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Deadly Dog-Food Suits Consolidated In Kansas MDL

By **Mike Curley**

Law360 (June 5, 2019, 2:55 PM EDT) -- Six suits accusing Hill's Pet Nutrition Inc. of selling dog food with deadly levels of vitamin D are headed to Kansas federal court after the U.S. Judicial Panel on Multidistrict Litigation ordered the cases to be consolidated.

In the transfer order Monday, the panel said in addition to the six cases — one in **New York**, one in Rhode Island, one in Florida and three in California — there are 23 other potentially related suits that might also be brought to Kansas.

The panel wrote that there are common factual issues among the suits and that consolidating will streamline the process by eliminating duplicated efforts in discovery, the possibility of inconsistent class certification rulings and other pretrial issues.

While all the parties that responded supported centralizing the suits into an MDL, there was dispute over what district to put the case in, according to the order. Hill's, along with plaintiffs in nine of the potential tag-along actions, supported Kansas, while other plaintiffs favored the Northern District of California and New York.

The panel found that Kansas would be the most convenient forum for the MDL as Hill's is headquartered there and has said its witnesses and evidence are there. In addition, eight of the potential tag-along suits are pending in that district. The panel assigned the case to U.S. District Chief Judge Julie A. Robinson.

The suits each claim that varieties of dog food sold by Hill's Pet Nutrition contain dangerous levels of vitamin D, with some plaintiffs alleging the food led to their pets' deaths.

While Hill's recalled some of its specialty pet food products in January, the pet food company knew more of its products contained the dangerous vitamin D levels and should have instituted a recall much earlier, according to the suit filed in New York.

While dogs do require some vitamin D, too much can result in serious health issues, including vomiting, loss of appetite, weight loss, renal failure and death, according to the suits.

According to the New York suit, Hill's should have known as early as February 2018 that its food contained too much vitamin D when online complaints started to surface from dog owners who said their pets showed symptoms of vitamin D toxicity, but instead "dragged its feet" on the recall.

An attorney for plaintiffs in the Florida case declined to comment.

Representatives for the other plaintiffs and Hill's Pet Nutrition could not immediately be reached for comment Wednesday.

The plaintiffs are represented by Tusa PC, Cafferty Clobes Meriwether & Sprengel LLP, Schubert Jonckheer & Kolbe LLP, Marlin and Saltzman LLP, Levin Papantonio Thomas Etc. PA and Motley Rice.

Hill's is represented by Hannah Y.S. Chanoine and Amy Laurendeau of O'Melveny & Myers LLP.

The cases are Bone et al. v. Hill's Pet Nutrition Inc. et al., case number 1:19-cv-00831, in the U.S. District Court for the Eastern District of New York; Russel et al. v. Hill's Pet Nutrition et al., case number 3:19-cv-00395, in the U.S. District Court for the Northern District of Florida; Jubinville et al. v. Hill's Pet Nutrition Inc. et al., case number 1:19-cv-00074, in the U.S. District Court for the District of Rhode Island; and Navarrete v. Hill's Pet Nutrition Inc., case number 3:19-cv-00767, Sun-Dampier v. Hill's Pet Nutrition Inc., case number 3:19-cv-00819, and Bauer et al. v. Hill's Pet Nutrition Inc., case number 3:19-cv-00908, all in the U.S. District Court for the Northern District of California.

--Editing by Alyssa Miller.

Correction: This article previously misspelled one of the attorney's names. That error has been corrected.

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