

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**IN RE: FLUIDMASTER, INC., WATER CONNECTOR  
COMPONENTS PRODUCTS LIABILITY LITIGATION**

MDL No. 2575

**ORDER VACATING CONDITIONAL TRANSFER ORDER**

**Before the Panel:** Plaintiffs in the Northern District of Iowa action (*Tinker*) listed on Schedule A move under Panel Rule 7.1 to vacate our order conditionally transferring their action to the Northern District of Illinois for inclusion in MDL No. 2575. Defendant Fluidmaster, Inc. opposes plaintiffs' motion.

Plaintiffs' NO-BURST hose in their kitchen sink allegedly failed when the female coupling nut separated from the rest of the hose, due to the failure of a crimp connection. Defendant is correct in asserting that *Tinker* contains some common factual questions with the MDL actions, given that all cases involve a Fluidmaster NO-BURST hose. However, the differences in *Tinker* outweigh the surface similarities with the MDL actions. In centralizing this litigation, we noted that: "All actions involve common factual questions about the allegedly defective nature of Fluidmaster's NO-BURST water connector product lines. Specifically, plaintiffs allege that the lines fail in one of two ways: (1) the braided stainless steel lines rupture due to the use of substandard materials, or (2) the acetal coupling nut on the water connector fractures as a result of inferior materials and its sharp edged design." *See In re: Fluidmaster, Inc., Water Connector Components Products Liability Litigation*, 65 F. Supp. 3d 1397 (J.P.M.L. 2014). As the expert report attached to plaintiffs' motion to vacate demonstrates, *Tinker* does not involve either of these types of failures. Instead, plaintiffs assert a manufacturing defect and negligence claim for the failure of a compression fitting that connects the hose to the coupling nut.

While there may be some factual overlap among the MDL actions and *Tinker*, inasmuch as all cases involve Fluidmaster NO-BURST hoses, we are not persuaded that this factual overlap will be substantial. Notably, defendants do not point to a single case involving the same failure of the compression fitting of a NO-BURST hose as that alleged in *Tinker*. Allowing *Tinker* to proceed in the Northern District of Iowa will limit the MDL proceedings to the theories of defect before the Panel at the time of centralization. Should the need arise, we encourage the parties to employ available alternatives to transfer to minimize the potential for duplicative discovery and inconsistent pretrial rulings. *See, e.g., In re: Eli Lilly & Co. (Cephalexin Monohydrate) Patent Litig.*, 446 F. Supp. 242, 244 (J.P.M.L. 1978); *see also* Manual for Complex Litigation, Fourth, § 20.14 (2004).

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IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-4" is vacated.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in cursive script, reading "Sarah S. Vance".

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Sarah S. Vance

Chair

Marjorie O. Rendell

Lewis A. Kaplan

R. David Proctor

Charles R. Breyer

Ellen Segal Huvelle

Catherine D. Perry

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**SCHEDULE A**

Northern District of Iowa

TINKER, ET AL. v. FLUIDMASTER, INC., C.A. No. 6:15-02039