

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: TAKATA AIRBAG
PRODUCTS LIABILITY LITIGATION**

MDL No. 2599

TRANSFER ORDER

Before the Panel:* Plaintiff moves under Panel Rule 7.1 to vacate our order conditionally transferring the Middle District of Florida action listed on the attached Schedule A (*Dowdye*) to the Southern District of Florida for inclusion in MDL No. 2599. Defendants Takata Corporation and TK Holdings Inc. (collectively Takata) oppose the motion.

In her motion to vacate, the *Dowdye* plaintiff, who asserts personal injury claims, argues that economic loss claims are the “primary focus” of the MDL, and that Mazda Motor Corporation, and Mazda Motor of America, Inc. (collectively Mazda), the vehicle manufacturer defendants in her case, have had only limited involvement in the MDL. These arguments are unconvincing. The MDL is proceeding on two tracks – an economic loss track and a personal injury track. There is no indication that the transferee court is attending to one track at the expense of the other. And there already is at least one personal injury action involving Mazda in the MDL.

After considering the argument of counsel, we find that the *Dowdye* action involves common questions of fact with actions transferred to MDL No. 2599, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The actions in the MDL “share factual questions arising from allegations that certain Takata-manufactured airbags are defective in that they can violently explode and eject metal debris, resulting in injury or even death.” *See In re: Takata Airbag Prods. Liab. Litig.*, 84 F. Supp. 3d 1371, 1372 (J.P.M.L. 2015). The *Dowdye* action plainly involves those same questions.¹

* Judge Ellen Segal Huvelle took no part in the decision of this matter.

¹ *See, e.g., Dowdye Compl.* ¶¶ 21-35, 62-169.

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IT IS THEREFORE ORDERED that the *Dowdye* action is transferred to the Southern District of Florida, and, with the consent of that court, assigned to the Honorable Federico A. Moreno for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Marjorie O. Rendell
Lewis A. Kaplan
Catherine D. Perry

Charles R. Breyer
R. David Proctor

**IN RE: TAKATA AIRBAG
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SCHEDULE A

Middle District of Florida

DOWDYE v. TAKATA CORPORATION, ET AL., C.A. No. 6:16-01680