 718 F. Supp. 1429, 1433 (N.D. Iowa 1989); *Crisman v. Cooper Indus.*, 748 S.W.2d 273, 278 (Tex. Ct. App. 1988); *Kearns*, 641 F. Supp at 423-24; *Allison v. ITE Imperial Corp.*, 928 F.2d 137 (5th Cir. 1991).

Avoiding the Sirens

- Convoluted arguments
- Characterizations
- Cuteness
- Long sentences
- Long paragraphs
- The sound of your own voice

