

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

**In re: JOHNSON & JOHNSON AEROSOL  
SUNSCREEN LITIGATION**

MDL-\_\_\_\_\_

**MOTION OF JIMENEZ PLAINTIFFS FOR TRANSFER OF ACTIONS TO THE  
DISTRICT OF NEW JERSEY PURSUANT TO 28 U.S.C. § 1407 FOR COORDINATED  
OR CONSOLIDATED PRETRIAL PROCEEDINGS**

Movant-Plaintiffs Melissa Jimenez and Catalina Ocampo (collectively, the “Jimenez Plaintiffs” or “Plaintiffs”) respectfully move the Judicial Panel on Multidistrict Litigation for an Order, pursuant to 28 U.S.C. § 1407, that (i) transfers the putative class actions entitled: *Shelli French, et al. v. Neutrogena Corporation*, Case No. 2:21-cv-05048 (C.D. Cal.) (“*French*”); *Johanna Dominguez, et al. v. Johnson & Johnson Consumer, Inc.*, Case No. 4:21-cv-05419-JST (N.D. Cal.) (“*Dominguez*”); *George Rafal, et al. v. Johnson & Johnson; Johnson & Johnson Consumer, Inc.; Neutrogena Corporation; and Aveeno*, Case No. 3:21-cv-05524-LB (N.D. Cal.) (“*Rafal*”); *Meredith Serota, et al. v. Neutrogena Corporation and Johnson & Johnson Consumer Companies, Inc.* Case No. 0:21-cv-61103 (S.D. Fla.) (“*Serota*”); *Timothy McLaughlin, et al. v. Johnson & Johnson Consumer, Inc.; Johnson & Johnson; and Costco Wholesale Corporation*, Case No. 3:21-cv-13710 (D.N.J.) (“*McLaughlin*”); *Julianna Briglio, et al. v. Johnson & Johnson Consumer Inc.* Case No. 3:21-cv-13972 (D.N.J.) (“*Briglio*”); and *Steven Lavalley, et al. v. Neutrogena Corporation and Johnson & Johnson Consumer Companies, Inc.*, Case No. 7:21-cv-06091 (S.D.N.Y.) (“*Lavalley*”), as well as any cases that may subsequently be filed asserting similar or related claims, to the District of New Jersey; and (ii) consolidates, for pretrial purposes, the *French, Dominguez, Rafal, Serota, McLaughlin, Briglio, and Lavalley* class actions with a similar

action entitled *Jimenez, et al. v. Johnson & Johnson Consumer, Inc.*, Case No. 3:21-cv-13113-FLW-TJB, pending in the United States District Court for the District of New Jersey before the Honorable Freda L. Wolfson (“*Jimenez*”).

In support of their Motion for Transfer and Consolidation, Plaintiffs state as follows:

1. The class actions for which transfer and consolidation are proposed arise out of the same conduct and allege similar claims. Each action is brought by purchasers of defective sunscreen sprays that contain the presence of benzene (the “Products”) that were produced by Defendant Johnson & Johnson Consumer Inc. (“J&J”).

2. To the best of Plaintiffs’ knowledge, the *French, Dominguez, Rafal, Serota, McLaughlin, Briglio*, and *Lavalle* actions proposed for transfer are the only actions regarding the Products currently on file in federal court. However, Plaintiffs anticipate additional actions alleging these defects may continue to be filed.

3. Plaintiffs propose that *French, Dominguez, Rafal, Serota, McLaughlin, Briglio*, and *Lavalle* be transferred to the District of New Jersey, and consolidated with *Jimenez*, which is currently pending before Judge Wolfson.

4. The centralization of these actions in single judicial district for consolidated pretrial proceedings will promote the just and efficient conduct of these actions, will serve the convenience of all parties and witnesses, and will promote the interest of justice because all actions involve common factual and legal issues, including, but not limited to:

- a. Whether the Products are defective such that they contain benzene, a known human carcinogen;
- b. Whether and when J&J had exclusive knowledge that the Products are defective but failed to disclose the defect to the public;

- c. Whether the Products provide the benefits claimed by J&J on the labeling, packaging, and/or in the course of its marketing;
  - d. Whether J&J's conduct violated consumer fraud laws;
  - e. Whether J&J's conduct constituted a breach of applicable warranties;
  - f. Whether J&J's acts and omissions make it liable for negligence and strict products liability;
  - g. Whether J&J engaged in unfair, deceptive, unlawful and/or fraudulent acts or practices in trade or commerce by objectively misleading Plaintiffs and putative Class members;
  - h. Whether, as a result of J&J's omissions and/or misrepresentations of material facts, Plaintiffs and putative Class members have suffered an ascertainable loss of monies and/or property and/or value; and
  - i. Whether Plaintiffs and putative Class members are entitled to monetary damages, injunctive relief, and/or other remedies and, if so, the nature of any such relief.
5. Consolidation of these actions before a single judge will preserve judicial resources, reduce litigation costs, prevent potentially inconsistent pretrial rulings, eliminate duplicative discovery and permit the cases to proceed to trial more efficiently.
6. The proposed transfer and consolidation in the District of New Jersey will be for the convenience of the parties and witnesses and will promote a just and efficient conduct of these actions because it is expected plaintiffs' counsel in all actions will seek discovery of the same witnesses and production of the same documents.

8. Because J&J's New Jersey headquarters are located in the District of New Jersey, the District of New Jersey is conveniently located for the parties, documents, and witnesses. The District of New Jersey also has the resources and judicial expertise to properly conduct this case.

9. As discussed in more detail in the accompanying Memorandum of Law and Fact, multiple factors considered by the Panel in choosing a transferee forum weigh strongly in favor of the District of New Jersey.

10. In support of the motion, Plaintiffs rely on:

- a) the Brief describing the background of the litigation and Plaintiffs' factual and legal contentions;
- b) the Schedule of Actions providing (1) the complete name of each action involved, listing the full name of each party included; (2) the district court and division where each action is pending; (3) the civil action number of each action; and (4) the name of the judge assigned to each action, if available;
- c) a copy of all complaints (without exhibits) and docket sheets for all actions listed on the Schedule of Actions (attached as Exhibits A-1 through A-8 in the accompanying Brief);
- d) the Statement Regarding Oral Argument; and
- e) the Proof of Service.

WHEREFORE, Plaintiffs respectfully request that the Panel order that the *French*, *Dominguez*, *Rafal*, *Serota*, *McLaughlin*, *Briglio*, and *Lavalle* class actions, as well as any cases that may be subsequently filed asserting related or similar claims, be transferred to the District of New Jersey and consolidated and coordinated with the *Jimenez* class action for all pretrial proceedings.

Dated: July 29, 2021

Respectfully Submitted,

/s/ Jonathan Shub

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