

Judge OKs \$2M Deal In Colgate-Palmolive Tainted-Goods Claims

By **Jonathan Capriel**

Law360 (November 14, 2023, 8:35 PM EST) -- A New York federal judge on Tuesday gave preliminary approval to a \$1.9 million settlement between consumers and the makers of Fabuloso-brand cleaning products that would end claims the products were tainted with deadly bacteria.

The deal would end three proposed class actions, two in the Southern District of New York and one in the Western District of North Carolina, that accuse Colgate-Palmolive Co. of failing to issue a timely public recall of certain Fabuloso products.

U.S. District Judge Vincent L. Briccetti's order appointed lead plaintiffs Elizabeth Dixon, Jeannie Patora and Arnold Thomas as class representatives. A hearing on final approval was set for April 2024, the order said.

The company pulled the goods, nearly 5 million units, in February because there was a chance they contained a species of pseudomonas bacteria, which is known to cause health problems among people with weakened immune systems. Colgate-Palmolive said the products did not have enough of a certain preservative that is added during the manufacturing process to prevent bacterial growth.

The lawsuits accused the company of duping customers, hiding the fact that its products might contain the bacteria species *pseudomonas aeruginosa* or *pseudomonas fluorescens* when selling them.

In October, the plaintiffs told the court that the company had already refunded customers thousands of dollars for the recalled products and agreed to work with the U.S. Consumer Product Safety Commission to take steps to prevent similar incidents in the future.

Counsel for the consumers also told the court that they intended to seek 33% of the \$1.93 million settlement fund for attorney fees.

A representative for Colgate-Palmolive and counsel for consumers did not immediately respond to a request for comment on Tuesday.

The consumers are represented by Jason P. Sultzer, Joseph Lipari and Jeremy Francis of The Sultzer Law Group PC; Stephen J. Fearon Jr. of Squitieri & Fearon LLP; Charles E. Schaffer of Levin Sedran & Berman; Nick Suci III of Milberg Coleman Bryson Phillips Grossman PLLC; and Paul Doolittle and Blake G. Abbott of Poulin Willey Anastopoulou LLC.

Colgate-Palmolive is represented by Hannah Y. Chanoine and Gerard A. Savaresse of O'Melveny & Myers LLP.

The cases are Patora v. Colgate-Palmolive Co., case number 7:23-cv-01118, and Dorsey et al. v. Colgate-Palmolive Co., case number 1:23-cv-01426, in the U.S. District Court for the Southern District of New York and Dixon v. Colgate-Palmolive Co., case number 1:23-cv-00038, in the U.S. District Court for the Western District of North Carolina.

--Additional reporting by Rachel Riley. Editing by Peter Rozovsky.

