

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION

Rah-Nita Boykin et al. v. The Procter & Gamble Company

Boykin · No. 1:23-cv-427 · Decided March 3, 2026

SUMMARY

The United States District Court for the Southern District of Ohio granted The Procter & Gamble Company's motion to bifurcate discovery concerning class certification from merits discovery in a putative class action involving allegedly leaking Febreze Clips products. The court applied factors of expediency, economy, and severability, and ordered the parties to meet and confer and file an amended Rule 26(f) report within 21 days.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division
WRITING FOR THE COURT	Jeffery P. Hopkins
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division
DECIDED	March 3, 2026
DOCKET	1:23-cv-427
DISPOSITION	other
PROCEDURAL POSTURE	In a putative class action alleging that Febreze Clips leak oil or fragrance substances and damage vehicle interiors, the defendant moved to bifurcate discovery concerning class certification from merits discovery. The district court granted the motion.
STANDARD OF REVIEW	Discovery management decisions, including whether to bifurcate class-certification and merits discovery, are committed to the sound discretion of the trial court.
PRECEDENTIAL VALUE	unpublished district court order; persuasive value only
PARTIES	Rah-Nita Boykin, Delaney Jones, Brenda Keegan, Rasheeda Alexander, Mackenzie Gallagher, Fabjon Shehu, Toni Kellyghan, Janna Jeansonne v. The Procter & Gamble Company

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QUESTIONS PRESENTED

1. Whether the court should bifurcate discovery concerning class certification from discovery concerning the merits.
2. Whether the expediency, economy, and severability considerations supported bifurcation despite some possible overlap between class-certification and merits discovery.

HOLDINGS

1. A district court may bifurcate class-certification discovery from merits discovery when, in the court's discretion, bifurcation is supported by expediency and economy and class-certification and merits discovery are sufficiently severable.
2. Merits issues may be considered during class certification only to the extent they are relevant to determining whether Rule 23 prerequisites are satisfied; class certification does not authorize a free-ranging merits inquiry.

KEY QUOTATIONS

“Rule 23 grants courts no license to engage in free-ranging merits inquiries at the certification stage. Merits questions may be considered to the extent—but only to the extent—that they are relevant to determining whether the Rule 23 prerequisites for class certification are satisfied.” (PageID 303–05)

“Accordingly, for the reasons above, Defendant’s Motion to Bifurcate Discovery (Doc. 21) is GRANTED. The parties are ORDERED to meet and confer and file an amended Rule 26(f) report within 21 days of the date of this Order.” (Conclusion)

FACTUAL BACKGROUND

The putative class action concerns Febreze Clips automotive air fresheners manufactured by Procter & Gamble. Plaintiffs allege that the clips contain a defect causing them to leak oil or other fragrance substances, damaging the interior surfaces of vehicles to which they are clipped. Defendant sought to separate class-certification discovery from merits discovery before the parties undertook extensive merits discovery.

PROCEDURAL HISTORY

Plaintiffs filed the putative class action on July 12, 2023. The case was reassigned twice before being assigned to Judge Hopkins. The court had previously expressed concerns about plaintiffs' ability to certify the proposed class and subclasses. Defendant then moved to bifurcate discovery, plaintiffs opposed, and the court granted the motion while directing the parties to meet and confer and file an amended Rule 26(f) report.

DISPOSITION

other

CASES CITED

- McCluskey v. Belford High Sch., No. 09-CV-14345, 2011 WL 13225278, at *3 (E.D. Mich. Mar. 10, 2011)
- Trepel v. Roadway Express, Inc., 194 F.3d 708, 716 (6th Cir. 1999)
- Chenault v. Beiersdorf, Inc., No. 1:20-cv-174, 2020 WL 5016795, at *2–3 (S.D. Ohio Aug. 24, 2020)
- Ballard v. Kenan Advantage Group, Inc., No. 5:20-cv-1042, 2020 WL 4187815, at *1 (N.D. Ohio July 20, 2020)
- Wal-Mart Stores, Inc. v. Dukes, 564 U.S. 338, 350–51 (2011)
- In re Whirlpool Corp. Front-Loading Washer Products Liability Litigation, 722 F.3d 838, 851 (6th Cir. 2013)
- Amgen Inc. v. Connecticut Retirement Plans & Trust Funds, 568 U.S. 455, 466 (2013)
- Rikos v. Procter & Gamble Co., 799 F.3d 497, 505 (6th Cir. 2015)
- McGlone v. Centrus Energy Corp., No. 2:19-cv-2196, 2021 WL 4204952, at *6 (S.D. Ohio Sept. 16, 2021)

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