

**BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

**IN RE: IGLOO 90 QUART ROLLING COOLER
TOW HANDLE PRODUCTS LIABILITY LITIGATION**

MDL No. _____

**BRIEF IN SUPPORT OF DEFENDANT IGLOO PRODUCTS CORP.'S MOTION TO
CENTRALIZE IN THE DISTRICT OF DELAWARE**

SUMMARY OF THE ARGUMENT

Six personal injury actions pending in five federal judicial districts allege fingertip injuries arising from the tow handle mechanisms on coolers known as the “90 Quart Flip & Tow Rolling Coolers,” which are made by Defendant Igloo Products Corp. (“Igloo”). The actions are all in their early stages and present numerous overlapping questions concerning, *inter alia*, the challenged tow handle configurations on the 90 Quart Flip & Tow Rolling Coolers (the “Rolling Coolers”), the existence of an alleged design defect and product safety hazard in the Rolling Coolers, available alternative designs to the Rolling Coolers, the nature of Igloo’s knowledge concerning the Rolling Coolers, and a 2025 recall that was conducted on the Rolling Coolers. Absent centralization, the parties would need to undertake substantial amounts of duplicative and overlapping discovery concerning these common issues. Likewise, multiple courts would need to independently supervise and adjudicate overlapping pretrial proceedings. Centralization under 28 U.S.C. § 1407 would permit coordinated development of the common factual record, eliminate duplicative demands on the parties and witnesses, and promote efficient and consistent resolution of common disputes.

The District of Delaware offers an established foundation for that coordination. Judge Jennifer L. Hall already presides over *In re Igloo Products Cooler Recall Litigation*, No. 1:25-cv-00298-JLH-EGT (D. Del.), a separately pending consolidated putative class action concerning the same cooler recall and alleged tow handle hazard. That proceeding—which has been pending for over 18 months—has an operative protective order, an established discovery schedule, a record of written discovery, and initial findings on Igloo’s comprehensive motion to dismiss. Assigning the proposed Multidistrict Litigation (“MDL”) to Judge Hall would permit coordinated management of overlapping claims across half a dozen actions by a court that is already familiar with the

underlying factual issues—reducing unnecessary duplication and promoting judicial efficiency, while preserving the distinct claims, parties, and procedural requirements of each proceeding.

Accordingly, Igloo respectfully requests that the Panel establish a new MDL encompassing the six actions identified in the Schedule of Actions, transfer those actions to the District of Delaware for consolidated pretrial proceedings, order that any tag along actions be included in the MDL, and, with the transferee court’s consent, assign the MDL to Judge Hall.

STATEMENT OF PERTINENT FACTS AND PROCEDURAL POSTURE

Pursuant to Rules 6.1(b)(iv)-(v) and 3.2(a)(v) of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the operative pleadings and docket sheets for the six actions identified in the Schedule of Actions (the “Actions”) accompany this Motion as separately numbered exhibits identified in the accompanying Exhibit Index.

Each of the Actions on the Schedule of Actions involve fingertip injuries purportedly caused by the tow handle on Igloo’s 90 Quart Flip & Tow Rolling Coolers (the “Rolling Coolers”). The plaintiffs in each Action (the “Plaintiffs”) challenge the design and safety of the Rolling Coolers, claiming that a defect in the tow handle is responsible for their alleged injuries. As support, each of the Actions rely on a 2025 recall Igloo conducted on the Rolling Coolers, which included nearly 1.2 million Rolling Coolers and which was performed to remediate a remote risk of finger pinching at the tow handle of the Rolling Coolers (the “Recall”). Thus, each Action presents overlapping factual questions concerning the design and safety of the challenged tow handle mechanism. This entails overlapping questions concerning product design, testing, reported incidents, available design alternatives, warnings, Igloo’s knowledge, and the Recall itself.

Igloo summarizes each of the Plaintiffs’ allegations below to further identify these common questions.

1. Gary Lee v. Igloo Products Corp. (Eastern District of California)

Plaintiff Gary Lee alleges that the tow handle on a Rolling Cooler injured his left index finger while he was lifting the cooler from a truck. *See Lee v. Igloo Prods. Corp.*, No. 2:25-cv-01526-JAM-CSK (E.D. Cal. Apr. 3, 2026) (“*Lee*”), ECF No. 24 (“*Lee* FAC”) ¶¶ 2-8, 18-25, 34-54. He asserts strict products liability based on design defect and negligent design, challenging the tow handle configuration and its alleged risk of finger entrapment during foreseeable use. *Id.* ¶¶ 34-54. In support of his claims, he references the 2025 Recall and asserts his cooler was included in the Recall. *Id.* ¶¶ 9, 26-28. His claims therefore implicate the tow handle’s design, safety, and alleged finger pinching mechanism, as well as the nature and substance of the 2025 Recall. Lee is represented by the law firms Johnson Becker, PLLC and Harlan Hillier Digiaccio LLP.

The action is pending in the Eastern District of California before Judge John A. Mendez. Igloo answered the operative FAC on September 8, 2026. *See id.*, ECF No. 41. The parties filed a joint status report on September 16, 2026, wherein Igloo informed the court that it intended to file this Motion. *See id.*, ECF No. 42. No discovery has taken place and no further activity has occurred other than the entry of a scheduling order yesterday. *See id.*, ECF No 43.

2. Robert Randall McAlary III v. Igloo Products Corp. (Eastern District of California)

Robert Randall McAlary III alleges that the tow handle on a Rolling Cooler caused him to injure his left index finger while he was removing the cooler from a bear-proof storage locker. *See McAlary v. Igloo Prods. Corp.*, No. 2:25-cv-01904-JAM-CSK (E.D. Cal. Mar. 19, 2026) (“*McAlary*”), ECF No. 27 (“*McAlary* FAC”) ¶¶ 20-39, 40-62. He asserts strict products liability based on design defect and negligence, challenging the tow handle configuration and its alleged finger entrapment hazard. *Id.* ¶¶ 40-62. In support of his claims, he references the 2025 Recall and asserts his cooler was included in the Recall. *Id.* ¶¶ 9-19. His claims therefore implicate the tow

handle's design, safety, and alleged finger pinching mechanism, as well as the nature and substance of the 2025 Recall. McAlary is represented by the law firm Doyle APC.

The action is pending in the Eastern District of California before Judge John A. Mendez and has been related with *Lee*. *See McAlary*, ECF No. 10. Igloo answered the operative FAC on September 8, 2026. *See id.*, ECF No. 38. The parties filed a joint status report on September 18, 2026, wherein Igloo informed the Court that it intended to file this Motion. *See id.*, ECF No. 39. No discovery has taken place and no further activity has occurred other than the entry of a scheduling order yesterday. *See id.*, ECF No 40.

3. *David Bruce v. Igloo Products Corp.* (Northern District of California)

David Bruce alleges that the tow handle on a Rolling Cooler injured his left index finger while he was removing the cooler from a bear box. *See Bruce v. Igloo Prods. Corp.*, No. 3:26-cv-07888-WHO (N.D. Cal. July 29, 2026) ("*Bruce*"), ECF No. 1 ("*Bruce Compl.*") ¶¶ 2-8, 18-31, 33-53. He asserts strict products liability based on design defect and negligent design, challenging the tow handle configuration and its alleged finger entrapment hazard. *Id.* ¶¶ 33-53. In support of his claims, he references the 2025 Recall and asserts his cooler was included in the Recall. *Id.* ¶¶ 9, 25-27. His claims therefore implicate the tow handle's design, safety, and alleged finger pinching mechanism, as well as the nature and substance of the 2025 Recall. Bruce is represented by the law firm Johnson Becker, PLLC.

The action is pending in the Northern District of California before Judge William H. Orrick. Igloo's answer is due on October 15, 2026. The court has also scheduled a case management conference for November 3, 2026. *See id.*, ECF No. 13. No further activity has occurred and no discovery has taken place.

4. *Erwin Carlin Jr. v. Igloo Products Corp.* (Western District of Louisiana)

Erwin Carlin Jr. alleges that a Rolling Cooler injured his left middle finger while he was unloading the cooler. *See Carlin v. Igloo Prods. Corp.*, No. 5:26-cv-02453-AVH-MLH (W.D. La.) (“*Carlin*”), ECF No. 1-1 (“*Carlin Pet.*”) ¶¶ 5-17. While his Petition does not specify the component that allegedly caused his injury, Carlin subsequently asserted via informal discovery that his injury was caused by the tow handle mechanism on his Rolling Cooler. *See Decl. of E. Rutner*, attached as Ex. A (“*Rutner Decl.*”) ¶ 4. Carlin asserts negligence and strict products liability claims challenging the cooler configuration and alleged finger entrapment hazard. *Id.* ¶¶ 22-47. In support of his claims, he references a recall of the Rolling Coolers. *Id.* ¶ 16. His claims therefore implicate the tow handle’s design, safety, and alleged finger pinching mechanism, as well as the nature and substance of the 2025 Recall. Carlin is represented by the law firm Gabe A. Duhon LLC.

The action is pending in the Western District of Louisiana before Judge Alexander C. Van Hook. Igloo filed a motion to dismiss, which is fully briefed and pending before the court. *See Carlin*, ECF No. 24. No further activity has occurred and no discovery has taken place.

5. *Eric Daniel Cooke v. Igloo Products Corp. (Central District of California)*

Eric Cooke alleges that the tow handle on a Rolling Cooler injured his right ring finger while he was unloading the cooler from a pickup truck. *See Cooke v. Igloo Prods. Corp.*, No. 5:26-cv-05227 (C.D. Cal.) (“*Cooke*”), ECF No. 1-2 (“*Cooke Compl.*”) ¶¶ 8-12, 16-34. He asserts negligence, breach of implied warranty, and strict products liability claims, including design, manufacturing, and warning theories challenging the tow handle configuration and its alleged finger entrapment hazard. *Id.* ¶¶ 16-34. In support of his claims, he references the 2025 Recall and asserts his cooler was included in the Recall. *Id.* ¶¶ 8-12. His claims therefore implicate the tow handle’s design, safety, and alleged finger pinching mechanism, as well as the nature and substance of the 2025 Recall. Cooke is represented by the law firm Heimanson & Wolf, LLP.

The action is pending in the Central District of California before Judge Percy Anderson. On September 25, 2026, the parties stipulated to an extension of time for Igloo to file its responsive pleading by October 16, 2026. No other activity has occurred thus far.

6. *Jose Porfirio Lardizabal-Cueva v. Igloo Products Corp.* (Middle District of Florida)

Jose Porfirio Lardizabal-Cueva alleges that the tow handle on a Rolling Cooler injured his left index finger while he moved the cooler inside his vehicle. *See Lardizabal-Cueva v. Igloo Prods. Corp.*, No. 8:26-cv-02734-JLB-AEP (M.D. Fla.) (“*Lardizabal-Cueva*”), ECF No. 1-1 (“*Lardizabal-Cueva Compl.*”) ¶¶ 1-10, 16-27. He asserts strict products liability based on design defect and negligent design challenging the tow handle configuration and its alleged finger entrapment hazard. *Id.* ¶¶ 29-50. In support of his claims, he references the 2025 Recall and asserts his cooler was included in the Recall. *Id.* ¶¶ 6, 21-23. His claims therefore implicate the tow handle’s design, safety, and alleged finger pinching mechanism, as well as the nature and substance of the 2025 Recall. Lardizabal-Cueva is represented by the law firm Johnson Becker, PLLC.

The action is pending in the Middle District of Florida before Judge John L. Badalamenti. *See Lardizabal-Cueva*, ECF No. 3. On September 30, 2026, the parties stipulated to an extension of time for Igloo to file its responsive pleading by November 4, 2026. No other activity has occurred thus far.

7. Other Actions and Claims

In addition to the personal injury lawsuits identified above, another personal injury lawsuit was previously filed in the Southern District of Texas by a California resident, captioned *Skorzanka-Fife v. Igloo Products Corp.*, Case No. 4:25-cv-5350. That action was dismissed with prejudice on September 10, 2026. *See Skorzanka*, ECF No. 32. There is also one additional personal injury action pending in Texas state court that was filed by a Texas resident, captioned

Sanchez v. Igloo Products Corp., Case No. 202619485. Beyond this, to date, Igloo has received five additional demands from individuals represented by counsel—claiming similar fingertip injuries from the tow handle on a Rolling Cooler and commonly asserting that the tow handle is defective. *See* Rutner Decl. ¶ 5. None of these claims involve residents of either Texas (where Igloo is headquartered) or Delaware (where Igloo is incorporated), and Igloo therefore anticipates that a lawsuit pertaining to these claims will either be filed federal court or removed to federal court. *Id.* at ¶¶ 3, 5. Thus, together with the pending federal lawsuits, there are potentially eleven separate cases that could be included in the requested MDL—if not more.

Finally, in addition to the personal injury actions and claims identified above, there is also a separately pending consolidated class action before District Judge Jennifer L. Hall, with pretrial matters referred to Magistrate Judge Eleanor G. Tennyson. *See In re Igloo Products Cooler Recall Litigation*, Case No. 1:25-cv-00298 (D. Del.) (the “Delaware Class Action”). The Delaware Class Action, which has been pending for over 18 months, concerns the same recalled Rolling Coolers and the same alleged tow handle defect the forms the basis for the personal injury actions. *See* Delaware Class Action, ECF No. 58 (“CAC”), ¶¶ 1-20, 38-58. Although the Delaware Class Action raises different legal claims and issues, there is still substantial overlap with the factual issues that underlie the Actions. This includes, *inter alia*, the existence of an alleged defect in the tow handle of the Rolling Coolers and the nature of Igloo’s knowledge of same. *Id.* ¶¶ 38-58. While Igloo does not believe the Delaware Class Action is suitable for consolidation with the Actions given that it is a putative class action asserting unique claims, theories of liability, and requested remedies, District Judge Hall and Magistrate Judge Tennyson are familiar with the underlying factual issues common to the Actions. In fact, Magistrate Judge Tennyson recently issued a 25-page Report & Recommendation on Igloo’s Motion to Dismiss, which goes into

significant detail about these common factual issues. *See Delaware Class Action*, ECF No. 94 at 1-3, 13-15. District Judge Hall is expected to address any objections and enter a final order within the next month.

LEGAL STANDARD

Section 1407(a) permits the Judicial Panel on Multidistrict Litigation (the “Panel”) to transfer civil actions pending in different federal districts to a single district for consolidated pretrial proceedings when the actions involve “one or more common questions of fact” and transfer “will be for the convenience of parties and witnesses and will promote the just and efficient conduct of such actions.” 28 U.S.C. § 1407(a). The inquiry therefore has two components: (1) whether the actions share one or more common questions of fact, and (2) whether centralization will advance the convenience of the parties and witnesses as well as promote the just and efficient conduct of the actions. *See Uber Techs., Inc. v. U.S. Jud. Panel on Multidistrict Litig.*, 131 F.4th 661, 668-71 (9th Cir. 2025). Centralization serves to “eliminate duplication in discovery, avoid conflicting rulings and schedules, reduce litigation cost, and save the time and effort of the parties, the attorneys, the witnesses, and the courts.” *Gelboim v. Bank of Am. Corp.*, 574 U.S. 405, 410 (2015). Any party to a potentially affected action, including a defendant, may initiate the proceeding by way of a motion filed with the Panel. 28 U.S.C. § 1407(c)(ii); J.P.M.L. R. 6.1.

Importantly, there is no threshold number for centralization in an MDL: the pertinent inquiry is whether the anticipated efficiencies justify the administrative costs of an MDL in the circumstances presented. *See Uber*, 131 F.4th at 670-72. Indeed, the Panel routinely centralizes six or fewer actions where they share common technical questions and demand substantial overlapping discovery. *See, e.g., In re Broiler Chicken Grower Antitrust Litig. (No. III)*, 813 F. Supp. 3d 1363, 1364-66 (J.P.M.L. 2025) (five actions); *In re CCell Closed Cannabis Oil*

Vaporization Sys. & Components Prods. Litig., 808 F. Supp. 3d 1410, 1410-11 (J.P.M.L. 2025) (five actions); *In re Capital One 360 Savings Account Interest Fee Litig.*, 737 F. Supp. 3d 1359, 1360 (J.P.M.L. 2024) (six actions); *In re Dividend Solar Fin., LLC, & Fifth Third Bank Sales & Lending Pracs. Litig.*, 753 F. Supp. 3d 1365, 1366 (J.P.M.L. 2024) (five actions); *In re KeyBank Customer Data Sec. Breach Litig.*, 655 F. Supp. 3d 1372, 1372 (J.P.M.L. 2023) (six actions); *In re Allergan BIOCELL Textured Breast Implant Prods. Liab. Litig.*, 412 F. Supp. 3d 1361, 1362 (J.P.M.L. 2019) (four actions); *In re Auryxia (Ferric Citrate) Patent Litig.*, 412 F. Supp. 3d 1347, 1348 (J.P.M.L. 2019) (four actions); *In re Railway Indus. Emp. No-Poach Antitrust Litig.*, 326 F. Supp. 3d 1381, 1382 (J.P.M.L. 2018) (three actions); *In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Pracs. & Antitrust Litig.*, 268 F. Supp. 3d 1356, 1358 (J.P.M.L. 2017) (five actions); *In re Amoxicillin Patent & Antitrust Litig.*, 449 F. Supp. 601, 601 (J.P.M.L. 1978) (three actions); *In re First Nat. Bank, Heavener, Okla. (First Mortg. Revenue Bonds) Sec. Litig.*, 451 F. Supp. 995, 966 (J.P.M.L. 1978) (two actions); *In re Hawaiian Hotel Room Rate Antitrust Litig.*, 438 F. Supp. 935, 935 (J.P.M.L. 1977) (five actions); *In re FMC Corp. Patent Litig.*, 422 F. Supp. 1163, 1164 (J.P.M.L. 1976) (five actions).

If the Panel determines that centralization is warranted, it then selects an appropriate transferee district and assigns the actions for coordinated or consolidated pretrial proceedings to a judge from the transferee district with the transferee court's consent. *See* 28 U.S.C. § 1407(a)–(b). In selecting the forum, the Panel may consider the location and procedural advancement of related actions and the proposed transferee judge's familiarity with the litigation. *See CCell*, 808 F. Supp. 3d at 1411-12. The Panel also considers practical administrative factors, including the location of documents and witnesses and the receiving district's docket conditions and capacity. *See In re Pressure Sensitive Labelstock Antitrust Litig.*, 290 F. Supp. 2d 1374, 1375-76 (J.P.M.L. 2003).

ARGUMENT

I. **The Panel Should Centralize These Actions Because Both Statutory Requirements Strongly Favor Centralization**

A. **The Actions Present Substantial Common Questions of Fact**

The threshold inquiry under Section 1407 asks whether the actions share one or more common questions of fact. To that end, “Section 1407 contains no requirement that common factual questions predominate over individual ones,” and the Panel “does not require ... even [a] majority of common factual issues as a prerequisite to transfer.” *Uber*, 131 F.4th at 669; *see also AngioDynamics*, 753 F. Supp. 3d at 1363. Individualized causation, injury, or state-law issues thus do not foreclose coordinated pretrial proceedings. *See e.g., Uber*, 131 F.4th at 669-71; *AngioDynamics*, 753 F. Supp. 3d at 1363. Indeed, the Panel frequently centralizes products liability actions involving different injuries where the actions share common questions such as those concerning a product’s design, testing, and warnings. *See, e.g., In re AngioDynamics, Inc.*, 753 F. Supp. 3d at 1362-63; *In re Baby Food Mktg., Sales Pracs. & Prods. Liab. Litig. (No. II)*, 730 F. Supp. 3d 1371, 1372-73 (J.P.M.L. 2024); *In re Future Motion, Inc. Prods. Liab. Litig.*, 709 F. Supp. 3d 1394, 1395 (J.P.M.L. 2023). As the Panel articulated in *AngioDynamics*, “almost all injury litigation involves questions of causation that are case- and plaintiff-specific,” and “[s]uch differences have not been an impediment to centralization in the past.” 753 F. Supp. 3d at 1363 (quoting *In re Wright Med. Tech., Inc., Conserve Hip Implant Prods. Liab. Litig.*, 844 F. Supp. 2d 1371, 1372 (J.P.M.L. 2012)).

Each of the Actions here involve fingertip injuries allegedly caused by the tow handle of a Rolling Cooler and claim that a defect in the Rolling Coolers is responsible. *See Lee* FAC ¶¶ 1-11, 18-32; *McAlary* FAC ¶¶ 8-39; *Bruce* Compl. ¶¶ 18-31; *Cooke* Compl. ¶¶ 8-15, 28; *Lardizabal-Cueva* Compl. ¶¶ 16-35; *Carlin* Pet. ¶¶ 5-21; *Rutner* Decl. ¶ 4. Further, as support for Plaintiffs’

claims, each of the Actions rely on the 2025 Recall that was conducted on the Rolling Coolers. *See Lee* FAC ¶¶ 9, 26-28; *McAlary* FAC ¶¶ 9-19; *Bruce* Compl. ¶¶ 9, 25-27; *Cooke* Compl. ¶¶ 8-12; *Lardizabal-Cueva* Compl. ¶¶ 6, 21-23; *Carlin* Pet. ¶ 16. Each of the Actions also commonly assert strict products liability and negligence claims against Igloo in connection with its sale of the Rolling Coolers. *Lee* FAC ¶¶ 34-54; *McAlary* FAC ¶¶ ¶¶ 40-62; *Bruce* Compl. ¶¶ 33-53; *Cooke* Compl. ¶¶ 16-34, 28; *Lardizabal-Cueva* Compl. ¶¶ 29-50; *Carlin* Pet. ¶¶ 22-47. Thus, the Actions present—at a minimum—the following core common questions of facts:

- The nature and substance of the tow handle design on the Rolling Coolers;
- Whether the design of the tow handle on the Rolling Coolers is defective and/or unreasonably dangerous;
- The circumstances in which an individual can injure themselves on the tow handle of a Rolling Cooler and whether those circumstances occur during the normal and foreseeable use of the product;
- The way in which the tow handle can be misused and whether such misuse is foreseeable;
- Whether economically and technically feasible safer alternative handle designs were available;
- Igloo’s knowledge of the alleged hazard and its warnings to consumers;
- The reported incident history pertaining to tow handle injuries on the Rolling Coolers;
- The nature, substance, and purpose of the 2025 Recall

These questions are not incidental to the litigations; they define them. Indeed, the resolution of these questions will inform, in part, whether and to what extent Igloo is liable to each of the Plaintiffs.¹ Moreover, common discovery, including Igloo’s documents and witness testimony

¹ To be clear, Igloo does not believe these common questions predominate over individual questions. They do not. However, centralization under Section 1407 does not require a predominance of common questions. *See Uber*, 131 F.4th at 669.

along with expert testimony, will be used to resolve these common questions. As such, a coordinated action will ensure that a common record—rather than six or more records—is developed on the common questions that underlie each of the Actions.

B. Centralization Will Serve the Convenience of the Parties and Witnesses and Promote the Just and Efficient Conduct of These Actions

The second inquiry under Section 1407 asks whether centralization will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the actions. *See* 28 U.S.C. § 1407(a). In answering that question, the Panel weighs the anticipated reduction of duplicative discovery, the burdens on the parties, witnesses, counsel, and courts, litigation expense and conflicting pretrial rulings and schedules. *See Gelboim*, 574 U.S. at 410; *Uber*, 131 F.4th at 670-71. In *AngioDynamics*, for example, the Panel centralized actions after identifying opportunities to streamline overlapping product discovery, reduce conflicting pretrial obligations, and avoid inconsistent rulings on common evidentiary challenges. 753 F. Supp. 3d at 1363.

A single consolidated action would serve all of the aforementioned purposes. First, there is no question that discovery across the Actions will be duplicative. In fact, as it pertains to Igloo, *all* of the discovery will be precisely the same across each of the Actions. This includes Igloo's document production, Igloo's interrogatory answers, Igloo's fact witnesses, Igloo's corporate witnesses, and Igloo's experts. Centralizing the Actions will completely eliminate the need for such duplication in the discovery process. Indeed, the only individualized discovery that will be needed bears on the specific circumstances surrounding Plaintiffs' handling of their Rolling Cooler at the time of the respective incidents along with Plaintiffs' alleged damages, which will necessarily comprise only a small component of the overall discovery in the litigation.

Second, and relatedly, coordination will substantially benefit the parties, the witnesses, counsel, and the judiciary. There are multiple common fact witnesses that Igloo has identified and

who will all be disclosed on its initial disclosures in each of the Actions. Absent coordination, there is a material risk that each of these witnesses will have to be deposed on multiple (if not six or more) occasions—creating a substantial burden on these lay witnesses. So too is there a material risk that Igloo will need to prepare and present a corporate witness to speak to common corporate depositions topics on multiple (if not six or more) occasions. Further, absent coordination, Igloo will have to review and respond to multiple different forms of discovery requests all bearing on the same issues—substantially compounding the work required to defend against the common questions addressed above. It may need to brief and argue the same discovery disputes to multiple different courts. It will need to prepare rebuttal expert testimony across multiple overlapping but potentially conflicting liability experts. And it will need to prepare overlapping and largely duplicative summary judgment motions across each matter. In addition, five (or more) courts will need to spend time and resources separately addressing the same potential discovery disputes, potentially overlapping *Daubert* motions, and substantially similar summary judgment motions.

By contrast, a single coordinated action will ensure that lay witnesses are deposed only once. It will ensure that a single set of corporate deposition topics are served and a single corporate deposition is taken. It will ensure a common set of discovery requests to Igloo—and, by extension, common discovery responses. It will ensure any common discovery disputes are briefed only once. It will avoid multiple overlapping but potentially conflicting experts on the same subject matter. It will ensure there is only a single set of briefing on summary judgment. And it will ensure that only one court incurs time and resources addressing common discovery disputes, common *Daubert* issues, and common summary judgment motions. Not only will all this benefit Igloo, its fact and expert witnesses, and the judiciary—it will substantially benefit the Plaintiffs and their counsel. In particular, the Plaintiffs and their counsel will all share in the time and expense associated with

preparing discovery, reviewing documents, taking depositions, briefing discovery disputes, retaining experts, and responding to *Daubert* and summary judgment motions. Across six or more actions, that is a considerable cost savings for Plaintiffs and their counsel.

Third, for these same reasons, both Igloo and Plaintiffs will incur substantially lower litigation expenses. In fact, considering how much duplication will otherwise occur, coordination could result in an exponential cost savings as compared to litigating each Action individually.

Fourth, and perhaps most important, coordination will avoid the entry of five or more separate schedules along with the risk of conflicting rulings. Indeed, absent coordination, at least five separate courts will need to enter and supervise separate case management schedules that may proceed on very different tracks. Further, absent coordination, these courts may need to separately assess and rule upon duplicative discovery disputes. That raises a material risk of inconsistent and conflicting rulings on common discovery issues—such as Igloo’s claims of privilege over responsive documents. Moreover, absent coordination, these courts will need to separately assess and rule on overlapping and duplicative summary judgment motions. This too raises a material risk of inconsistent and conflicting rulings on common issues such as, *e.g.*, whether there is a disputed issue of fact on the existence of a defect in the tow handle mechanism, whether and when Igloo knew of the alleged defect, and whether there were safer available alternative designs. Coordination will not only save substantial judicial resources by ensuring only one court addresses these common issues, it will avoid the very real risk of inconsistent adjudications on these issues across the various courts currently overseeing the Actions.

Of note, because this litigation involves only a small number of actions, Igloo does not dispute that it bears the burden of showing that informal coordination cannot accomplish what centralization would. *See In re Recore Antitrust Litig.*, 730 F. Supp. 3d 1355, 1356 (J.P.M.L.

2024). Igloo carries that burden here. Given that the actions are pending in five separate districts, are prosecuted by four different groups of Plaintiffs’ attorneys, and are not subject to any pending Section 1404(a) motion that could gather them in a single court, the parties cannot self-organize their way out of this litigation’s multidistrict character. Voluntary agreement among counsel cannot substitute for centralization in these circumstances, including because it cannot harmonize conflicting scheduling and discovery orders entered by five separate courts, it cannot bind a party who declines to participate, and it cannot supply a single forum to resolve common legal and factual issues. For that reason, the Panel has declined to treat informal cooperation as an adequate alternative where, as here, personal injury actions are dispersed across multiple districts and involve multiple groups of plaintiffs’ attorneys. *See Baby Food (No. II)*, 730 F. Supp. 3d at 1373.

Finally, it is also relevant that the 2025 Recall encompassed more than one million Rolling Coolers. To that end, in addition to the pending Actions (along with two other filed actions), Igloo is currently in receipt of five additional demands on behalf of individuals represented by counsel who reside outside of Texas and Delaware and likewise claim to have incurred a fingertip injury from the tow handle mechanism of a Rolling Cooler. *See Rutner Decl.* ¶ 5. Moreover, of the six Actions, four were filed within the last 60 days. Thus, there is a material prospect that additional tag along actions will be filed in federal court—potentially amounting to a dozen or more actions. The Panel has held that the prospect of additional tag along actions weighs in favor of centralization. As set forth in *In re FieldTurf Artificial Turf Mktg. & Sales Pracs. Litig.*, where a large population of affected products makes further filings likely, formal centralization is “the better course.” 254 F. Supp. 3d 1379, 1380 (J.P.M.L. 2017) (noting that because the allegedly defective turf was “installed at over 1,400 locations... the filing of additional tag-alongs appears likely”); *see also In re Hair Relaxer Mktg., Sales Pracs. & Prods. Liab. Litig.*, 655 F. Supp. 3d

1374, 1376-77 (J.P.M.L. 2023) (crediting the likelihood that “any future related actions” would raise the same issues). When this prospect is taken together with the fact that, even just based on the pending Actions, coordination will serve the convenience of the parties and witnesses and will promote the just and efficient conduct of the Actions, it is clear that the second factor under Section 1407 is satisfied.

Notably, of the six Actions, the two pending in the same district were already related after the Eastern District of California concluded that the actions involve similar questions of fact and law and that assignment to the same judge “is likely to affect a substantial savings of judicial effort and is also likely to be convenient for the parties.” *Lee*, ECF No. 12; *McAlary*, ECF No. 10. This same conclusion applies equally to all the Actions, and the Panel should therefore find the same in ruling on the Motion.

II. The District of Delaware Is the Appropriate Transferee Forum

In selecting the transferee forum, the Panel weighs the location and advancement of related litigation, the transferee judge’s familiarity with the subject matter, the location of documents and witnesses, and the receiving district’s docket conditions. *See Pressure Sensitive Labelstock*, 290 F. Supp. 2d at 1375-76; *FMC Corp.*, 422 F. Supp. at 1165. These factors largely weigh in favor of the District of Delaware, where Judge Jennifer L. Hall already presides over the Delaware Class Action. Like the Actions, the Delaware Class Action also concerns the 2025 Recall and an alleged defect in the tow handle of the Rolling Coolers. The Delaware Class Action has been pending for 18 months, and Judge Hall has entered a protective order and a scheduling order, supervised the exchange of written discovery, and set fact-discovery and class-certification deadlines. *See id.* Moreover, Magistrate Judge Tennyson has issued a 25-page Report & Recommendation on Igloo’s Motion to Dismiss, which addresses many of same factual issues that are common to the Actions.

See Delaware Class Action, ECF No. 94. District Judge Hall is expected to address any objections and enter a final order on the Motion to Dismiss within the next month.

Delaware thus offers an established procedural framework and a developed record concerning product defect allegations and the 2025 Recall that lie at the center of the Actions. That circumstance fits squarely within the Panel’s established practice of assigning an MDL to the district and judge already presiding over related litigation about the same subject matter. *See In re Amoxicillin*, 449 F. Supp. at 604 (transferring constituent actions to the District of Columbia because a related action was already pending in front of a District of Columbia judge, whose familiarity from “supervising” that litigation would “promote the expeditious processing of th[e] litigation.”); *In re Hawaiian Hotel Room*, 438 F. Supp. at 936-37 (transferring constituent actions to the District of Hawaii because the assigned judge’s “familiarity with th[e] litigation” from related proceedings was “an important factor” and transfer would “best facilitate the coordination . . . with the seminal . . . action . . . still pending there.”). In fact, the Panel regularly places personal injury actions in the same forum as a related class action about the same recalled product, precisely because the discovery and factual issues overlap. *See In re Valsartan N-Nitrosodimethylamine (NDMA) Contamination Prods. Liab. Litig.*, 363 F. Supp. 3d 1378, 1381-82 (J.P.M.L. 2019); *In re Philips Recalled CPAP, Bi-Level PAP, & Mech. Ventilator Prods. Liab. Litig.*, 568 F. Supp. 3d 1408, 1409-10 (J.P.M.L. 2021) (coordinating personal injury and class claims that “share[d] factual questions arising from [the] recall” and required “common discovery regarding the development and safety of the recalled devices”).

The only other actions that have proceeded past the motion to dismiss stage are *McAlary*, *Lee*, and *Bruce*. However, the orders in those cases were substantially more abbreviated than in the Delaware Class Action and dealt with pleading issues specific to California’s delayed

discovery rule and/or California's consumer expectation test. *Lee*, ECF No. 40; *McAlary*, ECF No. 37; *Bruce*, ECF No. 14. No discovery has occurred in any of those actions. Case management schedules were only just set yesterday in *Lee* and *McAlary* (with anticipated trial dates in 2028), and no schedule has been entered in *Bruce*. See *Lee*, ECF No. 43; *McAlary*, ECF No. 40. And initial disclosures have not even been exchanged. By comparison, as overseen by District Judge Hall and Magistrate Judge Tennyson, substantial fact discovery has occurred in the Delaware Class Action, with both parties having substantially completed their document production. See Rutner Decl. ¶ 6. A case management schedule was entered almost a year ago. See Delaware Class Action, ECF No. 71. And initial disclosures have long been exchanged. See *id.*, ECF No. 73, 74, 81. Thus, there is little question that the Delaware Class Action is significantly more advanced and that the Delaware court is more familiar with the relevant common issues. In short, Delaware is the most logical and appropriate forum for the requested MDL.

CONCLUSION

For the foregoing reasons, Igloo respectfully requests that the Panel establish *In re Igloo 90 Quart Rolling Cooler Tow Handle Products Liability Litigation*, transfer the six actions identified in the Schedule of Actions to the District of Delaware for consolidated pretrial proceedings, order that any tag along actions be transferred to Delaware and consolidated with the MDL proceeding, and, with the transferee court's consent, assign the MDL to the Honorable Jennifer L. Hall.

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