

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

**IN RE: FUTURE MOTION, INC.
PRODUCTS LIABILITY LITIGATION**

MDL NO. 3087

**PLAINTIFFS' JASON BAILEY ET AL.'S RESPONSE IN SUPPORT OF DEFENDANT
FUTURE MOTION, INC.'S MOTION FOR TRANSFER OF ACTIONS TO THE
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA
PURSUANT TO 28 U.S.C. § 1407 FOR COORDINATED OR CONSOLIDATED
PRETRIAL PROCEEDINGS**

Oral Argument Requested

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I. INTRODUCTION

Pursuant to 28 U.S.C. § 1407 and JPML Rule 6.2(e), Plaintiffs Jason Bailey et al.¹ submit this Response In Support of FMI's Motion for Transfer of Actions to the United States District Court for the Middle District of Florida pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings (Dkt. 1), as follows:

¹ See *Jason Bailey v. Future Motion, Inc.*, Case No. 3:22-cv-00855; In the U.S. District Court for the Middle District of Tennessee, Nashville Division; *Christopher Delapaz v. Future Motion, Inc.*, Case No. 8:23-cv-01512-MSS-AEP; In the U.S. District Court for the Middle District of Florida, Tampa Division; *Schuyler Elliott v. Future Motion, Inc.*, Case No. 3:23-cv-00789-BJD-LLL; In the U.S. District Court for the Middle District of Florida, Jacksonville Division; *Brandon Greer v. Future Motion, Inc.*, Case No. 3:22-cv-00810; In the U.S. District Court for the Middle District of Tennessee, Nashville Division; *Michael Haggerty v. Future Motion, Inc.*, Case No. 1:22-cv-00322-SEG; In the U.S. District Court for the Northern District of Georgia, Atlanta Division; *Orlando Lopez-Roman v. Future Motion, Inc.*, Case No. 4:23-cv-10072-KMM; In the U.S. District Court for the Southern District of Florida, Key West Division; *Ralph Nacca v. Future Motion, Inc.*, Case No. 6:22-cv-00472-WWB-LHP; In the U.S. District Court for the Middle District of Florida, Orlando Division; *Ian Quincannon v. Future Motion, Inc.*, Case No. 2:23-00448-JLB-KCD; In the U.S. District Court for the Middle District of Florida, Fort Myers Division; *Jonathan Reeves v. Future Motion, Inc.*, Case No. 0:23-cv-61295-RS; In the U.S. District Court for the Southern District of Florida, Fort Lauderdale Division; *Kevin Roesler v. Future Motion, Inc.*, Case No. 2:22-cv-00144-SPC-KCD; In the United States District Court for the Middle District of Florida, Fort Myers Division; *Joel Thomas v. Future Motion, Inc.*, Case No. 6:23-cv-01334-RBD-EJK; In the U.S. District Court for the Middle District of Florida, Orlando Division.

Last November, the CPSC urged consumers to “immediately stop using all Onewheel models (Onewheel, Onewheel+, Onewheel+ XR, Onewheel Pint, Onewheel Pint X, and Onewheel GT).”² The CPSC found that OneWheel skateboards can “cause the rider to be ejected from the product, which can result in serious injury or death to the rider.”³ One commissioner said that OneWheel skateboards “are not worth dying for.”⁴

Those injured by these products have sued FMI. Currently, thirty-one cases against FMI are pending in federal courts. The main assertion in each case is that the OneWheel is defective as designed, manufactured, and marketed.

FMI asks the Panel to coordinate or consolidate pretrial proceedings, contending that product liability cases “are particularly amenable to centralization.”⁵ Recent cases are instructive. This year, the Panel has granted four motions to transfer product liability cases.⁶

Plaintiffs agree that centralization is appropriate for these cases, each of which concerns one manufacturer, one skateboard, and one plaintiff.⁷ And Plaintiffs contend that the Panel should transfer these cases to the Honorable Roy B. Dalton, Jr. in the Middle District of Florida.

II. TRANSFER AND CONSOLIDATION ARE APPROPRIATE.

² Exhibit 1: CPSC November 16, 2022 Announcement at p. 1.

³ *Id.* at p. 2.

⁴ Exhibit 2: Commissioner Trumka Statement at p. 1.

⁵ Memorandum In Support of FMI’s Motion (Dkt. 1-1) at p. 7 (footnote omitted).

⁶ *In re Bard Implanted Port Catheter Prods. Liab. Litig.*, 2023 WL 5065100, at *1-*2 (J.P.M.L. Aug. 8, 2023); *In re Generac Solar Power Sys. Mktg., Sales Practices & Prods. Liab. Litig.*, 2023 WL 3829305, at *1-*2 (J.P.M.L. June 2, 2023); *In re Tepezza Mktg., Sales Practices, & Prods. Liab. Litig.*, 2023 WL 3829248, at *1-*2 (J.P.M.L. June 2, 2023); *In re Hair Relaxer Mktg., Sales Practices, & Prods. Liab. Litig.*, 2023 WL 1811836, at *1-*3 (J.P.M.L. Feb. 6, 2023).

⁷ “[S]ome cases also include a loss of consortium claim by a spouse.” Memorandum In Support of FMI’s Motion (Dkt. 1-1) at p. 3, ¶ 6.

Plaintiffs agree with FMI about the propriety of an MDL.⁸ “When civil actions involving one or more common questions of fact are pending in different districts, such actions may be transferred to any district for coordinated or consolidated pretrial proceedings.” 28 U.S.C. § 1407(a). Under Section 1407, centralization is proper if one or more common factual issues are pending in different districts, transfer would serve the convenience of parties and witnesses, and transfer would promote the just and efficient conduct of the cases. *Id.* The OneWheel cases satisfy all of these conditions.

a. These cases have common factual issues.

Although Section 1407 does not require identical claims, the OneWheel cases are premised on nearly identical factual allegations that concern a defective product that has injured and killed consumers. *See In re Zyprexa Prods. Liab. Litig.*, 314 F. Supp. 2d 1380, 1381 (J.P.M.L. 2004); *see also In re Denture Cream Prods. Liab. Litig.*, 624 F. Supp. 2d 1379, 1381 (J.P.M.L. 2009). Each OneWheel case stems from the following facts:

- (1) Plaintiff bought a OneWheel skateboard;
- (2) Plaintiff relied on FMI’s statements about the safety and efficacy of the OneWheel skateboard;
- (3) FMI knew or should have known that the OneWheel skateboard poses a serious risk of ejection;
- (4) FMI knew or should have known that the OneWheel skateboard can injure or kill consumers;
- (5) FMI failed to adequately warn of the extent of the risk of danger posed by the OneWheel skateboard;
- (6) Plaintiff rode a OneWheel skateboard and was ejected from it; and
- (7) Plaintiff suffered extensive injuries as a result of being ejected from the OneWheel skateboard.

⁸ *See* Memorandum In Support of FMI’s Motion (Dkt. 1-1) at pp. 1-12.

The OneWheel cases involve common factual issues regarding the design, manufacturing, and marketing of the OneWheel and FMI's knowledge of the dangers posed by that product – dangers the CPSC explicitly identified.⁹ Although some facts concerning individual plaintiffs will vary,¹⁰ the facts on liability and causation are almost identical.¹¹ These factual issues will require considerable discovery. Consolidation, in turn, will benefit the courts and the parties.

b. Consolidation is the best option.

Because the OneWheel cases have common factual questions, transfer would conserve resources and benefit all parties. The substantially similar allegations will likely lead to overlapping or identical discovery about the design, testing, marketing, and safety of OneWheel skateboards. Consolidation will save time, prevent duplicative discovery, and avoid inconsistent rulings.¹²

OneWheel cases are pending in fifteen federal courts spanning thirteen states. And because FMI has sold this product since 2014, it is quite likely that more cases will be filed, thus further showing the need for consolidation. *See In re Camp Lejeune, N.C. Water Contamination Litig.*, 763 F. Supp. 2d 1381, 1382 (J.P.M.L. 2011) (finding that the possibility of “a large number of

⁹ Exhibit 1 at pp. 1-4; Exhibit 2 at p. 1.

¹⁰ Although all product liability cases involve case-specific causation issues, these minor factual differences “have not been an impediment to centralization in the past.” *In re Wright Med. Tech., Inc. Conserve Hip Implant Prods. Liab. Litig.*, 844 F. Supp. 2d 1371, 1372 (J.P.M.L. 2012).

¹¹ Exhibit 1 at pp. 2-4; Exhibit 2 at p. 1.

¹² *See In re Pradaxa (Dabigatran Etexilate) Prods. Liab. Litig.*, 883 F. Supp. 2d 1355, 1356 (J.P.M.L. 2012) (“Centralization will eliminate duplicative discovery; prevent inconsistent pretrial rulings; and conserve the resources of the parties, their counsel and the judiciary.”); *In re Wireless Tel. Servs. Antitrust Litig.*, 249 F. Supp. 2d 1379, 1380 (J.P.M.L. 2003) (deeming centralization appropriate to “prevent inconsistent pretrial rulings”).

additional related actions to be filed” supported consolidation). Consolidation is necessary to resolve these cases efficiently.¹³

c. Information coordination has been and will be ineffective.

The Panel must decide whether the common questions “are incapable of resolution through other available means such as informal coordination.” MANUAL FOR COMPLEX LITIGATION (FOURTH) § 22.33 (2004). FMI and various plaintiffs have engaged in some efforts, such as drafting an agreed protective order and allowing deposition testimony to be used in some cases. These efforts have been fairly useful. The common factual questions in the OneWheel cases, however, cannot be adequately or efficiently addressed through informal coordination.¹⁴

Informal coordination of thirty-one cases in fifteen courts among at least twenty-four law firms law firms is infeasible. The OneWheel cases are in various stages in various courts. Some cases are well underway; the judges overseeing those cases have ruled on motions. Other cases are not set for trial. Other cases have just been filed. On this record, informal coordination is unworkable. *See In re Smitty’s/CAM2 Tractor Hydraulic Fluid Mktg., Sales Practices & Prods. Liab. Litig.*, 466 F. Supp. 3d 1380, 1382 (J.P.M.L. 2020) (“Voluntary coordination across these

¹³ There is a class action pending in the Northern District of California. Memorandum In Support of FMI’s Motion (Dkt. 1-1) at pp. 2-3 n.1. FMI does not want the Panel to transfer this case. *Id.* The Panel, however, “has often recognized the efficiencies of centralizing economic loss class actions with personal injury actions” because liability discovery will overlap, and coordination will occur. *In re Valsartan N-Nitrosodimethylamine (NDMA) Contamination Prods. Liab. Litig.*, 363 F. Supp. 3d 1378, 1382 (J.P.M.L. 2019). *Accord In re Johnson & Johnson Talcum Powder Mktg., Sales Practices & Prods. Liab. Litig.*, 220 F. Supp. 3d 1356, 1357 (J.P.M.L. 2016); *In re Toyota Motor Corp. Unintended Acceleration Mktg., Sales Practices, & Prods. Liab. Litig.*, 704 F. Supp. 2d 1379, 1382 (J.P.M.L. 2010); *In re Yasmin, Yaz (Drospirenone) Mktg., Sales Practices & Prods. Liab. Litig.*, 655 F. Supp. 2d 1343, 1344 (J.P.M.L. 2009). “Including personal injury actions alongside economic loss cases makes sense because both types of actions typically contain a common factual core.” *In re Recalled Abbott Infant Formula Prods. Liab. Litig.*, 621 F. Supp. 3d 1349, 1350 (J.P.M.L. 2022) (footnote omitted).

¹⁴ FMI does not argue that informal coordination is a viable alternative. Memorandum In Support of FMI’s Motion (Dkt. 1-1) at pp. 1-12.

dispersed districts, especially given the complexity of the factual questions and the number and nature of discovery disputes, appears problematic.”).

Informal coordination is not viable. It has not occurred, nor will it likely occur. *See id.* And given the number of cases and courts, informal coordination will not reduce the risk of inconsistent rulings. *E.g., In re Insulin Pricing Litig.*, 2023 WL 5065090, at *2 (J.P.M.L. Aug. 3, 2023). Rather, informal coordination will increase costs, decrease efficiency, and contravene previous cases in which the Panel chose MDL creation over informal coordination. *See In re Roundup Prods. Liab. Litig.*, 214 F. Supp. 3d 1346, 1348 (J.P.M.L. 2016) (holding that informal coordination was impracticable because the plaintiffs were “spread across the country”).

The Panel has routinely deemed informal coordination unworkable if several or more cases are pending in several or more courts. *See id.*¹⁵ Because that exact situation exists here, informal coordination would be far less convenient and effective than an MDL. *See In re Smitty’s/CAM2*, 466 F. Supp. 3d at 1382.

d. Section 1404 motions have been and will be ineffective.

¹⁵ *See also In re Generac Solar Power Sys. Mktg., Sales Practices & Prods. Liab. Litig.*, 2023 WL 3829305, at *1 (finding informal coordination impracticable because there were “seven involved actions pending in five districts”); *In re Bard Implanted Port Catheter Prods. Liab. Litig.*, 2023 WL 5065100, at *2 (deeming informal coordination unworkable because there were “nearly 50 actions pending in 28 districts”); *In re Onglyza (Saxagliptin) & Kombiglyze XR*, 289 F. Supp. 3d 1357, 1358 (J.P.M.L. 2018) (“Informal coordination among 84 cases across the nation does not seem feasible”); *In re Sorin 3T Heater-Cooler Sys. Prods. Liab. Litig. (No. II)*, 289 F. Supp. 3d 1335, 1337 (J.P.M.L. 2018) (“There are now 40 actions pending in 21 districts”); *In re Eliquis (Apixaban) Prods. Liab. Litig.*, 282 F. Supp. 3d 1354, 1355 (J.P.M.L. 2017) (“There are now a total of 53 actions pending in 17 districts”); *In re: Viagra (Sildenafil Ciltrate) Prods. Liab. Litig.*, 224 F. Supp. 3d 1330, 1331 (J.P.M.L. 2016) (“We do not find that informal coordination is an appropriate alternative on this record. . . . [I]n total, Cialis-only actions are pending in nine districts.”).

So too with section 1404 motions.¹⁶ Sometimes, the Panel has denied motions to transfer if a “reasonable prospect” exists that section 1404 motions will eliminate the multidistrict nature of a litigation. *See, e.g., In re Gerber Probiotic Prods. Mktg. & Sales Practices Litig.*, 899 F. Supp. 2d 1378, 1379-80 (J.P.M.L. 2012). But on this record, there is no “reasonable prospect” that section 1404 motions would work better than consolidation. *See In re Chantix (Varenicline) Mktg., Sales Practices & Prods. Liab. Litig (No. II)*, 2022 WL 1793104, at *2 (J.P.M.L. Dec. 22, 2022).

No such motions have been decided. None are pending. Not one plaintiff has said that he or she “would agree to transfer to a different district” *In re Digital Adver. Antitrust Litig.*, 555 F. Supp. 3d 1372, 1377 (J.P.M.L. 2021). Rather, “the record suggests that the vast majority will seek to stay in their chosen venues.” *Id.* Section 1404 motions thus “do not offer a ‘reasonable prospect’ of eliminating the multidistrict character of this litigation.” *In re Fisher-Price Rock ‘N Play Sleeper Mktg., Sales Practices, & Prods. Liab. Litig.*, 412 F. Supp. 3d 1357, 1359 (J.P.M.L. 2019) (citation & footnote omitted).

The Panel has found section 1404 motions to be futile in similar circumstances:

¹⁶ FMI does not aver that section 1404 motions are a viable option. Memorandum In Support of FMI’s Motion (Dkt. 1-1) at pp. 1-12.

CASES	DISTRICTS	INFORMAL COORDINATION UPHELD?	MDL GRANTED?
7	6	No.	Yes. ¹⁷
10	8	No.	Yes. ¹⁸
15	4	No.	Yes. ¹⁹
16	12	No.	Yes. ²⁰
19	16	No.	Yes. ²¹
20	3	No.	Yes. ²²
40	22	No.	Yes. ²³

The same result should occur here.

III. THE MIDDLE DISTRICT OF FLORIDA IS A VIABLE TRANSFER FORUM.

The factors the Panel considers in determining an appropriate forum are: (1) the location of the parties, witnesses and documents; (2) the accessibility of the proposed transferee district to parties and witnesses; and (3) the respective caseloads of the proposed transferee district courts. *In re Corn Derivatives Antitrust Litig.*, 486 F. Supp. 929, 931-32 (J.P.M.L. 1980). Here, the Middle District of Florida is an appropriate forum.²⁴

The Middle District of Florida is a proper venue because eleven OneWheel cases are on file there. The number of pending cases supports venue in this Court. *See In re DePuy*

¹⁷ *In re Generali COVID-19 Travel Ins. Litig.*, 509 F. Supp. 3d 1365, 1367 (J.P.M.L. 2020).

¹⁸ *In re Apple Inc. App Store Simulated Litig.*, 532 F. Supp. 3d 1409, 1410 (J.P.M.L. 2021).

¹⁹ *In re Fisher-Price Rock 'N Play Sleeper Mktg., Sales Practices, & Prods. Liab. Litig.*, 412 F. Supp. 3d at 1357-59.

²⁰ *In re Chantix (Varenicline) Mktg., Sales Practices & Prods. Liab. Litig (No. II)*, 2022 WL 1793104, at *2.

²¹ *In re Digital Adver. Antitrust Litig.*, 555 F. Supp. 3d at 1377.

²² *In re Bank of Am. Cal. Unemployment Benefits Litig.*, 544 F. Supp. 3d 1366, 1366-68 (J.P.M.L. 2021).

²³ *In re Valsartan N-Nitrosodimethylamine (NDMA) Contamination Prods. Liab. Litig.*, 363 F. Supp. 3d at 1382 & n.10.

²⁴ Most state court cases are “subject to pre-trial coordination in California state court.” Memorandum In Support of FMI’s Motion (Dkt. 1-1) at p. 3 n.1. An MDL will lead to effective coordination between federal and state courts. *In re Uber Techs., Inc., Data Sec. Breach Litig.*, 304 F. Supp. 3d 1351, 1354 & n.6 (J.P.M.L. 2018); *In re Lipitor (Atorvastatin Calcium) Mktg., Sales Practices & Prods. Liab. Litig. (No. II)*, 997 F. Supp. 2d 1354, 1356 (J.P.M.L. 2014); *In re Plavix Mktg., Sales Practices & Prods. Liab. Litig. (No. II)*, 923 F. Supp. 2d 1376, 1378-79 (J.P.M.L. 2013).

Orthopaedics, Inc., ASR Hip Implant Prods. Liab. Litig., 753 F. Supp. 2d 1378, 1380 (J.P.M.L. 2010).²⁵ The largest group of plaintiffs, fact witnesses, and treating physicians is in Florida. In sum, “[t]he Middle District of Florida is the center of gravity for the federal Onewheel-related litigation.”²⁶

The Middle District of Florida would be a logical venue for OneWheel cases because this Court has the resources to oversee OneWheel cases. This Court has only one vacancy.²⁷ “The median time from filing to disposition in a civil case is just six months.”²⁸ So, this Court “has the capacity and resources to successfully guide this litigation.”²⁹ Indeed, the Middle District of Florida “is underutilized as a transferee forum.” *In re Tasigna (Nilotinib) Prods. Liab. Litig.*, 555 F. Supp. 3d 1363, 1365 (J.P.M.L. 2021).

The Panel prefers venues that are geographically convenient and accessible. The Middle District of Florida meets both criteria. *Id.* (“a convenient and readily accessible district”). In the middle of the Middle District is Orlando, which has a large airport and several direct flights. *Id.*; see also *In re Xarelto (Rivaroxaban) Prods. Liab. Litig.*, 65 F. Supp. 3d 1402, 1405 (J.P.M.L. 2014). In sum, the Middle District of Florida is a logical forum. See *In re Tasigna (Nilotinib) Prods. Liab. Litig.*, 555 F. Supp. 3d at 1365.

²⁵ Even the lack of a pending case “is not a bar to centralization in a particular district.” *In re Aqueous Film-Forming Foams Prods. Liab. Litig.*, 357 F. Supp. 3d 1391, 1396 (J.P.M.L. 2018) (citing *In re Bard IVC Filters Prods. Liab. Litig.*, 122 F. Supp. 3d 1375, 1376-77 (J.P.M.L. 2015)).

²⁶ Memorandum In Support of FMI’s Motion (Dkt. 1-1) at p. 11.

²⁷ See <https://www.uscourts.gov/judges-judgeships/judicial-vacancies/current-judicial-vacancies> (last visited Sept. 27, 2023). Last year, Judge Roy B. Dalton, Jr. took senior status. *Id.*

²⁸ Memorandum In Support of FMI’s Motion (Dkt. 1-1) at p. 10 (footnote omitted).

²⁹ *In re Aqueous*, 357 F. Supp. 3d at 1396; cf. *Matter of N.Y. Mun. Secs. Litig.*, 572 F.2d 49, 51 (2d Cir. 1978) (Friendly, J.) (observing that “once the limited transfer has occurred, the transferor district is not likely to see the case again”).

Judge Roy B. Dalton, Jr., in turn, likely has the necessary time to devote to a new MDL because he has taken senior status and is hearing fewer cases. Judge Dalton has decades of experience in private practice and twelve years of judicial service. He “is familiar with the contours of multidistrict litigation” and he could “steer this litigation on a prudent course.” *Id.* The Panel should thus choose Judge Dalton to oversee pretrial proceedings. *See id.*

CONCLUSION

For these reasons, Plaintiffs Jason Bailey et al. request that the Panel order coordinated or consolidated proceedings for OneWheel cases and transfer all pending and future cases to the Honorable Roy B. Dalton, Jr. in the Middle District of Florida.

Dated: September 29, 2023

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Exhibit 1



United States
**CONSUMER PRODUCT
SAFETY COMMISSION**

CPSC Warns Consumers to Stop Using Onewheel Self-Balancing Electric Skateboards Due to Ejection Hazard; At Least Four Deaths and Multiple Injuries Reported

Release Date: November 16, 2022

Onewheel (original)



Onewheel (original)



WASHINGTON, D.C. – The U.S. Consumer Product Safety Commission (CPSC) is warning consumers about the risk of death and serious injury with Future Motion’s Onewheel self-balancing electric skateboards. CPSC urges consumers to immediately stop using all Onewheel models (Onewheel, Onewheel+, Onewheel+ XR, Onewheel Pint, Onewheel Pint X, and Onewheel GT).

CPSC evaluated the Onewheel products and found that they can cause the rider to be ejected from the product, which can result in serious injury or death to the rider. There have been at least four reported deaths between 2019 and 2021 and multiple reports of serious injuries after the product failed to balance the rider or suddenly stopped while in motion. The reported deaths resulted from head trauma. Reported injuries include traumatic brain injury, concussion, paralysis, upper-body fractures, lower-body fractures, and ligament damage.

The Onewheel products are self-balancing electric skateboards with a single wheel in the middle of the board and front and rear footpads where the rider stands astride the wheel. The brand (Onewheel) and model (e.g., Onewheel+, Pint, GT) appear on the side of the skateboard. The Onewheel logo is printed on the skateboard’s wheel. The serial number can be found on the underside of the bottom of the skateboard rail.

The Onewheel products have been sold since 2014, online at www.onewheel.com and by authorized independent dealers nationwide. Current models are priced between \$1050 and \$2200.

Future Motion has refused to agree to an acceptable recall of the product. CPSC intends to continue pursuing a recall for consumers.

CPSC urges consumers not to buy the Onewheel. If you already own one or purchased one, do not use it due to the ejection hazard. Report incidents with the Onewheel and any dangerous product or a product-related injury on www.SaferProducts.gov.

CPSC urges consumers NOT to resell or donate the Onewheel so others are not put in danger by the hazard.

Under section 6(b) of the Consumer Product Safety Act, the CPSC is required to include with this press release any comments from the manufacturer or a summary thereof.

The company objects to this press release. As summarized, the firm states that all Onewheel electric skateboards are safe when operated following basic safe riding principles common to any board sport. The firm sees no reason for riders to stop using their boards or new riders to not purchase one. The firm states that it always encourages riders to carefully educate themselves on how to use the board safely, ride within their abilities, and wear a helmet and other safety gear. The firm states that Onewheel users know that there are inherent risks in riding an electric skateboard, just as there are in any other board sport, or with riding an e-bike, electric scooter, ATV, or motorcycle. The firm states that safety is at the core of its business and that it has made continual improvements in product safety over the six generations of products it has in the market. The firm states that the overwhelming majority of Onewheel riders use the board the way it is supposed to be used, stay within their abilities, respect the board's operational limits, and follow local laws.

Release Number

23-046

About the U.S. CPSC

The U.S. Consumer Product Safety Commission (CPSC) is charged with protecting the public from unreasonable risk of injury or death associated with the use of thousands of types of consumer products. Deaths, injuries, and property damage from consumer product-related incidents cost the nation more than \$1 trillion annually. CPSC's work to ensure the safety of consumer products has contributed to a decline in the rate of injuries associated with consumer products over the past 50 years.

Federal law prohibits any person from selling products subject to a Commission ordered recall or a voluntary recall undertaken in consultation with the CPSC.

For lifesaving information:

- Visit CPSC.gov.
- Sign up to receive our [e-mail alerts](#).
- Follow us on [Facebook](#), Instagram [@USCPSC](#) and Twitter [@USCPSC](#).
- Report a dangerous product or a product-related injury on [www.SaferProducts.gov](#).
- Call CPSC's Hotline at 800-638-2772 (TTY 301-595-7054).
- Contact a [media specialist](#).

Media Contact

Please use the below phone number for all media requests.

Phone: (301) 504-7908

Spanish: (301) 504-7800

[View CPSC contacts for specific areas of expertise](#)

Exhibit 2



United States
**CONSUMER PRODUCT
SAFETY COMMISSION**

Future Motion Refuses to Recall Deadly Onewheel Skateboard

[20221114TrumkaOnewheelStatementFinal_0.pdf](#) (146.36 KB)

November 16, 2022

Immediately stop using all Onewheel electric skateboards—they are not worth dying for.

Future Motion’s Onewheel self-balancing electric skateboards can eject their riders, causing serious injury and death. At least four people have tragically died from traumatic head injuries.

CPSC asked Future Motion to stop selling the Onewheel and to advise its customers not to use this product. The company refused. Future Motion is unwilling to take appropriate action to fix a product hazard that has killed people.

CPSC had to take action and issue this warning to not buy or use this product.

Statement

[Richard Trumka](#)

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

**IN RE: FUTURE MOTION, INC.
PRODUCTS LIABILITY LITIGATION**

MDL NO. 3087

PROOF OF SERVICE

In compliance with Panel Rule 4.1(a), I hereby certify that copies of Plaintiffs' Jason Bailey et al.'s Response in Support of Defendant Future Motion, Inc.'s Motion for Transfer of Actions to the United States District Court for the Middle District of Florida Pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings were filed electronically with the Clerk of the Court using the CM/ECF system on September 29, 2023, and served on the following attorneys of record:

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